



**REVISED AGENDA
(REVISED TO REMOVE TELECONFERENCE LOCATION)
BERKELEY CITY COUNCIL MEETING**

**Tuesday, May 21, 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 – VACANT

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/1604289924>. 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 **160 428 9924**. 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:

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

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

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

Public Comment on Non-Agenda Matters: *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.

Consent Calendar

- 1. Amending Berkeley Municipal Code Section 4.04.120(A) to rename the Legislative Assistant classification as Legislative Aide**
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 7,904-N.S. amending Berkeley Municipal Code Section 4.04.120(A) to rename the Legislative Assistant classification as Legislative Aide.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800
- 2. Adding Chapter 13.22 to the Berkeley Municipal Code to prohibit discrimination on the basis of family or relationship structure**
From: Councilmember Taplin (Author), Councilmember Cecilia Lunaparra (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 7,905-N.S. adding Chapter 13.22 to the Berkeley Municipal Code to prohibit discrimination on the basis of family or relationship structure.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
- 3. Notice of Appropriations Limit for Fiscal Year 2025**
From: City Manager
Recommendation: Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2025 at its meeting of June 25, 2024; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 10, 2024.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 21, 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: General Fund - \$325,000

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

5. Contract: Social Policy Research Associates for YouthWorks Program

Assessment

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Social Policy Research Associates for consulting services to conduct a comprehensive youth development needs assessment in an amount not to exceed \$250,000 for the period June 1, 2024 through June 30, 2025.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

6. Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or her designee, to execute an amendment to Contract No. 32300104 with The Village of Love to add \$250,000, for a total contract amount not to exceed \$750,000, for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2025.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

7. Contract No. 6252 Amendment: Extending the Term and Assigning the Lease for Ocean View Gardens at 819 Hearst Avenue

From: City Manager

Recommendation: Adopt an Urgency Ordinance authorizing the City Manager to execute a second amendment to Contract No. 6252 for the real property located at 819 Hearst Avenue (alternative address at 813 Delaware Street), Berkeley, for the purposes of assigning the ground lease from the current owner, Ocean View LLC, to Orbach Affordable Housing Solutions (OAHS) Ocean View LP, and extending the ground lease term to June 30, 2089.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 8. Grant Application: The Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or her designee to 1) apply for and accept a grant in the amount of \$76,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) execute any amendments; and 3) authorize a local match contribution of \$7,600, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 9. Leave of Absence Requests: Environment & Climate Youth Commissioners**
From: City Manager
Recommendation: Approve Leaves of Absence for Environment & Climate Youth Commissioners Mabel Athanasiou and Shanza Syed for the Commission meeting dates June 26, 2024 and July 24, 2024.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 10. Contract: Online Solutions, LLC (DBA Citizenserve) for Housing Inspection and Code Enforcement Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Online Solutions, LLC (DBA Citizenserve) for software licensing, implementation, maintenance and related services for housing inspection and code enforcement software, for an amount not to exceed \$622,215, from June 17, 2024 through June 16, 2029.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 11. Contract: Raimi + Associates for Professional Planning Services for the North Shattuck, College and Solano Avenue Corridors Zoning Update**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the North Shattuck, College, and Solano Avenues Corridors Zoning Update, in an amount not to exceed \$600,000, for the period of June 6, 2024 to Dec 31, 2026.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

12. **Contract No. 32300103 Amendment: Bay Area PL Services of On-call Phlebotomy and Sexual Assault Exams**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32300103 and any necessary future amendments with Bay Area PL Services for the Berkeley Police Department, increasing the contract amount by \$150,000 for a total not to exceed amount of \$200,000 with the contract end date extended to December 31, 2028.
Financial Implications: State Citizens Option for Public Safety Fund - \$150,000
Contact: Jennifer Louis, Police, (510) 981-5900
13. **Declaration of Intent – Fiscal Year 2025 Street Lighting Assessments**
From: City Manager
Recommendation: Adopt two Resolutions granting the City Manager the authority to: Approve the Engineer's Reports; Set a public hearing to be held before the Council of the City of Berkeley at its June 25, 2024, meeting; and Authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2025 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Council Consent Items

14. **Develop a pilot program for 5-10 Seriously Mentally Ill (SMI) persons who have required frequent interventions**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)
Recommendation: Direct the City Manager to develop a pilot program for 5-10 Seriously Mentally Ill (SMI) persons who have required frequent interventions; aim is to improve their well-being and prevent or dramatically reduce calls for service; the pilot would implement a “friendship or care team” for each as described below to build trust, support, address loneliness; teams would be staffed with existing contracted outreach providers; teams would keep a brief daily log of their experience and calls for service would be tracked; pilot to be evaluated and report back to Council quarterly to determine efficacy.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
15. **Amendment to Commissioner Leave of Absence Process**
From: Mayor Arreguin (Author)
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 3.02 to allow the Mayor to approve a Leave of Absence for a Commissioner appointed by the Council as a whole.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100

Council Consent Items

- 16. Budget Referral: Restarting 4th of July Celebration**
From: Mayor Arreguin (Author)
Recommendation: Refer up to \$630,000 to the Fiscal Year 2025-2026 Budget Process to be reserved in the City's General Fund to be used to restart 4th of July Celebrations in 2025.
Financial Implications: General Fund - \$630,000
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 17. Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2024 Taste of Downtown Berkeley Event**
From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)
Recommendation: Adopt two resolutions to authorize the co-sponsorship and expenditure of \$500 from Mayor Arreguin's discretionary office budget to the Berkeley Rotary Endowment to support the second annual Taste of Downtown Berkeley event.
Financial Implications: See report
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 18. Budget Referral: Berkeley Youth Alternatives Part-Time Garden Assistant**
From: Mayor Arreguin (Author)
Recommendation: Refer \$31,250 to the Fiscal Year 2025-2026 Budget process for Berkeley Youth Alternatives to hire a part-time Garden Assistant.
Financial Implications: General Fund - \$31,250
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 19. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Bartlett (Author)
Recommendation: Adopt a Resolution approving the expenditure of funds, including \$500 from Councilmember Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Council Consent Items

**20. Speed Bump Installation on Russell St at King Street (South Berkeley)
From: Councilmember Bartlett (Author)**

Recommendation: Refer to the City Manager to analyze the potential for the installation of a speed bump on Russell St. at King St. (South Berkeley), to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles. The analysis should prioritize speed bump installation that reduces injuries and accidents in the street and creates many benefits for our community. It should also consider other items listed by members of the community.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

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.

Action Calendar – Public Hearings

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.

21. Fiscal Years 2025 and 2026 Proposed Budget and Proposed Budget Public Hearing #1

From: City Manager

Recommendation: Accept the Fiscal Years 2025 and 2026 Proposed Biennial Budget for review and consideration by the City Council and final adoption on June 25, 2024 and conduct Public Hearing #1 on the Fiscal Years 2025 and 2026 Proposed Budget.

Financial Implications: See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

22. Rescinding and Adopting the Environmental Health Division Fee Schedule
From: City Manager

Recommendation: Conduct a Public Hearing and, upon conclusion, adopt a Resolution rescinding Resolution 69,891-N.S. which established the current Environmental Health fee schedule and adopting a new fee schedule. The new fee schedule keeps all existing fees at the same level and adds four (4) new fees as follows: 1) Compact Mobile Food Operations (CMFO); 2) Short-term / Guest Vendor Operations; 3) Host Facility Operations; 4) Temporary Food Facility (e.g., food booth) Late Applications. These recommended updates to the Environmental Health fee schedule reflect recent changes in State law, allowing the City to come into regulatory compliance with State law and offer more economic opportunities for smaller independent businesses. The new fees will be effective July 1, 2024 until subsequently modified.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

23. Fee Increase: Senior Center Facility Rental Security Deposit

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution raising the senior center rental facility's security deposit from \$350 to \$500, a total increase of \$150.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

24. Selected Sports Field Fee Increases

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees for select sports field fees; and rescinding Resolution No. 70,869-N.S. and all amendatory resolutions.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action Calendar – Public Hearings

25. Changes to the Planning Department Fee Schedule

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution: 1. Approving revisions to the fee schedule for the Planning and Development Department effective July 1, 2024, to increase the hourly rate for staff time in all divisions of the department to \$250 per hour, to set fees for the new Building and Safety Division permits and processes, to create a new Land Use Planning application fee and offset those costs through reductions in discretionary permit fees, to increase the annual fees of the Rental Housing Safety Program, and to update various other fee rates and make minor clarifications to the existing fee schedule; and 2. Rescinding Resolution No. 67,985-N.S.

Financial Implications: See report

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

Information Reports

26. Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

From: City Manager

Contact: Jennifer Louis, Police, (510) 981-5900

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.

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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 May 16, 2024.***

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## Communications

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

### Permits for Restaurants and Food Facilities

1. David Lerman (2)

### West Campus Pool Hours

2. Summer Brenner

**Farm Workers Grant**

3. Mary Parks

**BioLab Watch**

4. Tina Stevens

**Holocaust Remembrance Day**

5. Shoshana Dembitz

**Blockage of Bateman Street**

6. Mike Vandeman

**Parking Meters & Residential Parking Permits**

7. Dorothea Dorenz

8. Dona Bretherick

**Peace and Justice Commission**

9. Noam Pitsker

10. Anna Ma

11. Linda Wulf

**Homelessness**

12. Katelyn Draper

13. Cecelia Mautner

**Revolution Books Frame Signs**

14. Steve Rood

**Cal Sailing J-Dock Berths**

15. Michael Scott

16. Nancy Gillette

17. Emily Fox

18. Summer Brenner

**Hearst and Oxford Dangerous Intersection**

19. Helen Cademartori

**4<sup>th</sup> Street Sidewalk Vendor Selling Knives**

20. Cecelia Mautner (2)

**Fee Increase Per Rental Unit**

21. Dorothe Dorenz

**Repaving on Bancroft**

22. Adam Naftalin-Kelman, on behalf of Berkeley Hillel

**Middle East Conflict**

23. Deborah Goldeen

24. Michael Fullerton

25. Sophia Cyris

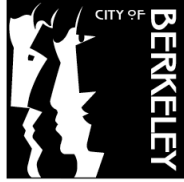
26. Russell Bates (4)

**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.





**AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 21, 2024**  
**6:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702  
TELECONFERENCE LOCATION - 1404 LE ROY AVE, BERKELEY 94708

JESSE ARREGUIN, MAYOR  
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*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/1604289924>. 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 **160 428 9924**. 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](mailto: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:

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

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

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

**Public Comment on Non-Agenda Matters:** *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.*

## Consent Calendar

**1. Amending Berkeley Municipal Code Section 4.04.120(A) to rename the Legislative Assistant classification as Legislative Aide**

**From: City Manager**

**Recommendation:** Adopt second reading of Ordinance No. 7,904-N.S. amending Berkeley Municipal Code Section 4.04.120(A) to rename the Legislative Assistant classification as Legislative Aide.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

Contact: Aram Kouyoumdjian, Human Resources, (510) 981-6800

**2. Adding Chapter 13.22 to the Berkeley Municipal Code to prohibit discrimination on the basis of family or relationship structure**  
**From: Councilmember Taplin (Author), Councilmember Cecilia Lunaparra (Co-Sponsor)**

**Recommendation:** Adopt second reading of Ordinance No. 7,905-N.S. adding Chapter 13.22 to the Berkeley Municipal Code to prohibit discrimination on the basis of family or relationship structure.

**First Reading Vote:** All Ayes.

**Financial Implications:** See report

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

**3. Notice of Appropriations Limit for Fiscal Year 2025**  
**From: City Manager**

**Recommendation:** Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2025 at its meeting of June 25, 2024; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk's Office on or before June 10, 2024.

**Financial Implications:** See report

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

## Consent Calendar

**4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 21, 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:** General Fund - \$325,000

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

**5. Contract: Social Policy Research Associates for YouthWorks Program**

**Assessment**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Social Policy Research Associates for consulting services to conduct a comprehensive youth development needs assessment in an amount not to exceed \$250,000 for the period June 1, 2024 through June 30, 2025.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**6. Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee, to execute an amendment to Contract No. 32300104 with The Village of Love to add \$250,000, for a total contract amount not to exceed \$750,000, for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2025.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**7. Contract No. 6252 Amendment: Extending the Term and Assigning the Lease for Ocean View Gardens at 819 Hearst Avenue**

**From: City Manager**

**Recommendation:** Adopt an Urgency Ordinance authorizing the City Manager to execute a second amendment to Contract No. 6252 for the real property located at 819 Hearst Avenue (alternative address at 813 Delaware Street), Berkeley, for the purposes of assigning the ground lease from the current owner, Ocean View LLC, to Orbach Affordable Housing Solutions (OAHS) Ocean View LP, and extending the ground lease term to June 30, 2089.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

- 8. Grant Application: The Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or her designee to 1) apply for and accept a grant in the amount of \$76,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) execute any amendments; and 3) authorize a local match contribution of \$7,600, subject to securing the grant.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 9. Leave of Absence Requests: Environment & Climate Youth Commissioners**  
**From: City Manager**  
**Recommendation:** Approve Leaves of Absence for Environment & Climate Youth Commissioners Mabel Athanasiou and Shanza Syed for the Commission meeting dates June 26, 2024 and July 24, 2024.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 10. Contract: Online Solutions, LLC (DBA Citizenserve) for Housing Inspection and Code Enforcement Software**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Online Solutions, LLC (DBA Citizenserve) for software licensing, implementation, maintenance and related services for housing inspection and code enforcement software, for an amount not to exceed \$622,215, from June 17, 2024 through June 16, 2029.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 11. Contract: Raimi + Associates for Professional Planning Services for the North Shattuck, College and Solano Avenue Corridors Zoning Update**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the North Shattuck, College, and Solano Avenues Corridors Zoning Update, in an amount not to exceed \$600,000, for the period of June 6, 2024 to Dec 31, 2026.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Consent Calendar

12. **Contract No. 32300103 Amendment: Bay Area PL Services of On-call Phlebotomy and Sexual Assault Exams**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to amend Contract No. 32300103 and any necessary future amendments with Bay Area PL Services for the Berkeley Police Department, increasing the contract amount by \$150,000 for a total not to exceed amount of \$200,000 with the contract end date extended to December 31, 2028.  
**Financial Implications:** State Citizens Option for Public Safety Fund - \$150,000  
Contact: Jennifer Louis, Police, (510) 981-5900
  
13. **Declaration of Intent – Fiscal Year 2025 Street Lighting Assessments**  
**From: City Manager**  
**Recommendation:** Adopt two Resolutions granting the City Manager the authority to: Approve the Engineer's Reports; Set a public hearing to be held before the Council of the City of Berkeley at its June 25, 2024, meeting; and Authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2025 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.  
**Financial Implications:** See report  
Contact: Terrance Davis, Public Works, (510) 981-6300

## Council Consent Items

14. **Develop a pilot program for 5-10 Seriously Mentally Ill (SMI) persons who have required frequent interventions**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor)**  
**Recommendation:** Direct the City Manager to develop a pilot program for 5-10 Seriously Mentally Ill (SMI) persons who have required frequent interventions; aim is to improve their well-being and prevent or dramatically reduce calls for service; the pilot would implement a “friendship or care team” for each as described below to build trust, support, address loneliness; teams would be staffed with existing contracted outreach providers; teams would keep a brief daily log of their experience and calls for service would be tracked; pilot to be evaluated and report back to Council quarterly to determine efficacy.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
  
15. **Amendment to Commissioner Leave of Absence Process**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 3.02 to allow the Mayor to approve a Leave of Absence for a Commissioner appointed by the Council as a whole.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100

## Council Consent Items

- 16. Budget Referral: Restarting 4th of July Celebration**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer up to \$630,000 to the Fiscal Year 2025-2026 Budget Process to be reserved in the City's General Fund to be used to restart 4th of July Celebrations in 2025.  
**Financial Implications:** General Fund - \$630,000  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 17. Relinquishment of Council Office Budget Funds to the Berkeley Rotary Endowment and Co-Sponsorship of 2024 Taste of Downtown Berkeley Event**  
**From: Mayor Arreguin (Author), Councilmember Hahn (Co-Sponsor), Councilmember Wengraf (Co-Sponsor)**  
**Recommendation:** Adopt two resolutions to authorize the co-sponsorship and expenditure of \$500 from Mayor Arreguin's discretionary office budget to the Berkeley Rotary Endowment to support the second annual Taste of Downtown Berkeley event.  
**Financial Implications:** See report  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 18. Budget Referral: Berkeley Youth Alternatives Part-Time Garden Assistant**  
**From: Mayor Arreguin (Author)**  
**Recommendation:** Refer \$31,250 to the Fiscal Year 2025-2026 Budget process for Berkeley Youth Alternatives to hire a part-time Garden Assistant.  
**Financial Implications:** General Fund - \$31,250  
Contact: Jesse Arreguin, Mayor, (510) 981-7100
- 19. Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of funds, including \$500 from Councilmember Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## Council Consent Items

**20. Speed Bump Installation on Russell St at King Street (South Berkeley)  
From: Councilmember Bartlett (Author)**

**Recommendation:** Refer to the City Manager to analyze the potential for the installation of a speed bump on Russell St. at King St. (South Berkeley), to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles. The analysis should prioritize speed bump installation that reduces injuries and accidents in the street and creates many benefits for our community. It should also consider other items listed by members of the community.

**Financial Implications:** See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## 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.*

## Action Calendar – Public Hearings

*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.*

**21. Fiscal Years 2025 and 2026 Proposed Budget and Proposed Budget Public Hearing #1**

**From: City Manager**

**Recommendation:** Accept the Fiscal Years 2025 and 2026 Proposed Biennial Budget for review and consideration by the City Council and final adoption on June 25, 2024 and conduct Public Hearing #1 on the Fiscal Years 2025 and 2026 Proposed Budget.

**Financial Implications:** See report

Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000

**22. Rescinding and Adopting the Environmental Health Division Fee Schedule**  
**From: City Manager**

**Recommendation:** Conduct a Public Hearing and, upon conclusion, adopt a Resolution rescinding Resolution 69,891-N.S. which established the current Environmental Health fee schedule and adopting a new fee schedule. The new fee schedule keeps all existing fees at the same level and adds four (4) new fees as follows: 1) Compact Mobile Food Operations (CMFO); 2) Short-term / Guest Vendor Operations; 3) Host Facility Operations; 4) Temporary Food Facility (e.g., food booth) Late Applications. These recommended updates to the Environmental Health fee schedule reflect recent changes in State law, allowing the City to come into regulatory compliance with State law and offer more economic opportunities for smaller independent businesses. The new fees will be effective July 1, 2024 until subsequently modified.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**23. Fee Increase: Senior Center Facility Rental Security Deposit**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution raising the senior center rental facility's security deposit from \$350 to \$500, a total increase of \$150.

**Financial Implications:** See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

**24. Selected Sports Field Fee Increases**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees for select sports field fees; and rescinding Resolution No. 70,869-N.S. and all amendatory resolutions.

**Financial Implications:** See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Action Calendar – Public Hearings

### 25. Changes to the Planning Department Fee Schedule

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution: 1. Approving revisions to the fee schedule for the Planning and Development Department effective July 1, 2024, to increase the hourly rate for staff time in all divisions of the department to \$250 per hour, to set fees for the new Building and Safety Division permits and processes, to create a new Land Use Planning application fee and offset those costs through reductions in discretionary permit fees, to increase the annual fees of the Rental Housing Safety Program, and to update various other fee rates and make minor clarifications to the existing fee schedule; and 2. Rescinding Resolution No. 67,985-N.S.

**Financial Implications:** See report

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

## Information Reports

### 26. Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

**From: City Manager**

Contact: Jennifer Louis, Police, (510) 981-5900

## 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](mailto:clerk@berkeleyca.gov)

Libraries: Main – 2090 Kittredge Street,  
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,  
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at (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.

~~~~~  
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 May 9, 2024.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

Communications

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

Permits for Restaurants and Food Facilities

1. David Lerman (2)

West Campus Pool Hours

2. Summer Brenner

Farm Workers Grant

3. Mary Parks

BioLab Watch

4. Tina Stevens

Holocaust Remembrance Day

5. Shoshana Dembitz

Blockage of Bateman Street

6. Mike Vandeman

Parking Meters & Residential Parking Permits

7. Dorothea Dorenz

8. Dona Bretherick

Peace and Justice Commission

9. Noam Pitsker

10. Anna Ma

11. Linda Wulf

Homelessness

12. Katelyn Draper

13. Cecelia Mautner

Revolution Books Frame Signs

14. Steve Rood

Cal Sailing J-Dock Berths

15. Michael Scott

16. Nancy Gillette

17. Emily Fox

18. Summer Brenner

Hearst and Oxford Dangerous Intersection

19. Helen Cademartori

4th Street Sidewalk Vendor Selling Knives

20. Cecelia Mautner (2)

Fee Increase Per Rental Unit

21. Dorothe Dorenz

Repaving on Bancroft

22. Adam Naftalin-Kelman, on behalf of Berkeley Hillel

Middle East Conflict

23. Deborah Goldeen

24. Michael Fullerton

25. Sophia Cyris

26. Russell Bates (4)

Supplemental Communications and Reports

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

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

ORDINANCE NO. 7,904-N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 4.04 TO UPDATE SECTION 4.04.120 EXEMPTIONS FROM CAREER SERVICE (AT-WILL EMPLOYEES)

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

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

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

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

A. The City Manager, Assistant City Manager, Deputy City Manager, Assistant to the City Manager, Assistant to the City Attorney, Police Review Commission Officer, Police Review Commission Investigator, Budget Manager, Assistant to the Mayor, Capital Improvement Programs Manager, Economic Development Manager, and Legislative ~~Aide~~Assistant, and Employee Relations Manager;

B. Assistant, Associate and Senior Management Analyst when appointed to the City Manager's Department or to the budget unit of the Management and Administrative Services Agency; and Secretary to the Mayor, Administrative Secretary and Secretary when appointed to the Mayor's office;

C. All department heads, health officer, and supervising psychiatrist;

D. Persons employed seasonally in the summer camps;

E. Persons employed as reserve or emergency employees during the period of national emergency as provided in the ordinance creating such employment;

F. All persons who are paid at an hourly rate with the exception of library aides. Persons appointed as hourly library aides shall be part of the career service with the exception of those hired to fill temporary positions of six months or less. Persons appointed to these positions which are exempt from the career service shall serve at the pleasure of the appointing authority and may be demoted, suspended, or otherwise rejected at any time without cause and without right of appeal or hearing in any manner. Except that, any employee in the career service promoted or transferred to a position not included in the career service and made exempt from the career service shall be reinstated to their career appointment from which they were promoted or transferred if within six months of appointment to a position not included in the career service, action is taken to dismiss them, unless charges are filed and the employee is discharged in accordance with this chapter and the rules established hereunder for positions in the career service. All employments designated in this section shall be entitled to only those benefits provided for at-will employees in the personnel rules and regulations or in applicable memoranda

agreements. (Ord. 7896-NS § 1, 2024: Ord. 6492-NS § 1, 1999: Ord. 6480-NS § 1, 1999: Ord. 6370-NS § 1, 1997: Ord. 6343-NS § 1, 1996: Ord. 6280-NS § 2 (part), 1995: Ord. XXXX-NS § 1, 2024)

At a regular meeting of the Council of the City of Berkeley held on May 7, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.

ORDINANCE NO. 7,905-N.S.

ADDING CHAPTER 13.22 TO THE BERKELEY MUNICIPAL CODE TO PROHIBIT
DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE

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

Section 1. That Berkeley Municipal Code 13.22 is hereby added to read as follows:

Chapter 13.22
DISCRIMINATION ON THE BASIS OF FAMILY OR RELATIONSHIP STRUCTURE
PROHIBITED

13.22.010 Purpose

It is the policy of the City to eliminate all forms of discrimination within the City, particularly discrimination against individuals who are a part of families or relationships that fall outside the nuclear family norm. These include single parents, multi-partner/multi-parent families and relationships, multi-generational households, consensually non-monogamous relationships, and asexual and aromantic relationships. It is the intent of the City to eliminate discrimination against individuals in such family or relationship structures in housing, public accommodations, educational institutions, and business establishments.

13.22.020 Findings

The City Council of the City of Berkeley finds and determines as follows:

A. Diverse family structures, including relationship structures involving more than two adults engaged in a loving and consensual relationship, are becoming increasingly common.

B. The perpetuation of nuclear definitions of "family" excludes a significant segment of the Berkeley population, such as multi-partner/multi-parent families and relationships, single parents, multi-generational households, consensually non-monogamous relationships, and consensual intimate relationships, including asexual and aromantic relationships. Individuals should not face discrimination on the basis of whom they share their homes, their hearts, and their lives.

C. People in interpersonal relationships between two or more adult individuals that involve romantic, physical, and/or emotional intimacy face discrimination in many aspects of public life due to prejudicial misunderstandings related to the validity and moral fitness of such relationships.

D. Single parents and people who identify as asexual and/or aromantic also face discrimination in many aspects of public life.

13.22.030 Definitions

As used in this chapter, the following words and phrases shall have the meanings ascribed to them in this subsection:

A. "Family or relationship structure" means the actual or perceived involvement or uninvolvement of an individual in an "intimate personal relationship" or relationships, as defined in BMC Section 13.22.030(B). "Family or relationship structure" includes an individual's actual or perceived affinity, or lack thereof, for any given type of intimate personal relationship, regardless of whether the individual is currently in any intimate personal relationship(s).

B. "Intimate personal relationship" means any interpersonal relationship between two or more adult individuals that involves romantic, physical, and/or emotional intimacy, irrespective of the marital status of these individuals as defined in Part 11053 of Title 2 of the California Code of Regulations. "Intimate personal relationship" includes, but is not limited to, multi-partner/multiparent families and relationships, and multi-generational households.

C. "Business establishment" means any entity, however organized, which furnishes goods or services to the general public. An otherwise qualifying establishment which has membership requirements is considered to furnish services to the general public if its membership requirements: (a) consist only of payment of fees; (b) consist of requirements under which a substantial portion of the residents of this City could qualify; or (c) consist of an otherwise unlawful business practice.

D. "Individual" means the same as the term "person."

E. "Person" means any natural person, firm, corporation, partnership or other organization, association or group of persons however organized.

13.22.040 Unlawful Activities

A. In General. It shall be unlawful for any person or agent or employee thereof to discriminate against an individual on the basis of that individual's family or relationship structure, with respect to any of the following activities:

1. *Housing*. Any real estate transaction including but not limited to the rental thereof and/or any related terms, conditions, advertisements, communications, insurance, maintenance, rehabilitation, repairs, improvements, use or availability of facilities, or financing including loans and guarantees;

2. *Business Establishments*. The use or availability of goods, services, facilities, privileges, advantages, or accommodations from any business establishment, and/or any related terms, conditions, advertisements or communications;

3. City Facilities and Services. The use or availability of any municipal service or facility.

4 City Supported Services and Facilities. The use or availability of any service or facility wholly or partially funded or otherwise supported by the City.

B. Exceptions.

1. *Housing*. Nothing in this chapter shall be (a) construed to apply to the rental or leasing of any housing unit in which the owner or any member of the owner's family occupies the same living unit in common with the prospective tenant; (b) deemed to permit any rental or occupancy of any dwelling unit or commercial space otherwise prohibited by law; or (c) override any just cause for eviction set forth in the rental stabilization ordinance.

C. Pretext.

It shall be unlawful to do any of the actions mentioned in subsections (A)(1) through (A)(6) for any reason that would not have been asserted but for an individual's family or relationship structure.

13.22.050 Enforcement

A. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.

B. Any person who commits, or proposes to commit, an action in violation of this chapter may be enjoined therefrom by a court of competent jurisdiction.

C. Action for injunction under this subsection may be brought by any aggrieved person, by the City Attorney, by the district attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.

13.23.060 Liability for costs and damages

Any person who violates the provisions of this chapter shall be liable to each person injured by such violation for reasonable attorney's fees and costs as determined by the court, plus damages equaling three times the amount of actual damages or a minimum of one thousand dollars.

13.23.070 Limitation on action

Actions under this chapter must be filed within one year of the alleged discriminatory acts.

13.23.080 Waiver

The provisions of this Chapter do not apply where their application would violate or be inconsistent with state or federal laws, rules, or regulations.

13.23.090 Effective date

The effective date of this ordinance shall be January 1, 2025.

Section 2. Severability

If any section, subsection, sentence, clause, phrase, or word of this Ordinance, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of this Ordinance. The Council of the City of Berkeley hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Ordinance or application thereof would be subsequently declared invalid or unconstitutional.

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 May 7, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.



Office of the City Manager

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Notice of Appropriations Limit for Fiscal Year 2025

RECOMMENDATION

Adopt a Resolution providing notice that: 1) Council will adopt an appropriations limit for Fiscal Year 2025 at its meeting of June 25, 2024; and 2) the amount of the limit and the background material used in its calculation will be available for public review in the City Clerk’s Office on or before June 10, 2024.

FISCAL IMPACTS OF RECOMMENDATION

On June 25, 2024, the Council will set the Fiscal Year 2025 appropriations limit. The amount of appropriations subject to the limit is the budgeted proceeds of taxes (e.g., all taxes levied; transfers from an enterprise fund to the extent those transfers exceed the cost of providing the services; discretionary state subventions; interest earned from the investment of proceeds of taxes, etc.), and the total of these budgeted revenues cannot exceed the total appropriations limit. The City’s actual appropriations in each fiscal year have been significantly below the limit, as they will be for Fiscal Year 2025. Thus, there are no present fiscal implications of establishing the limit.

CURRENT SITUATION AND ITS EFFECTS

Senate Bill 1352 requires that 1) the governing body of each local jurisdiction shall, by a legislative action, establish its appropriations limit at a regularly scheduled or special meeting and that documentation used in the determination of the appropriations limit shall be made available to the public fifteen days before that meeting. Government Code Section 7910 requires that the City adopt its appropriations limit prior to the beginning of each fiscal year.

This Resolution gives public notice of Council’s intent to adopt an appropriations limit for Fiscal Year 2025 at its meeting of June 25, 2024, and that the documents used in calculating the limit will be available for public review on or before June 10, 2024. Proposition 4, approved by the electorate of the State of California via a special election held on November 6, 1979, added Article XIII B to the constitution of the state. It requires local governments to adopt yearly appropriation limits according to specified formulas, and allows for specified, yearly adjustments of the limit. Proposition 111, approved by the voters June 5, 1990, and changed the Proposition 4 adjustment formulas. Senate Bill 152, Government Code Sections 7900, et. seq, enacted by the Legislature of the State of

California, provided for the implementation of Article XIII B defining various terms used in this article and prescribing procedures to be used in implementing specific provisions of the Article.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

BACKGROUND

The Finance Department of the City of Berkeley compiles the data and makes calculations incident to the determination of the XIII B appropriations limit. The amount of the Fiscal Year 2025 appropriations limit and the documentation incident to the determination thereof will be available for review by the public in the Office of the City Clerk on or before June 10, 2024, at least fifteen days prior to the Council's scheduled adoption of the appropriation limit, as required by law.

RATIONALE FOR RECOMMENDATION

This is a state law.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Henry Oyekanmi, Director, Finance Department, 981-7326

Attachments:

1: Resolution

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

PROVIDING NOTICE OF SCHEDULED ADOPTION OF APPROPRIATIONS LIMIT FOR FISCAL YEAR 2025 PURSUANT TO ARTICLE XIII B OF THE CONSTITUTION OF THE STATE OF CALIFORNIA

WHEREAS, on November 6, 1979, the citizens of the State of California approved Proposition 4, which added Article XIII B to the Constitution of the State of California to place various limitations on the fiscal powers of State and local government; and

WHEREAS, Senate Bill 1352, Government Code Section 7900, et. seq. enacted by the Legislature of the State of California, provides for the implementation of Article XIII by defining various terms in this article; and

WHEREAS, the governing body of each jurisdiction is required to establish its appropriations limit at a regularly scheduled meeting or noticed special meeting; and

WHEREAS, 15 days prior to such meeting, the documentation used in the determination of the appropriations limit shall be made available to the public.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley does hereby give notice that it will, at its meeting of June 25, 2024, adopt a Resolution which establishes the appropriations limit for the 2025 Fiscal Year pursuant to Article XIII B of the Constitution of the State of California.

BE IT FURTHER RESOLVED that the documentation used in the determination of the appropriation limit for Fiscal Year 2025 shall be made available for public review in the Office of the City Clerk of the City of Berkeley, 2180 Milvia Street, Berkeley, California, on or before June 10, 2024.



Office of the City Manager

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Henry Oyekanmi, Director, Finance
 Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on May 21, 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 **\$325,000**

<u>PROJECT</u>	<u>Fund</u>	<u>Source</u>	<u>Amount</u>
County Coordinator	011	General Funds	\$200,000
Miyawaki Forest Installation	011	General Funds	\$125,000
Total:			\$325,000

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.

Formal Bid Solicitations and Request for Proposals
Scheduled for Possible Issuance After Council
Approval on May 21, 2024

CONSENT CALENDAR
May 21, 2024

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

Darryl Sweet, General Services Manager, Finance, 510-981-7329

Attachments:

- 1) County Coordinator
- 2) Miyawaki Forest Installation

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
24-11664-C	County Coordinator	April 1, 2024	May 1, 2024	Requesting a community outreach coordinator to serve Alameda County communities and provide resources and education on wildfire safety, promote collaboration, assist local groups with funding opportunities, and aid multi-jurisdictional planning.	\$200,000.00	Pending Grant funds from CA Firesafe Council	Fire Department	Shanalee Gallagher 312-613-1099
DEPT. TOTAL					\$ 200,000.00			
24-11665-C	Miyawaki Forest Installation	May 15, 2024	June 4, 2024	Design and installation of two Miyawaki forests.	\$ 125,000.00	011-52-545-000-0000-000-461-612990-PRWPK24009	PRW/Parks	Thomas Dodge, 510-981-6689
DEPT. TOTAL					\$ 125,000.00			
TOTAL					\$ 325,000.00			



Office of the City Manager

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Subject: Contract: Social Policy Research Associates for YouthWorks Program
Assessment

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to execute a contract and any amendments or extensions with Social Policy Research Associates for consulting services to conduct a comprehensive youth development needs assessment in an amount not to exceed \$250,000 for the period June 1, 2024 through June 30, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Through a competitive Request for Proposal (RFP) process, staff have selected Social Policy Research Associates, to conduct a comprehensive needs assessment for youth development programming, for the Health, Housing, and Community Services Department (HHCS). The City conducted an RFP process and received six proposals. Social Policy Research Associates was selected as the highest scoring bidder, and submitted a revised quote with final pricing. The contract will have a total not to exceed amount of \$250,000. Funding is available in the FY 2024 budget in the Health General Fund (Fund 011).

CURRENT SITUATION AND ITS EFFECTS

HHCS plans to conduct a comprehensive program assessment aimed at identifying opportunities to strengthen youth development programming in the Department. Results of this assessment will inform the Youthworks program and Berkeley High School Center (BHSCH) on developing their collaborative work plan.

Youthworks is a youth employment initiative focused at youth aged 14-25 years, which provides a variety of temporary job opportunities for Berkeley youth to gain valuable real-world work experience and strengthen their autonomy and employability as they transition into adulthood. The BHSCH provides reproductive health clinical services and health education for youth with an emphasis on safety and security for youth by adopting a comprehensive approach to service delivery, integrating health education, mental health, and medical services.

HHCS is looking to adopt a youth developmental framework informed by community needs and objectives by expanding the existing Youthworks program and increasing the alignment between the BSHC and the Youthworks Program.

This assessment would include the following components:

- Program needs assessment.
- Defined youth development framework and service model based that is research-validated.
- Roadmap of identified opportunities for improvement and expansion.
- Measurable Outcomes
- Development of tools and trainings
- Program evaluation support

BACKGROUND

The City released an RFP under Specification No. 24-11653-C and convened a panel of stakeholders to select Social Policy Research Associates as the most responsive and responsible bidder for this contract.

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

Social Policy Research Associates is a well-respected consulting firm with demonstrated subject matter expertise on community assessment and program evaluation as well as youth development programs. Their proposal in response to RFP Specification No. 24-11653-C includes high quality services that aligns with the intended goals of maximizing program objectives.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action consistent with the City's goals of advancing efficient and financially-healthy City government operations. Failure to proceed with the recommendation would result in HHCS's inability to address social and racial equity in public health programming.

CONTACT PERSON

Janice Chin, Public Health Division Manager, HHCS, (510) 981-5121

Attachments:

1: Resolution

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

CONTRACT: SOCIAL POLICY RESEARCH ASSOCIATES FOR YOUTH
DEVELOPMENT NEEDS ASSESSMENT

WHEREAS, the City of Berkeley Department of Health, Housing & Community Services (HHCS), is committed to providing comprehensive public health services to Medi-Cal eligible clients, and

WHEREAS, HHCS seeks to eliminate health and educational inequities; and

WHEREAS, Social Policy Research Associates was selected by the City's RFP process which includes bidding from vendors, draft proposals, and pricing;

WHEREAS, Funding is subject to appropriation in the FY 2024 budget in the Health General Fund (Fund 011).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to execute a contract and any amendments, with Social Policy Research Associates for consulting services to conduct a comprehensive youth development needs assessment in an amount not to exceed \$250,000 for the period June 1, 2024 thru June 30, 2025. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.



Office of the City Manager

06

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Margot Ernst, Interim Deputy Director, Health, Housing, and Community Services

Subject: Contract No: 32300104 Amendment: The Village of Love for Telegraph Neighborhood Sacred Rest Drop-In Center

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee, to execute an amendment to Contract No. 32300104 with The Village of Love to add \$250,000, for a total contract amount not to exceed \$750,000, for services and operations at the Telegraph Neighborhood Sacred Rest Drop-In Center, and extend the contract term through May 31, 2025.

FISCAL IMPACTS OF RECOMMENDATION

This amendment will be funded using the 2025 payment made by the University of California, Berkeley to the City pursuant to the 2021 UC Berkeley – City of Berkeley Settlement Agreement, as stipulated in the terms of the agreement (Fund 147-UC Settlement). Funds are budgeted in the FY 2025 budget and are subject to adoption of the FY 2025 budget and the FY 2025 Annual Appropriations Ordinance. Continuation of this project would be fully funded by the University and, therefore, budget neutral for the City of Berkeley.

CURRENT SITUATION AND ITS EFFECTS

The Village of Love currently operates the Telegraph Neighborhood Sacred Rest Drop-In Center (Center), a daytime drop-in center for people experiencing homelessness. The Center began operating in June 2022 and has helped over 100 unhoused community members get connected to services and housing readiness resources in the community. The Center is open Monday through Friday from 9:30 am to 5:30 pm and includes restrooms, basic services (respite, meals, and housing navigation). The existing contract is expected to end on May 31, 2024 unless the contract is amended to add funding. UC Berkeley has allocated \$250,000 to extend the contracted services through May 31, 2025. The Village of Love needs an additional \$250,000 to maintain current operations. The Center is supported by the University's Homeless Outreach Coordinator, as well as students and researchers from the Schools of Social Welfare and Public Health. It is an important component of the City and University's joint effort to

resolve homelessness in Berkeley, by tailoring services to each individual's needs and wants. The Village of Love holds the lease with First Presbyterian Church for access to and use of the site.

BACKGROUND

On July 27, 2021, the City and University executed the Joint Settlement Agreement which, among other things, committed the City to expend an amount determined through joint planning between the City and the University to "fund a day-time drop-in/service center in the Telegraph area for the unhoused population." On January 18, 2022, the leadership of the First Presbyterian Church of Berkeley unanimously approved providing access to a vacant lot on Haste Street owned by the Church for the drop-in center. On March 2, 2022, the University awarded a separate \$500,000 contract to The Village of Love to provide services and operations for the drop-in center for two years (\$250,000 annually) at this site through May 2024. The \$500,000 provided directly to The Village of Love from the UC, combined with the \$500,000 provided by the City from the UC/COB Settlement Agreement funded services and operations through May 2024.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental impacts associated with this report.

RATIONALE FOR RECOMMENDATION

There continues to be an unmet need for services to transition unhoused residents into indoor settings, as well as to serve the unhoused in the greater Telegraph District/Southside neighborhood. The agreement between the University and the City of Berkeley to allocate settlement agreement funds for a day-time drop-in/service center in the Telegraph area for the unhoused population targets helps to address the unmet need for services in the neighborhood. Continuation of this project would be fully funded by the University and, therefore, budget neutral for the City of Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

None. Since the University already identified a service provider, a leasing mechanism for the site, and is paying the full cost of the capital expenses associated with the development of the drop-in center—and since the City is required to jointly fund this effort pursuant to the Settlement Agreement—there is no competitive process to be had for this contract.

CONTACT PERSON

David Andujo-Walker, Community Services Specialist II, 510-981-5454

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

CONTRACT NO. 32300104 AMENDMENT WITH THE VILLAGE OF LOVE

WHEREAS, People's Park was home to an encampment of unsheltered individuals who need an array of services to end their unsheltered status; and

WHEREAS, in July 2021, the City and University of California, Berkeley entered into the UC Berkeley – City of Berkeley Joint Settlement Agreement; and

WHEREAS, the first annual payment of the Settlement Agreement requires that an amount determined through joint planning between the City and the University be allocated to fund a day-time drop-in/service center in the Telegraph area for the unhoused population; and

WHEREAS, on January 18, 2022, Leadership at the First Presbyterian Church of Berkeley voted unanimously to grant access to and use of a vacant lot on Haste Street owned by the Church to the University for purposes of establishing a daytime drop-in center; and

WHEREAS, the University awarded a \$500,000 grant on March 2, 2022 to The Village of Love to provide services and operations for the drop-in center at this site for two years through May 31, 2024; and

WHEREAS, the Berkeley City Council allocated \$250,000 on April 26, 2022 for services and operations at the drop-in center for one year through May 31, 2023; and

WHEREAS, the Berkeley City Council allocated \$250,000 on May 23, 2023 to continue services and operations at the drop-in center for one year through May 31, 2024; and

WHEREAS, the University awarded an additional \$250,000 grant to The Village of Love to continue services and operations through May 31, 2025; and

WHEREAS, funds in the amount of \$250,000 are needed to continue services and operations through May 31, 2025.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council authorizes the City Manager or her designee to execute an amendment to add \$250,000 for a total contract amount not to exceed \$750,000 and extend the term through May 31, 2025.

A record signature copy of said contract and any amendments to be on file in the City Clerk Department.



Office of the City Manager

CONSEENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Scott Gilman, Interim Director, Health, Housing and Community Services

Subject: Contract No. 6252 Amendment: Extending the Term and Assigning the Lease for Ocean View Gardens at 819 Hearst Avenue

RECOMMENDATION

Adopt an Urgency Ordinance authorizing the City Manager to execute a second amendment to Contract No. 6252 for the real property located at 819 Hearst Avenue (alternative address at 813 Delaware Street), Berkeley, for the purposes of assigning the ground lease from the current owner, Ocean View LLC, to Orbach Affordable Housing Solutions (OAHS) Ocean View LP, and extending the ground lease term to June 30, 2089.

FISCAL IMPACTS OF RECOMMENDATION

The lease requires annual payments to the City equal to fifty percent of the project cash flow to the owner after all operating expenses have been paid. This second amendment maintains the rental provisions of the original ground lease, and the City shall continue to receive rental payments accordingly. The Housing and Community Services Division of the Department of Health, Housing and Community Services applies the Ocean View Garden lease payments to fund community services and housing activities.

CURRENT SITUATION AND ITS EFFECTS

Ocean View Gardens Apartments is a 62-unit multifamily, affordable housing development currently owned by Ocean View Gardens LLC who is under contract to sell the property to OAHS Ocean View LP, an affordable housing developer and operator based in New Jersey. OAHS applied for, and in December 2023, was awarded 4% tax credit financing and a CalHFA bond allocation to purchase and rehabilitate Ocean View Gardens. With the tax credit and bond proceeds, OAHS will invest approximately \$7 million in renovating the individual units and upgrading the property's major systems. Upon acquisition, OAHS will also secure a 20-year extension of the existing Project-Based Section 8 contract administered by the San Francisco Department of Housing and Urban Development.

OAHS is scheduled to acquire the property on May 31, 2024, and has requested the City execute a second amendment to approve the extension of the ground lease term and assignment of the lease. The lease amendment will extend the affordability term by 30 years, ending June 30, 2089. The current term ends March 29, 2059. The urgency ordinance is needed to help OAHS meet the acquisition deadline imposed by CalHFA, the issuer of the bond. The project may lose its bond allocation and along with that, the acquisition and rehabilitation financing for the project, if OAHS does not meet the closing deadline.

BACKGROUND

In September 30, 1982, the City of Berkeley (formerly the Redevelopment Agency of the City of Berkeley) and the original owner, E&I Development Associates entered into a ground lease with a term ending September 29, 2037. E&I Development Associates developed Ocean View Gardens Apartments using tax credits and bond financing, and entered into a lease which required the property to provide 61 units to low-income households. In January 2004, Ocean View Gardens LLC acquired the property from E&I Development Associates and executed a *First Amendment for Lease Extension of Term and Assignment*, which extended the lease to March 29, 2059 and designated Ocean View Gardens LLC as the new lessee.

OAHS Ocean View LP is in the process of acquiring the property and has secured the funds necessary for the acquisition and rehabilitation of the development. The California Housing Finance Agency (CalHFA) issued a Multifamily Tax-Exempt Mortgage-backed Bond to support Oceanview Gardens Apartments, and together with the bond allocation, OAHS secured tax credit financing for the project. OAHS is requesting the City execute a second lease amendment and related documents required by California Tax Credit Allocation Committee and CalHFA. The main purpose of the lease amendment is to extend the lease term to June 30, 2089, and to change the name of the Lessee. The property will continue to make lease payments to the City equal to fifty percent of project cash flow after all operation costs, including hard debt payments, have been paid. No major revisions to the lease have been proposed.

Since its inception in 1982, Ocean View Gardens Apartments has operated as an affordable housing development serving lower income households. The development consists of larger units with multiple bedrooms, and is home to extremely low and very low-income families in Berkeley. Although the lease requires the owner to provide units to low-income households whose incomes are at 80% Area Median Income (AMI), the property serves lower income residents whose household incomes currently range from 0% AMI to 47% AMI, or a household income of less than \$73,000 for a family of four. The development is able to serve extremely low and very low-income households because it receives rental subsidies through a U.S. Department of Housing and Urban Development Project-Based Section 8 Housing Assistance Payments Renewal Contract.

Upon acquisition of the property, OAHS will secure a 20-year extension of the existing Project-Based Section 8 rental subsidy contract administered by the San Francisco Department of Housing and Urban Development. The rental subsidy contract with option to renew in 20-year increments will allow OAHS to continue to serve lower income families and individuals for at least another 40 years and through the end of the lease term, June 30, 2089.

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

If adopted, this second amendment to the lease will extend the affordability term of Ocean View Gardens Apartments for another 65 years. Without the lease amendment, OAHS Ocean View LP will lose the bond allocation and tax credit financing, and the sale of the property would not go through. The City would lose the opportunity to support the rehabilitation and preservation of 61 affordable housing units for very low and extremely low-income families in Berkeley.

ALTERNATIVE ACTIONS CONSIDERED

The City could decline to approve the transfer to OAHS Ocean View LP. Ocean View Gardens LLC would maintain ownership, but would be unable to complete necessary repairs to the property.

CONTACT PERSON

Lourdes Chang, Senior Community Development Project Coordinator, Health, Housing and Community Services, (510) 981-5263

Attachments:

1: Urgency Ordinance

Exhibit A: DRAFT Second Amendment to Lease Extension and Assignment

Exhibit B: First Amendment to Lease Extension and Agreement, January 20, 2004

Exhibit C: Original Lease and Disposition Agreement, September 30, 1982

ORDINANCE NO. X,XXX N.S.

AUTHORIZING THE CITY MANAGER OR HER DESIGNEE TO AMEND THE GROUND LEASE AND EXECUTE ANY NECESSARY DOCUMENTS RELATED TO THE TRANSFER OF OCEAN VIEW GARDENS, BERKELEY, LOCATED AT 819 HEARST AVENUE, BERKELEY, CA TO ORBACH AFFORDABLE HOUSING SOLUTIONS OCEAN VIEW GARDENS, LP.

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

Section 1. The City Council finds as follows:

- a. The City of Berkeley is facing a growing housing and homelessness crisis, in part exacerbated by the acute lack of affordable housing and supportive housing for people experiencing homelessness; and
- b. Under a ground lease with the City of Berkeley originally executed on September 30, 1982 (Exhibit A), and as amended in 2004, Ocean View Gardens Apartments has operated as an affordable housing development providing 61 units to low-income households; and
- c. On January 20, 2004, the ground lease was amended to extend the lease term to March 2059, when a new owner, Ocean View Gardens, LLC, acquired the property and assumed the City's ground lease; and
- d. In May 2024, Ocean View Gardens, LLC, intends to transfer the property to Orbach Affordable Housing Solutions (OAHS) Ocean View Gardens, LP, and OAHS Ocean View Gardens has agreed to assume and extend the City's ground lease term by 30 years to June 30, 2089, and continue to operate the property as an affordable housing development providing housing to low income households through the end of the term; and
- e. In December 2023, OAHS Ocean View Gardens, LP, secured tax credit financing and a multifamily, tax-exempt bond allocation from California Housing Finance Agency (CalHFA), and intends to invest approximately \$7 million in renovating the property, including updating the individual units; and
- f. OAHS Ocean View Gardens, LP, must complete the acquisition by May 31, 2024, or risk losing their bond allocation from CalHFA and related tax credit project financing secured for the renovation of the property; and
- g. This urgency ordinance is required to assist OAHS Ocean View Gardens LP, meet the May 31, 2024, acquisition deadline, in order to preserve and rehabilitate the existing 61 affordable units at Ocean View Gardens Apartments; thus, advancing the City's goal to maintain affordable housing for our most vulnerable community members.

Section 2. The City Manager or her designee is hereby authorized to execute a SECOND AMENDMENT TO LEASE EXTENSION OF TERM AND ASSIGNMENT and other documents associated with the transfer of Ocean View Gardens, extending the lease term to June 30, 2089, and assigning to Orbach Affordable Housing Solutions (OASH) Ocean View LP the lease for real property located at 819 Hearst Avenue on substantially the same terms as set forth in the draft agreement in Exhibit B.

Section 3. This Ordinance is adopted as an urgency ordinance pursuant to the Charter of the City of Berkeley, Article XIV, Section 93 and shall be effective immediately. The City Council finds and determines that the adoption of this Ordinance as an urgency ordinance is necessary for the immediate preservation of the public peace, health and safety of the residents of the City of Berkeley.

Section 4. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way within fifteen calendar 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 May 21, 2024, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes:

Noes:

Absent:

Exhibits

A: DRAFT Second Amendment to Lease Extension and Assignment

B: First Amendment to Lease Extension and Agreement, January 20, 2004

C: Original Lease and Disposition Agreement, September 30, 1982

**SECOND AMENDMENT TO LEASE
EXTENSION OF TERM AND ASSIGNMENT**

This Second Amendment to Lease (this “**Second Amendment**”) is made as of ____, 2024, by and among the REDEVELOPMENT AGENCY OF THE CITY OF BERKELEY (“**Lessor**”), OCEAN VIEW GARDENS, LLC, a California limited liability company (“**Ocean View**”), and OAHS OCEAN VIEW LP (“**Lessee**”) who agree as follows:

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

A. Lessor is the owner in fee simple of that certain land located in Berkeley, California, and further described on Exhibit A attached hereto and incorporated herein by this reference (“**Land**”). Ocean View currently holds title to the improvements thereon, including the buildings situated upon the land, as set forth in Section 4.2 of the Original Lease (as defined below) (the “**Improvements**” and collectively with the Land, the “**Premises**”).

B. Lessor and Ocean View’s successor in interest, E&I Development Associates (“**E&I**”) entered into that certain Lease and Disposition Agreement dated September 10, 1982 and commencing on September 30, 1982 (the “**Original Lease**”) as amended by that certain First Amendment to Lease Extension of Term and Assignment made as of January 20, 2004 between Lessor, E&I and Ocean View (“**First Amendment**” and collectively with the Original Lease, the “**Lease**”), whereby E&I assigned its right, title and interest in, to and under the Original Lease to Ocean View. Pursuant to the Lease, Lessor leased the Land to Ocean View for a term ending September 29, 2037 (“**Original Term**”) pursuant to the terms and conditions of the Lease.

C. The Original Lease was recorded on September 30, 1982 as Instrument No. 82-149148 and re-recorded on January 17, 1984 as Instrument No. 84-009853 in the Official Records of Alameda County, California (the “**Official Records**”) and the First Amendment was recorded on March 3, 2004 as Instrument No. 2004091380 in the Official Records.

D. Ocean View now desires to assign its right, title and interest in, to and under the Lease and the Premises to Lessee, and Lessee accepts that assignment on, and subject to, all of the terms and conditions in this Second Amendment.

E. In order to provide the funds necessary for the acquisition, rehabilitation and equipping of the Development (as defined in the Lease), the California Housing Finance Agency (“CHFA”) has authorized the issuance of its Limited Obligation Multifamily Tax-Exempt Mortgage-backed Bonds (Oceanview Gardens Apartments) (M-TEBS) 2024 Issue J (the “Bonds”). CHFA will use the proceeds of the Bonds to make a loan to the Borrower, evidenced by a promissory note, to finance the acquisition, rehabilitation and equipping of the Development. In addition, Lessee also expects to receive low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code.

F. Except as otherwise modified herein, defined terms shall have the meanings ascribed to them in the Lease.

1. ASSIGNMENT AND ASSUMPTION.

a. Ocean View assigns to Lessee, all of its right, title and interest in, to, and under the Lease and the Premises. Lessee accepts this assignment, assumes all of Ocean View’s obligations under the Lease, and agrees to be bound by all of the provisions of the Lease and to perform all of the obligations of the Lessee under the Lease as a direct obligation to Lessor from and after the effective date of this assignment. This assignment and assumption is made on, and is subject to, all of the terms, conditions and covenants of this Second Amendment.

b. Lessor consents to this assignment. However, any future assignment is expressly prohibited unless Lessor provides written consent pursuant to Section 3.8 of the Lease.

c. Lessor is a third-party beneficiary of this assignment. As such, the provisions of this assignment inure to the benefit of, and are enforceable by, Lessor.

2. TERM. As of the date of this Second Amendment, the Lease Term is hereby extended to June 30, 2089 (“Lease Expiration Date”). Unless terminated earlier under the terms of the Lease, the Lease will expire on the Lease Expiration Date.

3. AMENDMENTS TO LEASE TERMS. The following provisions of the Lease are amended as follows:

a. The term “**Construction Loan**” as defined in Subsection 1.1(g) of the Lease shall mean the proceeds of the construction loan to be provided by PNC Bank, National Association (“**Construction Lender**”), and its successors and assigns to Lessee as evidenced by the documents executed and delivered in connection with the Construction Loan, including, without limitation, the promissory note and mortgage evidencing the Construction Loan.

b. The term “**Mortgage Loan**” as defined in Subsection 1.1(s) of the Lease shall mean collectively, those certain documents executed by Lessee for the benefit of (i) CHFA and titled “Bond Loan Note” and secured by that certain Indenture of Trust and related security agreements and financing statements all of which will be executed and recorded contemporaneously with this Amendment[and (ii) Berkadia Commercial Mortgage LLC (the “**Permanent Lender**”) entitled “Multifamily Note” and secured by that certain Multifamily Deed to Secure Debt, Assignment of Leases and Rents, Security Agreement and Fixture Filing, together

with all riders and exhibits, securing the Permanent Loan, executed by the Borrower in favor of the Permanent Lender, as the same may be amended from time to time; and

c. The term “**Regulatory Agreement**” as defined in Subsection 1.1(w) shall mean that certain Regulatory Agreement and Declaration of Restrictive Covenants.

d. The following new Section 9.7 shall be added to the Lease:

Section 9.7 Notice. If Lessee is in default under the terms of this Lease, Lessor shall not exercise any right or remedy on account thereof, which it holds under this Lease or applicable law, unless and until Lessor gives written notice thereof to the Tax Credit Investor and in such event Lessor shall accept or reject any cure of any default made or tendered by the Tax Credit Investor within the time allowed for Lessee’s cure herein. In no event shall this right of Lender and Tax Credit Investor to cure be construed as expanding the rights or remedies of Lessee upon a default.

e. Section 10.3 (2) is amended to change Lessee’s address for notice to:

(2) OAHS Ocean View LP c/o Orbach Affordable Housing Solutions, LLC, 980 Sylvan Avenue, Englewood Cliffs, New Jersey 07632 and c/o Columbia Housing SLP Corporation (“**Tax Credit Investor**”) 121 SW Morrison Street, Suite 1300 Portland, Oregon 97204-3143
Attn: Fund Manager.

4. MISCELLANEOUS PROVISIONS

a. Lease In Full Force and effect; Integration of Second Amendment and Lease. Except as specifically provided herein, the Lease shall remain unmodified and in full force and effect. This Second Amendment and the Lease shall be deemed to be, for all purposes, one instrument. In the event of any conflict between the terms and provisions of this Second Amendment and the terms and provisions of the Lease, the terms and provisions of this Second Amendment shall, in all instances, control and prevail.

b. Counterparts. This Second Amendment may be executed in two or more counterparts, each of which shall be deemed and original, and all such counterparts together shall constitute one and the same instrument.

[REMAINDER OF PAGE LEFT BLANK]

IN WITNESS WHEREOF, Lessor, Ocean View and Lessee have executed this Amendment as of the date written on the first paragraph above.

LESSOR:

**BERKELEY REDEVELOPMENT
AGENCY**

APPROVED AS TO FORM:

By:

Deputy City Attorney

Executive Director

REGISTERED BY:

ATTEST:

City Auditor

Deputy City Clerk

OCEAN VIEW:

OCEAN VIEW GARDENS, LLC,
a California limited liability company

By: EHM Partners, L.P.,
a California limited partnership,
its Managing Member

By: A.F. Evans Company, Inc.,
a California corporation,
its Managing General Partner

By: _____
Name: _____
Title: _____

By: G.A. Hyson and Associates,
LLC,
its General Partner

By: _____
Name: _____
Title: _____

LESSEE:

OAHS OCEAN VIEW LP,
a California limited partnership

By: Kingdon Oceanview Garden, LLC,
a California nonprofit public benefit
corporation,
its Managing General Partner

By: Kingdom Development, Inc.,
a California nonprofit public
benefit corporation,
its Sole Member

By: _____
Name: _____
Title: _____

EXHIBIT A
LEGAL DESCRIPTION

CONTRACT NO. 6252
VENDOR COPY SENT 2/2/04

**Free recording requested
Pursuant to Government Code
Section 27383**

Recording requested by and when
recorded return to:

Berkeley Redevelopment Agency
2118 Milvia Street, 3rd fl.
Berkeley, CA 94704
Attn: Redevelopment Coordinator

**FIRST AMENDMENT TO LEASE
EXTENSION OF TERM AND ASSIGNMENT**

This lease amendment ("Amendment") is made as of January 20, 2004,
between the REDEVELOPMENT AGENCY OF THE CITY OF BERKELEY ("Lessor"), E&I
DEVELOPMENT ASSOCIATES ("E&I"), and OCEAN VIEW GARDENS, LLC, a California
limited liability company ("Ocean View" or "Lessee") who agree as follows:

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

A. Lessor is the owner in fee simple of that certain land located in Berkeley, California,
and further described on Exhibit A attached hereto and incorporated herein by this reference ("Land").
E&I currently holds title to the improvements thereon, including the buildings situated upon the land,
as set forth in section 4.2 of the Lease agreement described below. These are collectively referred to
herein as the "Premises."

B. There is currently a Lease between Lessor and E&I for the Land for a fifty-five (55)
year term, beginning on September 30, 1982 and ending on September 29, 2037 (the "Lease"), for the
primary purpose of operating a low and moderate income housing development, as set forth in Section
3.5 of the Lease. The Lease is titled "Lease and Disposition Agreement By and Between the
Redevelopment Agency of the City of Berkeley and E&I Development Associates Regarding the
West Berkeley Redevelopment Project" and was recorded on September 30, 1982 as Instrument No.
82-149148 and re-recorded on January 17, 1984 as Instrument No. 84-009853 in the Official Records
of Alameda County, California.

C. E&I desires to assign its right, title and interest in, to, and under the Lease and the
Premises to Ocean View, and Ocean View desires to accept that assignment on, and subject to, all of
the terms and conditions in this Amendment.

D. Ocean View wishes to extend the term of the current Lease. This amendment extends the term to March 29, 2059.

E. Since the lease was executed, new City legislation in the form of ordinances and a resolution has come into effect that applies to the leasing of public property. These provisions are also included in the Amendment.

F. The California Housing Finance Agency ("CHFA") will be financing the acquisition of the Premises by Ocean View and will be replacing its existing mortgage and regulatory agreements on the Premises with new mortgages, regulatory agreement and related documents. Ocean View also expects to receive low-income housing tax credits pursuant to Section 42 of the Internal Revenue Code. The Lessor and Ocean View also desire to amend the Lease to make it clear that the Lessor's and Ocean View's interests in the Land and Premises are subject and subordinate to the new CHFA mortgages, regulatory agreement and related documents.

1. ASSIGNMENT AND ASSUMPTION.

a. E&I, assigns to Ocean View, all of its right, title and interest in, to, and under the Lease and the Premises. Ocean View accepts this Assignment, assumes all of Lessee's obligations under the Lease, and agrees to be bound by all of the provisions of the Lease and to perform all of the obligations of the Lessee under the Lease as a direct obligation to Lessor from and after the effective date of this assignment. This assignment and assumption is made on, and is subject to, all of the terms, conditions and covenants of this assignment.

b. Lessor consents to this assignment. However, any future assignment is expressly prohibited unless Lessor provides written consent pursuant to Section 3.8 of the Lease.

c. Lessor is a third party beneficiary of this assignment. As such, the provisions of this assignment inure to the benefit of, and are enforceable by, Lessor.

2. TERM. Pursuant to Section 3.2 of the Lease, the Lease Term is currently scheduled to expire on September 29, 2037 (Lease Expiration Date). As of the date of this Amendment, the Lease Term is hereby extended to March 29, 2059 (Revised Lease Expiration Date). Unless terminated earlier under the terms of the Lease, the Lease will expire on the Revised Lease Expiration Date.

3. ADDITIONAL LEASE TERMS. The following provisions are added to the Lease:

Section 10.19 NON-DISCRIMINATION AGAINST PERSONS WITH DISABILITIES

a. If Lessee provides any aid, service or benefit to others on Lessor's behalf, Lessee 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. Lessee 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 Lessor.

b. If Lessee is or becomes a "public accommodation" as defined in Title III of the Americans with Disabilities Act of 1990, Lessee 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 Lessee. All Lessee's activities must be in accordance with these laws, ordinances, codes, and regulations, and Lessee shall be solely responsible for complying therewith.

Section 10.30 CITY NON-DISCRIMINATION ORDINANCE

Lessee agrees to comply with the provisions of Berkeley Municipal Code Chapter 13.26 as amended from time to time. In the performance of this Lease, the Lessee agrees as follows:

a. Lessee 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.

b. Lessee shall permit the Landlord access to records of employment advertisements, application forms, EEO-I forms, affirmative action plans and any other documents which, in the opinion of the Landlord, are necessary to monitor compliance with this non-discrimination provision, and will, in addition, fill-out in a timely fashion, forms supplied by the Landlord to monitor these non-discrimination provisions.

Section 10.21 NUCLEAR FREE BERKELEY

Lessee agrees to comply with Berkeley Municipal Code Chapter 12.90, the Nuclear Free Berkeley Act, as amended from time to time.

Section 10.22 OPPRESSIVE STATES

a. In accordance with Resolution No. 59,853-N.S., Lessee 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 or to purchase, sell, lease or distribute commodities in the conduct of business with, 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 its agreement with Lessor), 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 Amdo, Kham, and U-Tsang shall be deemed oppressive states.

c. Assignee's failure to comply with this section shall constitute a default of this Lease and Lessor may terminate this Lease pursuant to Sections 9.1-9.6. In the event that Lessor terminates this Lease due to a default under this provision, Lessor may deem Lessee a non-responsible bidder for five (5) years from the date this Lease is terminated.

Section 10.23 BERKELEY LIVING WAGE ORDINANCE

a. Lessee agrees to comply with Berkeley Municipal Code Chapter 13.27, the Berkeley Living Wage Ordinance. If Lessee employs six (6) or more part-time, full-time or stipend employees, and generates Three Hundred Fifty Thousand Dollars (\$350,000) or more in annual gross receipts, Lessee 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. Lessee shall be required to maintain all reasonable records and documents that would establish whether Lessee is subject to Berkeley's Living Wage Ordinance (LWO). If Lessee is subject to the LWO, as defined therein, Lessee 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 property, the hourly rate paid, and the amount paid by Lessee for health benefits, if any, for each of its employees providing services under the lease. The records described in this Section shall be made available upon Lessor's request. The failure to produce these records upon demand shall be considered a default, subject to the provisions contained in Sections 9.1-9.6 herein.

c. If Lessee is subject to the LWO, Lessee shall include the requirements of the ordinance, as defined in B.M.C. Chapter 13.27, in any and all subleases in which Lessee enters with regard to the subject premises. Sublessees shall be required to comply with this ordinance with regard to any employees who spend twenty-five percent (25%) or more of their compensated time on the leased property.

d. If Lessee fails to comply with the requirements of the LWO and this Lease, Lessor shall have the rights and remedies described in this Section, in addition to any rights and remedies provided by law or equity.

Lessee's failure to comply with this Section shall constitute default of the lease, upon which City may terminate this Lease pursuant to Sections 9.1-9.6.

In addition, at Lessor's sole discretion, Lessee may be responsible for liquidated damages in the amount of Fifty Dollars (\$50) per employee per day for each and every instance of an underpayment to an employee. It is mutually understood and agreed that Lessee's failure to pay any

of its eligible employees at least the applicable living wage rate will result in damages being sustained by Lessor, 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 Lessee's breach.

Section 10.24 BERKELEY EQUAL BENEFITS ORDINANCE

a. Lessee hereby agrees to comply with the provisions of the Berkeley Equal Benefits Ordinance, B.M.C. Chapter 13.29. If Lessee is currently subject to the Berkeley Equal Benefits Ordinance, Lessee 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 Lessee is currently or becomes subject to the Berkeley Equal Benefits Ordinance, Lessee agrees to supply Lessor with any records the City deems necessary to determine compliance with this provision. Failure to do so shall be considered a default, subject to the provisions of Sections 9.1-9.6 of this Lease.

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

Lessee's failure to comply with this Section shall constitute default of the lease, upon which Lessor may terminate this lease pursuant to Sections 9.1-9.6.

In addition, at Lessor's sole discretion, Lessee may be responsible for liquidated damages in the amount of Fifty Dollars (\$50) per employee per day for each and every instance of violation of this Section. It is mutually understood and agreed that Lessee's failure to provide its employees with equal benefits will result in damages being sustained by Lessor; 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 Lessee's breach.

4. AMENDMENTS TO LEASE TERMS. The following provisions of the Lease are amended as follows:

a. The term "Mortgage Loan" as defined in Subsection 1.1(s) shall mean those certain documents executed by Lessee and titled "California Housing Finance Agency, Promissory Note, CalHFA Development No. 03-037-N First Loan (Permanent Financing)" in the approximate face amount of Three Million One Hundred Sixty Thousand Dollars (\$3,160,000) and secured by that certain "California Housing Finance Agency, Permanent Deed of Trust with Assignment of Rents, Security Agreement and Fixture Filing, CalHFA Development No. 03-037-N First Loan (Permanent Financing)" and that certain "California Housing Finance Agency, Promissory Note, CalHFA Development No. 03-037-N Second Loan (Permanent Financing)" in the approximate face amount of One Million One Hundred Ninety-Five Thousand (\$1,195,000) and secured by that certain "California

Housing Finance Agency, Permanent Deed of Trust with Assignment of Rents, Security Agreement and Fixture Filing, Development No. 03-037-N Second Loan (Permanent Financing)" and related security agreements and financing statements all of which will be executed and recorded contemporaneously with this Amendment.

b. The term "Regulatory Agreement" as defined in Subsection 1.1(w) shall mean that certain document titled "California Housing Finance Agency, Regulatory Agreement, CalHFA Development No. 03-037-N" which will be executed and recorded contemporaneously with this Amendment.

c. The first paragraph of Section 4.4 shall be amended as follows:

Maintenance of the Development and the Land. During the Term of this Lease, the Lessee or its designee shall perform, or cause to be performed, all maintenance and repair necessary to maintain the Development and Land in good repair and tenantable conditions. Lessee hereby consents to inspections of the Dwelling Units and Land by the City of Berkeley's Housing Inspectors on a regular and continuing basis. Lessee or its designee shall meet with tenants and/or a duly elected tenant-representative of the Dwelling Units on a regular and continuing basis. Lessee or its designee shall ensure that the tenant survey developed by Lessor's staff which seeks to solicit input from tenants of the Dwelling Units be completed within thirty (30) days from the date of execution of the First Lease Amendment and the results communicated to Lessor.

d. Section 5.3 shall be amended in its entirety as follows:

CHFA Loans Superior to Lease and Fee. The Lessor acknowledges and covenants that the Mortgage Loan and Regulatory Agreement shall be superior to any rights which the Lessor and Lessee have in the Land and Premises and the Lessor's fee simple interest, and the Lease shall be subordinate to the Mortgage Loan and Regulatory Agreement.

e. Section 5.6 shall be amended in its entirety as follows:

Subordination by Lessor. At such time or times as Lessee places, extends, renews, refinances and/or replaces any loan with CHFA or any other lender, and so long as such refinancing, extension, renewal or replacement does not violate the terms of this Lease, Lessor agrees to promptly join in (and execute, acknowledge and deliver), in the manner required, such Construction Loan or Mortgage Loan (and/or all related agreements, instruments and documents, exclusive of notes, bonds or other undertakings imposing any financial liability on Lessor) solely for the purpose of mortgaging the leasehold in the Land and subjecting the right, title and interest of Lessor in the Land to the lien or the continuation or replacement of the lien of such construction loan or mortgage loan but without imposing any personal liability on the partners of the Lessee or the Lessor, all subject to approval by CHFA, if required, or any subsequent lender, provided such subordination shall be in conformity with the provisions of this Lease.

The provisions of this Section and Section 5.3 shall survive the termination of this Lease.

f. Section 9.1 shall be amended in its entirety as follows:

Events of Default. Failure or delay by any Party to perform any term or provision of this Lease in a timely manner constitutes an event of default under this Lease. In addition, in the event that Lessee shall default on the Mortgage Loan or Regulatory Agreement, and CHFA shall declare a default pursuant to such Agreements, such default shall constitute an event of default under this Lease.

The nondefaulting Party should give notice of default to the Party in default, specifying the alleged default. Failure or delay in giving such notice shall not constitute a waiver of any default, nor shall it change the time of default. If CHFA declares a default pursuant to the Mortgage Loan and/or Regulatory Agreement, CHFA shall give to Lessor the same notice of default that it is required to provide to the Lessee under such Agreements and shall accept a cure of such default from Lessor. If necessary for Lessor to effectuate such a cure, CHFA shall not object to Lessor acquiring ownership of Lessee's interest in or possession of the Development provided that such acquisition does not violate any of HUD's requirements pertaining to the Development. The provisions of this Section shall survive termination of this Lease.

The Party who so commits an event of default must, within thirty (30) days, commence to cure, correct or remedy such event of default, and shall complete such cure, correction or remedy with reasonable diligence. Failure to commence to cure, correct or remedy an event of default within thirty (30) days or to complete the cure, correction or remedy an event of default with reasonable diligence shall be cause for the nondefaulting party to terminate this Lease.

Except as otherwise expressly provided in this Agreement, any failure or delay by any Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies or deprive such Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies. Except as otherwise expressly stated in this Agreement, the rights and remedies of the Parties are cumulative, and the exercise by any Party of one or more such rights or remedies shall not preclude the exercise by it, at the same time or different times, of any other rights or remedies for the same default or any other default by the other Party.

g. Section 10.3 shall be amended to state CHFA's address as 1415 L Street, Suite 500, Sacramento, California 95814.

This Amendment may be executed in two or more counterparts, each of which shall be deemed an original, and all such counterparts together shall constitute one and the same instrument.

LESSEE:

ASSIGNEE:

E & I DEVELOPMENT ASSOCIATES, a California limited partnership

OCEAN VIEW GARDENS, LLC, a California limited liability company

By: C.R.H.C., Incorporated
Its: General Partner

By: E.H.M. Partners, L.P., a California Limited partnership,
Its: Managing Member

By: Michael F. Murphy
Name: Michael F. Murphy
Its: Senior Vice President

By: A. F. Evans Company, Inc., a California corporation
Its: Managing General Partner

By: G.A. Hyson and Associates
Its: General Partner

By: _____
Name: _____
Its: _____

By: _____
Name: Greg A. Hyson
Its: President

By: G.A. Hyson and Associates
Its: General Partner

By: _____
Arthur F. Evans, its General Partner

By: _____
Name: Greg A. Hyson
Its: President

By: James E. Roberts - Obayashi Corporation
Its: General Partner

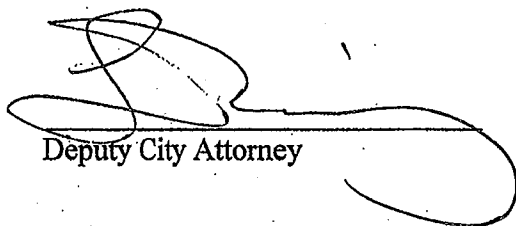
By: _____
Name: Larry R. Smith
Its: President

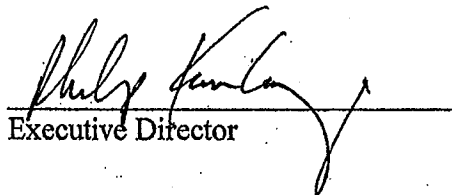
IN WITNESS WHEREOF, Lessor, Lessee and Assignee have executed this Amendment as of the date written on the first paragraph above.

LESSOR
BERKELEY REDEVELOPMENT AGENCY

APPROVED AS TO FORM:

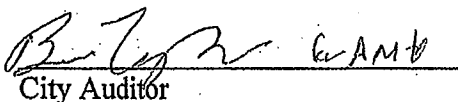
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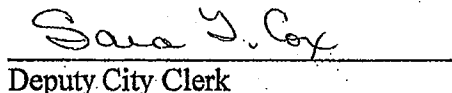

Deputy City Attorney


Executive Director

REGISTERED BY:

ATTEST:

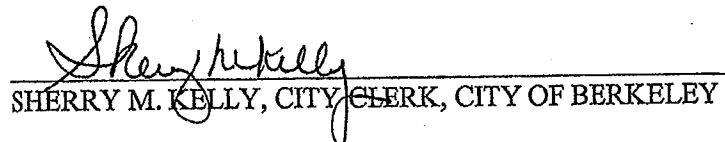

City Auditor


Deputy City Clerk

State of California
County of Alameda

On February 9, 2004 before me, the undersigned, City Clerk, City of Berkeley, personally appeared Phil Kamlarz, Executive Director of the Redevelopment Agency and City Manager of the City of Berkeley, personally known to me to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.


SHERRY M. KELLY, CITY CLERK, CITY OF BERKELEY

LESSEE:

ASSIGNEE:

E & I DEVELOPMENT ASSOCIATES, a California limited partnership

OCEAN VIEW GARDENS, LLC, a California limited liability company

By: C.R.H.C., Incorporated
Its: General Partner

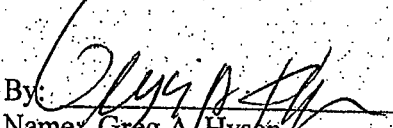
By: E.H.M. Partners, L.P., a California Limited partnership,
Its: Managing Member

By: _____
Name: _____
Its: _____

By: A. F. Evans Company, Inc., a California corporation
Its: Managing General Partner

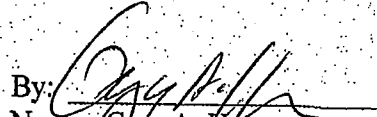
By: G.A. Hyson and Associates
Its: General Partner

By: _____
Name: _____
Its: _____

By: 
Name: Greg A. Hyson
Its: President

By: G.A. Hyson and Associates, *we*
Its: General Partner

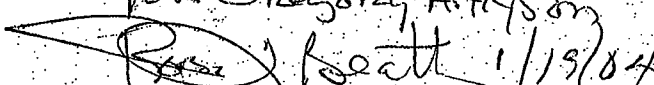
By: _____
Arthur F. Evans, its General Partner

By: 
Name: Greg A. Hyson
Its: President

By: James E. Roberts - Obayashi Corporation
Its: General Partner

By: _____
Name: Larry R. Smith
Its: President

ROSA L. BEATTY
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires December 01, 2005

for Gregory A. Hyson
 1/19/04

LESSEE:

ASSIGNEE:

E & I DEVELOPMENT ASSOCIATES, a California limited partnership

OCEAN VIEW GARDENS, LLC, a California limited liability company


By: C.R.H.C., Incorporated
Its: General Partner

By: E.H.M. Partners, L.P., a California Limited partnership,
Its: Managing Member

By: _____
Name: _____
Its: _____

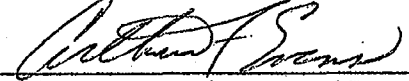
By: A. F. Evans Company, Inc., a California corporation
Its: Managing General Partner

By: G.A. Hyson and Associates
Its: General Partner

By: 
Name: Arthur F. Evans
Its: President

By: _____
Name: Greg A. Hyson
Its: President

By: G.A. Hyson and Associates
Its: General Partner

By: 
Arthur F. Evans, its General Partner

By: _____
Name: Greg A. Hyson
Its: President

By: James E. Roberts – Obayashi Corporation
Its: General Partner

By: _____
Name: Larry R. Smith
Its: President

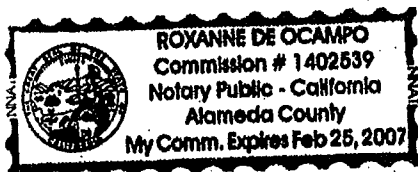
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California }
County of Alameda } ss.

On January ^{date} before me, Roxanne de Ocampo, Notary Public
Name and Title of Officer (e.g., "Jane Doe, Notary Public")
personally appeared Arthur F. Evans
Name(s) of Signer(s)

personally known to me
 proved to me on the basis of satisfactory evidence

to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature]
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

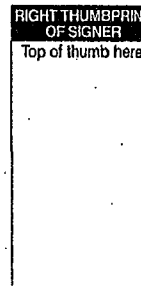
Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

- Individual
- Corporate Officer — Title(s): _____
- Partner — Limited General
- Attorney-in-Fact
- Trustee
- Guardian or Conservator
- Other: _____

Signer Is Representing: _____



LESSEE:

ASSIGNEE:

E & I DEVELOPMENT ASSOCIATES, a California limited partnership

OCEAN VIEW GARDENS, LLC, a California limited liability company

By: C.R.H.C., Incorporated
Its: General Partner

By: E.H.M. Partners, L.P., a California Limited partnership,
Its: Managing Member

By: _____
Name: _____
Its: _____

By: A. F. Evans Company, Inc., a California corporation
Its: Managing General Partner

By: G.A. Hyson and Associates
Its: General Partner

By: _____
Name: _____
Its: _____

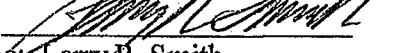
By: _____
Name: Greg A. Hyson
Its: President

By: G.A. Hyson and Associates
Its: General Partner

By: _____
Arthur F. Evans, its General Partner

By: _____
Name: Greg A. Hyson
Its: President

By: James E. Roberts – Obayashi Corporation
Its: General Partner

By: 
Name: Larry R. Smith
Its: President

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

No. 5907

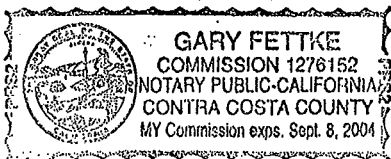
State of California

County of Contra Costa

On January 16, 2004 before me, Gary Fettke, Notary Public

personally appeared Larry R. Smith

[X] personally known to me - OR - [] proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



WITNESS my hand and official seal.

[Signature] SIGNATURE OF NOTARY

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER

- [] INDIVIDUAL
[] CORPORATE OFFICER

- [] PARTNER(S) [] LIMITED [] GENERAL
[] ATTORNEY-IN-FACT
[] TRUSTEE(S)
[] GUARDIAN/CONSERVATOR
[] OTHER:

SIGNER IS REPRESENTING: NAME OF PERSON(S) OR ENTITY(IES)

DESCRIPTION OF ATTACHED DOCUMENT

TITLE OR TYPE OF DOCUMENT

NUMBER OF PAGES

DATE OF DOCUMENT

SIGNER(S) OTHER THAN NAMED ABOVE

EXHIBIT A

Legal Description

RESOLUTION NO. 1211

APPROVING AN AMENDMENT TO A 55 YEAR GROUND LEASE BETWEEN THE REDEVELOPMENT AGENCY (BRA) AND E&I DEVELOPMENT ASSOCIATES FOR THE OCEAN VIEW GARDENS DEVELOPMENT AT 813 DELAWARE STREET WHICH: 1) EXTENDS THE ORIGINAL LEASE TERM BY 22 YEARS (FROM 2037 TO 2059); 2) ALLOWS ASSIGNMENT OF LEASEHOLD INTEREST TO OCEAN VIEW GARDENS, LIMITED LIABILITY COMPANY (LLC); 3) SUBORDINATES THE FEE INTEREST IN THE LAND TO THE LOAN FOR APPROXIMATELY \$4.3 MILLION BETWEEN THE NEW ASSIGNEE AND THE CALIFORNIA HOUSING FINANCE AGENCY (CALHFA); 4) ALLOWS REGULAR AND CONTINUING CODE INSPECTION OF ALL OF THE UNITS BY AGENCY STAFF; 5) ENSURES THE COMPLETION OF A TENANT SURVEY DEVELOPED BY BRA WHICH SOLICITS INPUT FROM TENANTS ON MANAGEMENT-RELATED ISSUES; AND 6) REQUIRES THAT THE MANAGEMENT COMPANY MEET WITH THE TENANTS ON A REGULAR AND CONTINUING BASIS TO ADDRESS ISSUES OF CONCERN

WHEREAS, E&I Development Associates has held a 55 year lease on the Agency's land beneath the Oceanview Gardens Apartments for the past 21 years, and has requested to amend their lease to add another 22 years (from 2037 to 2059); and

WHEREAS, E&I Development Associates (lessee), with AF Evans as the managing partner, is forming a new entity called Ocean View Gardens, LLC (assignee) to ensure continued affordability, secure a loan from CalHFA, and provide for the continued management and maintenance of the project; and

WHEREAS, legal notice was sent to all Ocean View Gardens' tenants on Friday, December 5, 2003 regarding the West Berkeley Project Area Committee meeting on December 11, 2003, where the Proposed Lease Amendment for Ocean View Gardens was listed as an agenda item; and

WHEREAS, although no residents of Ocean View Gardens Apartments attended the meeting, the West Berkeley Project Area Committee discussed this item at length with a representative of Managing Partner AF Evans Company, Incorporated, and then prepared a Committee report to the Agency on this topic; and

WHEREAS, the West Berkeley Project Area Committee's report recommends that the Agency "Support the City's Housing Element Policy to keep and maintain existing-affordable housing stock in the City of Berkeley with affordable rents assured for as long as possible, and... work with the AF Evans (developer) to assure that the Ocean View Gardens apartments remain as affordable housing, subject to the City Staff/City attorney review of appropriate documents, including the proposed amended lease agreement"; and

WHEREAS, pursuant to Government Code section 6066, the Redevelopment Agency meeting of January 20, 2004 was publicly noticed and published in the Berkeley Voice newspaper once a week for two successive weeks, on January 2 and January 9, 2004, and the staff report and a copy of the

proposed lease and deeds of trust have been available for public review at the Clerk's Office, Redevelopment Office, and Main Library since January 2, 2004; and

WHEREAS, this long-term Lease amendment and the Deed of Trust documents have been analyzed by staff and will provide for the continued management, maintenance, and affordability of the 62 existing units of low-income housing; and

WHEREAS, in addition to the Lease amendment, the Ocean View Gardens LLC is also seeking a new loan from the California Housing Finance Agency (CalHFA) in order to reorganize the partnership, prepay the existing debt and use some of the property's equity to renovate the project; and

WHEREAS, in order for the Ocean View Gardens LLC to secure financing, CalHFA requires that the Lease amendment state that all other interests in the property be subordinate to the loan and that the Agency sign the Deed of Trust documents; and

WHEREAS, the Redevelopment Agency has agreed to subordinate the BRA's fee interest in the land to the loan between Ocean View Gardens LLC and the California Housing Finance Agency (CalHFA); and

WHEREAS, the purpose of the CalHFA financing is to provide affordable housing, and the instance of property seizure is remote; and

WHEREAS, AF Evans (managing General Partner of Ocean View Gardens LLC) is a well established housing developer that already owns almost 5,000 housing units and actively manages over 6,000 units of affordable housing, and has successfully built and managed the Ocean View Gardens project for 20 years; and

WHEREAS, the lease amendment also provides the Agency with the provision to cure any monetary or non-monetary default before any possible foreclosure on the property could occur; and

WHEREAS, without this lease amendment, the new project financing will not be approved, and as a result, there will be insufficient funds to update the property and maintain a high quality project for the remainder of the current lease (until 2037); and

WHEREAS, without this lease amendment, after 2012 and under the current provisions of the lease, the Ocean View Gardens Apartments could be converted to 80% AMI, with a remote possibility that the project could convert to market rate rent levels; and

WHEREAS, the requirements of the proposed new financing for the project (Federal tax credits and State bonds) will guarantee another 47 years (from 2012 to 2059) of affordability with 49 of the units at 60% of the average median income (AMI) and 13 units at 50% AMI out of a total of 62 units, regardless of the status of Federal Section 8 monies; and

WHEREAS, these affordability provisions are ensured by the agreements with and monitored by CalHFA, CDLAC and the California Tax Credit Assessment Committee (TCAC), and the Berkeley

Redevelopment Agency or a successor City department will also monitor the project and guarantee that these affordability levels are maintained; and

WHEREAS, the lease amendment will assist in the elimination of blight by guaranteeing the quality, as well as longer affordability of the Ocean View Gardens Apartments through provision of an additional 47 years of affordability, rehabilitation of the project (major maintenance such as kitchen or bath replacements), and actions that take advantage of advances in building systems (e.g., water heaters, windows, energy efficient lighting) that will make the project more efficient and cost effective; and

WHEREAS, the estimated value of the Redevelopment Agency's land interest to be leased, determined at the highest and best uses permitted under the Redevelopment Plan is \$110,000 without improvements (2003 Assessor's Office land value) and over \$1,310,000 with improvements; and

WHEREAS, the Ocean View Gardens' lease amendment and project financing are in accordance and comply with the City's Housing and Redevelopment Plans and policy.

NOW THEREFORE, BE IT RESOLVED that the Redevelopment Agency approves an amendment to a 55 year ground lease between the Redevelopment Agency (BRA) and E&I Development Associates for the Ocean View gardens development at 813 Delaware street which: 1) extends the original lease term by 22 years (from 2037 to 2059); 2) allows assignment of leasehold interest to Ocean View Gardens, Limited Liability Company (LLC); 3) subordinates the fee interest in the land to the loan for approximately \$4.3 million between the new assignee and the California Housing Finance Agency (CALHFA); 4) allows regular and continuing code inspection of all of the units by agency staff; 5) ensures the completion of a tenant survey developed by BRA which solicits input from tenants on management-related issues; and 6) requires that the management company meet with the tenants on a regular and continuing basis to address issues of concern.

The foregoing Resolution was adopted by the Berkeley Redevelopment Agency on January 20, 2004 by the following vote:

Ayes: Agency Members Hawley, Maio, Olds, Shirek, Spring and Wozniak.

Noes: None.

Abstain: Agency Member Worthington.

Absent: Agency Member Breland and Chairperson Bates.

Attest: Sherry M. Kelly
Sherry M. Kelly, Secretary

Tom Bates
Tom Bates, Chairperson

CMS# LFBUP
RESO# 1211

Agreement between
Redevelopment Agency
and
E&I Development Associates, and
Ocean View Gardens, LLC
For: **Extension of 55 year Land Lease**
Term: **09/30/1982 – 3/29/2059**

0525

82-149148

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D13
(1-2)

When recorded mail to:
Roger A. Clay, Jr. Esq.
GOLDFARB & LIPMAN
La Salle Building
491 Ninth Street
Oakland, CA 94607

RECORDED IN OFFICIAL RECORDS
OF ALAMEDA COUNTY, CALIF.
RENE C. DAVIDSON, County Recorder
FOUNDERS TITLE CO.
SEP 30 1982
AM 7,8,9,10,11,12,1,2,3,4,5,6 PM

2800

LEASE AND DISPOSITION AGREEMENT

BY AND BETWEEN

THE REDEVELOPMENT AGENCY OF THE CITY OF BERKELEY

and

E & I DEVELOPMENT ASSOCIATES

Regarding

THE WEST BERKELEY REDEVELOPMENT PROJECT

LEASE AND DISPOSITION AGREEMENT

THIS LEASE AND DISPOSITION AGREEMENT, entered into as of this 30th day of September, 1982 by and between the Redevelopment Agency of the City of Berkeley (Lessor), and E & I Development Associates (Lessee).

RECITALS

WHEREAS, the Lessor has been engaged in the planning and development of a housing development for low- and moderate income persons in the West Berkeley Redevelopment Area (The Development);

WHEREAS, the Lessor has selected the Lessee as the developer of the Development;

WHEREAS, the Lessor wishes to lease the land upon which the Development is to be located to the Lessee for a period of fifty-five (55) years, pursuant to the terms of this Lease and Disposition Agreement; and

WHEREAS, pursuant to Section 8 of the United States Housing Act of 1937, as amended ("Section 8"), the Lessee and the California Housing Finance Agency ("CHFA"), have entered into an Agreement to Enter Into a Housing Assistance Payments Contract ("AHAP"); and

WHEREAS, the term of said AHAP provides that when construction of the units in the Development has been completed in accordance with plans and specifications approved by CHFA, and the permanent mortgage loan has been funded by CHFA, that CHFA will enter into a Housing Assistance Payments Contract HAP Contract with the Lessee with respect to such units in the Development, whereby CHFA and HUD will make payments to the lessee on behalf of qualified tenants of the Development; and

WHEREAS, CHFA has provided a commitment for construction and permanent mortgage loans, which shall be made from the proceeds of the sale of CHFA tax-exempt housing revenue notes and/or bonds, to be issued pursuant to the Zenovich-Moscone-Chacon Housing and Home Finance Act, and the rules and regulations issued thereunder; and

WHEREAS, the Parties believe that the terms of this Lease and Agreement are in accord with the public purposes, spirit and provisions of the applicable Federal, State and City of Berkeley laws and requirements under which the Development has been undertaken and is being assisted, including but not limited to the laws, rules and regulations of HUD and CHFA applicable to the

Development; and

WHEREAS, the Parties acknowledge that the terms of this Lease and Agreement are valid, enforceable, and legally binding on all of the Parties hereto, and that they possess the requisite authority to enter into this Lease and Agreement.

NOW, THEREFORE, in consideration of the promise and the respective covenants and agreements hereinafter contained, the Parties hereby agree as follows:

ARTICLE I

DEFINITIONS

Section 1.1. Definitions. The following terms shall have the following meanings in this Lease and Agreement:

(a) "AHAP" shall mean the Agreement To Enter Into a Housing Assistance Payment contract, dated September 30, 1982 by and between CHFA and the Lessee, as amended from time to time.

(b) "Authorized Officer(s)" shall mean, in the case of the Lessor, its Executive Officer as designee, and in the case of the lessee, its General Partners.

(c) "CHFA" shall mean the California Housing Finance Agency, a public instrumentality and political subdivision of the State of California, acting through any authorized representative.

(d) "Closing" shall mean the date upon which CHFA accepts the credit instrument evidencing the Construction Loan for the Development.

(e) "Commercial Unit(s)" shall mean the commercial unit(s) within the Development, which unit(s) shall be leased by the Lessee to Commercial Tenant(s), pursuant to the requirements of CHFA and the Lessee.

(f) "Commercial Tenant(s)" shall mean the tenant(s) who will occupy the Commercial Unit(s).

(g) "Construction Loan" shall mean the proceeds of the construction loan to be provided by CHFA, as evidenced by a promissory note and secured by a deed of trust (and any related security agreements or financing statements, including a subordination agreement between CHFA and the lessor, and certain CHFA security agreements required of the lessee) which are to be given by the lessee or the lessor to CHFA at the Closing of the

Construction Loan.

(h) "Development" shall mean the commercial Units and the Dwelling Units, as well as all landscaping, roads and parking spaces existing thereon, as the same may from time to time exist, to be situated on the Land and designated as CHFA Project No. 81-70-N.

(i) "Dwelling Units" shall mean the units of housing within the Development, and any additions or alterations thereto; such Dwelling Units shall be occupied by the Tenants.

(j) "Excess Earning Distribution" shall mean any distribution of Development Income to the Lessee in excess of ten (10) percent of Lessee's equity in the Development which is allowed to be distributed to the Lessee by CHFA.

(k) "HAP contract" shall mean the Housing Assistance Payments contract to be executed upon completion of the Development, by and between CHFA and the Lessee, with respect to the Dwelling Units, whereby CHFA will undertake to make housing assistance payments available to the Partnership for all 62 Dwelling Units pursuant to Section 8 of the United States Housing Act of 1937, as amended, for a term of 30 years.

(l) "HUD" shall mean the United States Department of Housing and Urban Development, acting through any authorized representative.

(m) "Impositions" shall mean any taxes or assessments, general or specific, and any other governmental charge whatsoever, which if not paid when due would impair the lien of the Construction Loan or Mortgage Loan, the security of the CHFA bonds on encumber title to the Development, and any payment in lieu of taxes, which the lessee has agreed to or is bound to pay with respect to the Development.

(n) "Land" shall mean the two tracts of land upon which the Development is to be located which is being leased to the lessee pursuant to this Lease and Agreement, as is more fully described in the Exhibit C attached hereto and made a part hereof.

(o) "Lease" shall mean this Lease and Agreement, between the lessee and lessor, and shall include any and all amendments thereto hereinafter made.

(p) "Lease Year" shall mean a period of one year commencing on the anniversary of the commencement date of this lease and ending on the day preceding the next succeeding anniversary of such commencement date.

(g) "Lessee" shall mean E & I Development Associates, a limited partnership organized and existing under the laws of California, or its successors and assigns.

(r) "Lessor" shall mean the Redevelopment Agency of the City of Berkeley, California, a public body, corporate and politic, organized and exercising governmental functions and powers and existing under the Community Redevelopment Law of the State of California (Section 33000 et. seq. of the Health and Safety Code.

(s) "Low- and Moderate-income persons" shall mean persons and families whose incomes do not exceed eighty (80) percent of the median income of the San Francisco/Oakland Standard Metropolitan Statistical Area, as adjusted for family size, medical expenses and unusual expenses.

(t) "Mortgage Loan" shall mean the proceeds of the permanent mortgage loan to be provided by CHFA, as evidenced by a promissory note and secured by a deed of trust (and any related security agreements or financing statements, and certain CHFA security agreements required of the lessee), which will be based upon the CHFA final mortgage determination.

(u) "Parties" shall mean the Lessor and the Lessee.

(v) "Partnership Agreement" shall mean the agreement to be executed by the general and limited partners of the Lessee, in which all of the rights and obligations of the partners of the Lessee shall be set forth.

(w) "Regulatory Agreement" shall mean the agreement between CHFA and the Lessee which sets forth certain conditions pursuant to which the Construction Loan and the Mortgage Loan will be made by CHFA to the Lessee, and by which the Development will be operated.

(x) "Redevelopment Plan" shall mean the West Berkeley Urban Renewal Plan in effect on the date of execution of this Lease.

(y) "Tenants" shall mean residents in the Dwelling Units.

(z) "Working Drawings" shall mean drawings and specifications which have been approved for the Development by the Lessor prior to the execution of this Lease.

Except where the context otherwise requires, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include firms, associations and corporations.

ARTICLE II

Section 2.1 Incorporated Exhibits. The following documents are incorporated within this Lease by this reference and made a part of this Lease as if they were fully set out within the text.

(a) Redevelopment Plan. The Redevelopment Plan in effect on the date of execution of this Lease is attached as Exhibit A.

(b) Site Map. The Site Map shows the location of the Development Site and identifies Parcel A and Parcel B. It is attached as Exhibit B.

(c) Legal Description of the Development Site. The Legal descriptions of the Development Site is composed of separate descriptions for Parcel A and Parcel B. The descriptions are attached as Exhibit C respectively.

(d) Working Drawings. Prior to the execution of this Agreement, Lessee has submitted and the Lessor has approved working drawings for the construction to be performed under this Lease. The drawings are on file at the office of the Lessor.

ARTICLE IIILEASE OF THE DEVELOPMENT; USE OF DEVELOPMENT

Section 3.1 Lease of the Land. The Lessor, for and in consideration of the rents, covenants and agreements of the Lessee and its successors and assigns, to be paid, kept and performed, leases to the lessee, and in consideration thereof, the lessee does take, hire and lease the Land from the lessor, for and during the Term hereafter set forth. The lessee or its designee shall operate the Development located on the land in accordance with the provisions of this Lease, Federal and State laws, municipal ordinances, the Redevelopment Plan, and, if applicable, any CHFA or HUD documents affecting the Land and the Development.

Section 3.2 Term. The term of this Lease shall be fifty-five (55) years commencing on the date this lease is recorded. This lease shall end at midnight on the last day of the thirty-five year term unless terminated earlier in accordance with the provisions of this lease or the written consent of the parties.

Section 3.3 Rental Provisions. The Lessee hereby agrees to pay the Lessor as rental for the Land: [1] the sum of \$220,000.00 at closing and [2] 50% of all Excess Earning Distribution, if any, for the previous year, distributed on the

annual anniversary of this Lease. Rental payments shall be paid in the manner set forth in Section 10.17.

Section 3.4 Pledge by Lessee of Housing Assistance Payments and Rentals. The Lessee hereby agrees that all payments received from CHFA under the HAP Contract attributable to and on behalf of the Dwelling Units, together with all rentals received from the Tenants and the Commercial Tenant(s), shall be used in accordance with the provisions of the HAP Contract and as determined by CHFA.

Section 3.5 Use of Development and Assurances of Lessee. The Land and the Development are to be used by the Lessee during the entire Term of the Lease solely for the purpose of permitting occupancy of the Dwelling Units by predominantly tenants of low- and moderate-income, and for certain other ancillary purposes including the provisions of Commercial Unit(s) to commercial Tenant(s), provided no provision hereof shall be construed to require the rental of Dwelling Units to low- and moderate-income Tenants at rental rates which will result in operating losses for the Development or no reasonable return (i.e. ten percent of stated equity in the Development as determined by CHFA) to the Lessee for its operation of the Development. Lessee agrees to use its best efforts to secure any governmental housing assistance subsidies which would make economically feasible the rental of the Development to low- and moderate-income persons. The above-stated purposes shall be implemented in conformity with the provisions of the Redevelopment Plan, the HAP Contract, the CHFA approved Management Plan, the Regulatory Agreement and any other CHFA or other documents regulating the Development during the effectiveness of these documents and agreements.

The Lessee agrees:

(a) not to use the Development or the Land or permit the use thereof for any disorderly or unlawful purpose, but only to use the Development in accordance with this Section.

(b) to use reasonable care to prevent any Tenant or commercial Tenant from committing or maintaining any nuisance or unlawful conduct on or about the Development or the Land;

(c) to use its best efforts to prevent any Tenant or Commercial Tenant from violating any of the covenants and conditions of this lease with respect to the Development or the Land;

(d) to take all reasonable action, if necessary, to abate any violation of this Lease by any Tenant or Commercial Tenant upon notice from the lessor or otherwise; and

(e) subject to any applicable laws of the State of California, to permit the Lessor and its agents to inspect the records of the Lessee and the Development and the Land or any part thereof at any time during the Term of this Lease.

(f) to cooperate and coordinate the design, site plan and construction of the Development with adjacent redevelopment projects.

(g) not to modify in any fashion any of the agreements or documents referred to in Section 3.5 above unless such changes are mandated by law or by CHFA or HUD, without obtaining the prior written approval of Lessor. Lessor shall notify Lessee of any objection it has to such modifications within 15 days of receipt of Lessee's written request for such approval.

Section 3.6 Rights of Lessee. Except as otherwise provided in this Lease, the Lessee shall have the sole and exclusive right:

(a) to select and terminate the occupancy of a Tenant or commercial Tenant;

(b) to determine the eligibility of a Tenant or commercial Tenant for admission and continued occupancy;

(c) to give notice to a tenant or commercial Tenant to vacate the Development or any part thereof;

(d) to institute and prosecute legal proceedings against a Tenant or commercial Tenant, and levy execution upon any judgment obtained in such proceedings; and

(e) to reinstate a Tenant or commercial Tenant after any action taken, if the circumstances or conditions leading up to such action taken by the Lessee have been corrected and the approval of such reinstatement has been secured from CHFA, if such CHFA approval shall be required.

Section 3.7 Taxes and Assessments.

(a) Payment of Lessee. As a part of the consideration for the execution and delivery of this lease and as additional rent and subject to all the provisions hereof, Lessee covenants and agrees during the entire Term of this Lease, at its own cost and expense, to pay to the public officers charged with the collection thereof, as the same became due and payable and before any fine, penalty, interest, or other charge may be added thereto for the nonpayment thereof, all real estate taxes, licenses and permit fees, charges for public utilities of any kind, and obligations

for any and all other governmental charges, general and special, ordinary and extraordinary, unforeseen as well as foreseen, of any kind and nature whatsoever, as well as assessments for sidewalks, streets, sewers, water, or any other public improvements and any other improvements or benefits which shall, during the Term hereof, be made, assessed, levied, or imposed upon or become due and payable in connection with, or a lien upon, the Land, or any part thereof or improvements thereon, or upon this lease. Any such taxes, assessments or charges which are applicable only to a portion of the Term hereof shall be appropriately prorated; provided that, if by law any imposition may at the option of the taxpayer be paid in installments, Lessee may exercise such option, and in such event lessee shall pay all such installments (and interest, if any) becoming due during, or allocable to, the Term of this lease as the same become due and before any additional interest or any penalty, fine or cost may be added subsequent to the expiration of the Term of this Lease, shall not be chargeable to nor payable by the Lessee, it being agreed that such impositions for said partial taxing period shall be pro rated between Lessor and lessee on the basis that the number of days in each such fractional tax year bears to 365.

Upon request therefor by Lessor, Lessee covenants to furnish to Lessor, within thirty (30) days after the date upon which any such tax, assessment, or other charge is payable, official receipts of the proper taxing or other authority, or other proof satisfactory to lessor, evidencing the full payment thereof. In the event of lessee's failure to pay any such tax, assessment, or other charge, lessor shall have the right to pay the same and charge sale amount to Lessee as additional rent. Lessor agrees promptly to send to Lessee (i) copies of any notices for any taxes, assessments or charges, if such notices have been received by lessor, and (ii) evidence of any such payment of taxes, assessments or charges made by the Lessor, which are the responsibility of the lessee, pursuant to the terms of the Lease.

(b) Indemnification of Lessor. Lessee will at all times indemnify and hold harmless Lessor from any and all of the aforesaid taxes, assessments and charges, and from any and all liens and penalties in connection therewith, and also from any and all claims for damages in any way hereinafter chargeable to, or payable for, the Land, or the use and occupancy thereof, during the Term of this Lease.

(c) Limits of Tax Liability. The provisions of this Lease shall not be deemed to require Lessee to pay municipal, county, state or federal income or gross receipts or excess profits taxes assessed against lessor, or municipal, county, state, or federal capital levy, estate, succession, inheritance, gift or transfer taxes of Lessor, or corporation franchise taxes imposed upon any

owner of the fee of the Land. Lessee agrees to promptly send to lessor copies of any and all notices received by it in respect to any taxes or assessments affecting the land which are the responsibility of the Lessor, pursuant to the terms hereof.

(d) Lessee's Right to Contest. Lessee may, if it disputes the amount or validity of any liens, taxes, assessments, charges, penalties or claims, including liens or claims of materialmen, mechanics or laborers, upon the Land and improvements thereon, contest and defend against the same at its cost, and in good faith diligently conduct any necessary proceedings to prevent and avoid the same; provided, however, that such contest shall be prosecuted to a final conclusion as speedily as possible. Any rebate made on account of any taxes or charges paid by Lessee shall belong and be paid by Lessee.

Section 3.8 Assignment of Lessee's Leasehold Interest. The Lessee may assign, pledge, or mortgage its interest in this Lease, only in accordance with CHFA requirements, rules and regulations and after written consent of the Lessor.

ARTICLE IV

CONSTRUCTION AND MAINTENANCE

Section 4.1 Construction of Improvements. Lessee shall commence construction of the Development as set forth in the Working Drawings within thirty (30) days after the execution of this Lease and shall diligently proceed with construction according to the Lessor approved construction contract until completion.

Section 4.2 Title to Improvements and Liens Thereon. Title to all improvements on the Land, including the buildings situated on the land as of the date hereof, shall be in and remain in Lessee. Upon the expiration of the Term, or upon the sooner termination of the Lease of the Land in accordance herewith, fee simple title to any of the Improvements remaining on the Land shall pass to the Lessor, automatically, without the necessity of any written instrument, unless prior thereto the Lessor shall have removed the Improvements from the Land or sold, assigned, conveyed or otherwise disposed of the Improvements and the same shall have been removed from the Land; and the Lessee shall peacefully and quietly surrender and deliver to the Lessor the Land and the Improvements then remaining, in good order, together with all personal property owned by the Lessee, located in, used in connection with and necessary to the operation of the Development or the Improvements then remaining, and all records, leases and documents necessary to the continued use and operation of the

Development by the Lessor. Any other personal property owned by the Lessee and located on the Land or in the Improvements then remaining upon the termination of the Term shall be deemed abandoned and, if the Lessor shall so elect, shall become the property of the Lessor without any payment or offset therefor.

Lessee agrees that any improvements on the Land and any maintenance and repair work, alterations, replacement and additions in connection therewith shall be of good quality, and approved by CHFA, should such approval of CHFA be required. Except as provided herein with respect to the provisions by CHFA of the Construction Loan and Mortgage Loan for the Development, (or for any refinancing in connection therewith), or for any other purpose permitted by applicable CHFA rules and regulations, Lessee shall have no authority, express or implied, to create or place any lien or encumbrance of any kind or nature whatsoever upon, or in any manner to bind the interest of Lessor in the Land or to assign the rentals payable under this lease for any claim in favor of any person dealing with lessee. Lessee covenants and agrees promptly to pay all sums legally due and payable by Lessee on account of any labor performed or materials supplied against lessee's leasehold interest in the Land or the improvements thereon. In the event any mechanics or materialmen's lien is filed against the Land, lessee at its expense shall promptly cause such lien to be removed by bonding or otherwise and Lessee will indemnify and hold lessor harmless from any and all such asserted claims or liens.

Section 4.3 Use of Premises. The Lessee shall at all times during the Term of this Lease actively and continuously use or cause the Development to be improved and to be used for such purposes, consistent with all applicable zoning and environmental laws, with all applicable rules and regulations of CHFA, if applicable, and the Lease and the Redevelopment Plan. Lessee agrees reasonably, promptly and effectively to comply with all applicable and lawful statutes, rules, order, ordinances, requirements and regulations of the State of California, the Federal Government, and of any other governmental authority having jurisdiction over the Development. Lessee may, if in good faith and on reasonable grounds, dispute the validity of any charge, complaint or action taken pursuant to or under color of any charge, complaint, order, ordinance, requirement or regulation, defend against the same, and in good faith diligently conduct any necessary proceedings to prevent and avoid any adverse consequence of the same. Lessee agrees that any such contest shall be prosecuted to a final conclusion as speedily as possible.

Section 4.4 Maintenance of the Development and the Land. During the Term of this Lease, the Lessee or its designee shall perform, or cause to be performed, all maintenance and repair

necessary to maintain the Development and Land in good repair and tenantable conditions.

Lessee covenants and agrees that it shall maintain or cause to be maintained the Development and Land including improvements, landscaping, and any other appurtenances that may from time to time be placed thereon, regardless of style, description, or classification, in a manner that is in keeping with the Redevelopment Plan and shall not cause or suffer to be caused, any condition within its control to be unhealthy, unsafe or an aesthetic or visual detriment.

In the event that there arises a condition in violation of the above-stated maintenance standard, then upon thirty (30) days written notice by the Lessor to Lessee to cure the violation, the Lessor has the right to perform all acts necessary to cure such condition, or to take any other recourse at law or equity that the Lessor may have and to collect the cost of the Lessor's action from Lessee. The Parties hereto further mutually understand and agree that such rights of the Lessor specifically include the right to establish or enforce a lien or other encumbrance against the property. The foregoing provisions shall be a covenant running with the land, enforceable by the Lessor.

Section 4.5 Utilities. The Lessee shall be responsible for the cost of all utilities, including water, heat, gas, electricity, waste removal or other utilities or services supplied to the Development and the Lessee will pay or cause same to be paid, currently and as due.

Section 4.6 As-Built Drawings. Within sixty (60) days after receipt of a certificate of occupancy, Lessee shall provide the Lessor with a complete set of "as built" plans and specifications of the Development.

ARTICLE V

CHFA LOANS

Section 5.1 CHFA Rights. To secure the payment of the funds to be provided by CHFA for the construction and development of the Development, the Lessee and CHFA will enter into a Construction Loan and thereafter into a Mortgage Loan. Nothing contained herein shall relieve the Lessee of its obligations and responsibilities under said Construction Loan or Mortgage Loan to the extent specified therein or under the Regulatory Agreement between the Lessee and CHFA.

Section 5.2 Costs of CHFA loans to be Paid by Lessee. The Lessee affirms that it shall bear all of the costs and expenses in

connection with (1) the preparation and securing of the Construction Loan and Mortgage Loan, (ii) the delivery of any instruments and documents and their filing and recording, if required, and (iii) all taxes and charges payable in connection with the Construction Loan and Mortgage Loan.

Section 5.3 CHFA Loans Superior to Lease. The Lessor acknowledges and covenants that the Construction Loan and the Mortgage Loan shall be superior to any rights which the Lessor shall acquire under this Lease, and this Lease shall be subordinate to the Construction Loan and Mortgage Loan.

Section 5.4 Application of Rentals by Lessee. It is expressly understood and agreed that the Lessor shall have no right or claim to, or interest in, any payments under the HAP Contract or from Tenants received by the Lessee except for any payments to be made pursuant to Section 3.3 above.

Section 5.5 Proceeds of Mortgage. It is expressly understood and agreed that all Construction Loan and Mortgage Loan proceeds shall be paid to and become the property of Lessee, and that the Lessor shall have no right to receive any such Construction Loan or Mortgage Loan proceeds, except as set forth in the CHFA documents applicable to the Development.

Section 5.6 Subordination by Lessor. At such time or times as Lessee places, extends, renews, refinances and/or replaces any loan with CHFA or any other lender, and so long as such refinancing, extension, renewal or replacement does not terminate or adversely affect the fee simple interest of the Lessor in the Land or violate the terms of this Lease, Lessor agrees to promptly join in (and execute, acknowledge and deliver), in the manner required, such Construction Loan or Mortgage Loan (and/or all related agreements, instruments and documents, exclusive of notes, bonds or other undertakings imposing any financial liability on Lessor) solely for the purpose of mortgaging the leasehold in the Land and subjecting the right, title and interest of Lessor therein to the lien or the continuation or replacement of the lien of such construction loan or mortgage loan but without imposing any personal liability on the partners of the Lessee or the Lessor, all subject to approval by CHFA, if required, or any subsequent lender, provided such subordination shall be in conformity with the provisions of this Lease.

ARTICLE VI

INSURANCE

Section 6.1 Required Insurance coverage.

(a) Fire and Extended Coverage Endorsement. The Lessee shall during the Term keep the Dwelling Units and the Commercial Unit(s) in the Development insured against loss or damage by fire and all other risks as may be included in the standard form of extended coverage endorsement available at all time in amount such that the proceeds of such insurance shall not be less than the replacement value of the Development or any other higher amount required by CHFA. The amount of such insurance shall be adjusted by reappraisal of the Development by the insurer or its designee at least once every three (3) years during the Term of this Lease.

(b) Liability and Property Damage Insurance. During the Term of the lease, the Lessee shall keep in full force and effect a policy or policies of public liability and property damage insurance against liability for bodily injury to or death on or about the Development. The limits of such insurance shall be not less than the amounts required by CHFA, if applicable, or by the terms of the Partnership Agreement, whichever is greater.

(c) Workers' Compensation Insurance. The Lessee shall carry workers' compensation insurance covering all persons employed in connection with the Development and with respect to whom death, bodily injury, sickness insurance claims could be asserted against the Lessor or the lessee.

(d) Title Insurance. The Lessee shall obtain a Mortgagee's title insurance policy in such form and amount as shall be required by CHFA; on behalf of the Lessor, the Lessee shall obtain an owner's title insurance policy, insuring a leasehold interest in the Land and a fee simple title to the Improvements on the Land, in such form and amount as shall be required by Lessor.

Section 6.2 Insurance Policies and Premiums.

(a) All policies shall name the Lessor, the Lessee, and CHFA as insureds as their respective interests may appear; provided, however, that CHFA, for so long as the Construction Loan or Mortgage Loan is outstanding, shall be named as mortgagee under the terms of a standard mortgagee clause, and all insurance proceeds shall be payable to CHFA. Duplicate copies of such policies or certificates of such insurance shall be promptly furnished to CHFA and the Lessor.

(b) Any policy of insurance shall provide that any change or cancellation of said policy must be in writing to CHFA, Lessee and the Lessor at their respective principal offices at least thirty (30) days before the effective date of said change or cancellation.

Section 6.3 Proceeds of Insurance.

(a) For so long as the Construction Loan or Mortgage Loan on the Development is outstanding:

(i) All fire and extended coverage (casualty) insurance proceeds shall be applied by CHFA, if it is the mortgagee, as provided in the Construction Loan and Mortgage Loan or if CHFA is not the mortgagee, by whatever entity is the mortgagee, as provided in the Lease, to the payment of the costs of repairing or rebuilding that part of the Development damaged or destroyed if [A] the Lessee agrees in writing within ninety (90) days after payment of the proceeds of insurance that such repair or rebuilding is economically feasible, and [B] CHFA, if applicable, determines that such repair or rebuilding will not adversely affect the payment of principal or interest on the Construction Loan or Mortgage Loan. If the property is not repaired or replaced, all such proceeds shall be applied in a manner consistent with the terms of the Construction Loan or Mortgage Loan, if applicable, or to the Lease; and

at Lessee's
 (ii) Any proceeds of any mortgagee's title insurance shall be paid to CHFA, if it is the mortgagee, provided that, if so requested by the Lessee or the Lessor, such proceeds shall be applied to remedy the defect in title, if any.

(b) In the event that CHFA is no longer providing the Construction Loan or the Mortgage Loan, all insurance proceeds received under the policies set forth in this Article V shall be paid to, and applied by, (i) the Lessee, or (ii) any subsequent mortgagee (should the terms of any loan agreement entered into by the Lessee with such mortgagee stipulate as such), in a manner consistent with the provisions of Section 6.2 herein.

ARTICLE VII

Section 7.1 Non-discriminatory Clause; Affirmative Action.

(a) The Lessee shall not, in the selection or approval of Tenants or provisions of service or in any other manner, discriminate against any person on the grounds of race, color, religion, creed, marital status, sex, sexual orientation, national origin, ancestry, or any other arbitrary factor.

(b) The Lessee will comply with all requirements of Title VI of the Civil Rights Act, and all applicable rules and regulations issued thereunder and all other such federal, state, and municipal laws.

(c) The obligations of the Lessee to comply with subsections

(a) and (b) above inures to the benefit of the lessor and to CHFA and then shall be entitled to invoke any remedies available by law to redress any breach of these subsections or to compel compliance therewith by the Lessee.

Section 7.2 Nondiscrimination and Nonsegregation Covenants. All deeds, leases and contracts relating to the Development Land shall contain and be subject to the following nondiscrimination and nonsegregation clauses:

1. In deeds: "The grantee herein covenants by and for itself, its heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, development, use, occupancy, tenure or enjoyment of the land herein conveyed, nor shall the grantee itself or any person claiming under or through it, establish or permit an any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees in the land herein conveyed. The foregoing covenants shall run with the land."
2. In leases: "The Lessee herein covenants by and for itself, its heirs, executors, administrators and assigns, and all persons claiming under or through them, and this lease is made and accepted upon and subject to the following conditions: That there shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the leasing, subleasing, transferring use, occupancy, tenure or enjoyment of the land herein leased nor shall the lessee itself, or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, sublessees, subtenants or vendees in the land herein leased."
3. In contracts: "There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in

the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land, nor shall the transferee itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the land."

Section 7.3 Compliance by Lessee with Governmental Regulations. In carrying out all construction-related work on the Development, Lessee shall comply with the Lessor-approved affirmative action Plan and all applicable municipal resolutions on affirmative action.

ARTICLE VIII

ASSURANCES OF LESSOR

Section 8.1 Lessor to Give Peaceful Possession.

The Lessor covenants that it is seized in fee simple of, and has good and marketable title to, the Land and that the same is free of all easements, covenants, conditions and restrictions except as shall be set forth in the owner's title insurance policy to be acquired for the Lessor by the Lessee. The lessor has the full right and authority to make this Lease. The lessor covenants and warrants that the lessee and its Tenants shall have, hold and enjoy, during the Lease Term, peaceful, quiet and undisputed possession of the Land herein leased without hindrance or molestation so long as the Lessee is not in default hereunder; the Lessor shall not, from and after the date of this Lease, mortgage, encumber or otherwise impair the state of title to the Land. The Lessor hereby affirms that the Lessee will be the owner in fee simple of all improvements to be constructed on the Land.

Section 8.3 Lessor to Lease Development with Marketable Title. Lessor covenants and warrants that there are no outstanding liens and encumbrances that will interfere with the Lessee's possession of the Land except:

1. Those covenants, conditions and restrictions specified in the Redevelopment Plan attached as Exhibit A;
2. Any provisions of this Agreement;
3. Any lien, not delinquent, for real property taxes;
4. All easements of record appearing on that certain

Preliminary Report, dated 8-23-82, prepared by the Founders Title Insurance Company.

Section 8.4 Lessor to Obtain Necessary Governmental Approvals. The Lessor covenants that all necessary approvals from any and all governmental agencies in compliance with all federal, state, and local laws, ordinances, and regulations requisite to leasing of the Land have been obtained.

ARTICLE XI

DEFAULTS AND REMEDIES

Section 9.1 Events of Default. Failure or delay by any Party to perform any term or provision of this Lease in a timely manner constitutes an event of default under this Lease. The Party who so fails or delays must within thirty (30) days commence to cure, correct or remedy such failure or delay, and shall complete such cure, correction or remedy with reasonable diligence.

The nondefaulting Party should give written notice of default to the Party in default, specifying the alleged default. Failure or delay in giving such notice shall not constitute a waiver of any default, nor shall it change the time of default.

Except as otherwise expressly provided in this Agreement, any failure or delay by any Party in asserting any of its rights or remedies as to any default shall not operate as a waiver of any default or of any such rights or remedies or deprive such Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert or enforce any such rights or remedies. Except as otherwise expressly stated in this Agreement, the rights and remedies of the Parties are cumulative, and the exercise by any Party of one or more such rights or remedies shall not preclude the exercise by it, at the same time or different times, of any other rights or remedies for the same default or any other default by the other Party.

Section 9.2 Bankruptcy. In the event of bankruptcy on the part of Lessee or in the case of any receiver being appointed to take charge of the premises, or any portion of the premises, due to lessee's inability to meet its obligations, Lessor may, at its option, declare this lease terminated and forfeited by Lessee and Lessor shall be entitled in such event to immediate possession of the premises, and no receiver or trustee in bankruptcy shall acquire in any such case any of the rights of Lessee hereunder.

Section 9.3 Plans and Data. In the event Lessee defaults and does not proceed with the construction of the Development, it

shall deliver to the Lessor all plans and data concerning the Development and the Lessor or any other person or entity designated by the Lessor is free to use such plans and data for any reason whatsoever without cost or liability therefor to Lessee.

Section 9.4 Institution of Legal Actions. Any Party may institute legal action to interpret or enforce the terms of this Lease, to cure, correct or remedy any default, or recover damages for any default, or to obtain any other remedy available at law or in equity. Such legal actions must only be instituted in the Superior Court of the County of Alameda, State of California, in the Berkeley-Albany Municipal Court in Alameda County or in the Federal District Court for the Northern District of California. The Parties may agree to have any dispute heard by an arbitrator under mutually agreed upon rules and procedures.

Section 9.5 Attorney's Fees and Costs. The Party prevailing in any legal action shall be entitled to recover against the Party not prevailing all reasonable attorney's fees and costs incurred in such action. As used herein, "legal action" includes arbitration proceedings.

Section 9.6 Further Default. The abandonment of the Development by the Lessee or the removal of the Development by the Lessee from the Land shall constitute an event of default by the Lessee under this Lease.

ARTICLE X

MISCELLANEOUS

Section 10.1 Benefit of and Enforcement by CHFA. Notwithstanding anything contained in this Lease to the contrary, in the event that any provisions of this Lease in any way contradicts, modifies or in any way changes (i) the terms of the Regulatory Agreement, or the Construction Loan or the Mortgage Loan, or (ii) the terms of any other documents executed, or to be executed, by the Lessee with CHFA relating to the Development, the terms of such Regulatory Agreement or such documents referred to in (i) and (ii) above shall prevail and govern.

Section 10.2 Instrument is Entire Agreement. This Lease and attached Exhibits, subject to the terms of the HAP Contract, the Partnership Agreement and the CHFA documents applicable to the Development, constitute the entire agreement between the Parties. This Lease, subject to the terms of such aforementioned agreements, shall completely and fully supersede all other prior agreements, both written and oral, between the Lessor and the Lessee relating to the lease of the Land by the Lessor to the Lessee.

JP

Section 10.3 Notices. All notices hereunder shall be in writing signed by an Authorized Officer(s) and shall be sufficient if sent by United States first class, registered or certified mail, postage prepaid, addressed, [1] if to the Lessor, to the Redevelopment Agency, c/o Executive Officer, 2180 Milvia Street, Berkeley, California 94704, and [2] if to the lessee, to Oceanview Gardens, Berkeley., California 94702, and to CRICO Limited Partnership of Berekley, c/o C.R.I., Inc., One Central Plaza, 11300 Rockville Pike, Rockville, Maryland 20852, and [3] if to CHFA, to the California Housing Finance Agency, 301 Capitol Mall, Sacramento, California 95814. The Lessor, CHFA and the Lessee may, by like notice, designate any further or different addresses to which subsequent notices shall be sent.

Section 10.4 Recording. This Lease shall be recorded in the office of the Alameda County Court Clerk, Oakland, California, or in such other office as may at the time be provided by law as the proper place for the recordation thereof.

Section 10.5 Non-Waiver of Breach. Neither the failure of the lessor or the Lessee to insist upon strict performance of any of the covenants and agreements of this lease nor the failure by the lessor or lessee to exercise any rights or remedies upon default while the Lessor or Lessee is in default hereunder shall be deemed a waiver or relinquishment (1) of any covenant herein contained or of any of the rights or remedies of the lessor or lessee hereunder, (2) of the right in the future of the lessor or the lessee to insist upon and to enforce by mandamus or other appropriate legal remedy a strict compliance with all of the covenants and conditions hereof, or (3) the right of the lessor to recover possession of the Land.

Section 10.6 Effective Date; Counterparts. This Lease shall become effective upon the commencement of the Term set forth herein. This Lease may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

Section 10.7 Lease Binding on Successors. This Lease and all its provisions and attached Exhibits shall inure to the benefit of, and shall be binding upon, the Lessor, the Lessee and their respective successors and assigns.

Section 10.8 Relationship of Parties. Nothing contained in this Lease shall be deemed or construed by the parties hereto or by any third party to create the relationship of principal and agent or of partnership or of joint venture or of association or of buyer and seller whatsoever between Lessor and Lessee, it being expressly understood and agreed that neither the computation of any payments and other charges hereunder nor any other provisions

contained in this Lease, nor any act or acts of the parties hereto, shall be deemed to create any relationship between Lessor and lessee other than the relationship of landlord and tenant.

Section 10.9 Warranty Against Payment of Consideration for Agreement. Developer warrants that it has not paid or given, and will not pay or give, any third person any money or other consideration for obtaining this lease, other than normal costs of conducting business and costs of professional services such as architects, engineers and attorneys.

Section 10.10 Computation of Time In computing any period of time prescribed or allowed under this Lease, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last calendar day of the period so computed shall be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day which is not a Saturday, Sunday or legal holiday. As used herein, "legal holiday" means a legal holiday recognized by the City of Berkeley and which the offices of the City are closed for public business.

Section 10.11 No Third Party Beneficiary. The provisions of this Lease are for the exclusive benefit of the Lessor and Lessee, and their successors and assigns, and not for the benefit of any third person, nor shall this Lease be deemed to have conferred any rights, express or implied, upon any third person.

Section 10.12 Gender and Number. Words of any gender used in this Lease shall be held to include any other gender, and words in the singular number shall be held to include the plural (and vice-versa), when the sense requires.

Section 10.13 Titles. The titles and article or paragraph headings are inserted only for convenience, and are in no way to be construed as a part of this Lease or as a limitation on the scope of the particular provisions to which they refer.

Section 10.14 Invalidity of Particular Provisions.

(a) If any provision of this Lease or the application thereof to any person or circumstances shall to any extent be invalid or unenforceable, the remainder of this Lease, or the application of such provision to persons or circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each provisions of this Lease shall be valid and be enforced to the fullest extent permitted by law.

(b) If the terms of the HAP Contract or Regulatory Agreement shall be modified in such a manner as to create certain

inconsistencies with the provisions of this Lease, the Lessor and Lessee agree to promptly take all actions necessary to amend those sections affected by the occurrence of any of the events set forth above so as to ensure that all of the provisions of this Lease are fully accurate, valid and enforceable.

Section 10.15 Effect of Approval by CHFA. The approval of this Lease by CHFA has signified that the undertaking of the Lessee, and the performance of its obligations, under this Lease is consistent with, and shall not in any way impair, the rights of the Lessee to receive (a) housing assistance payments under the AHAP and the HAP Contract, and (b) proceeds under the Construction Loan and the Mortgage Loan; and that CHFA has approved the terms of this Lease, including the Term hereof.

Section 10.16 Applicable Law. This Lease shall be governed by and construed in accordance with the laws of the State of California.

Section 10.17 Rental Payments. All rental payments to be paid by the Lessee to the Lessor pursuant to Section 3.3 above shall be paid by the Lessee to the Lessor in trust. The Lessor shall hold the Rental Payments in trust and shall only release the funds from trust upon the City's or Lessor's use and expenditure of the Rental Payments for the redevelopment of the Delaware Street Historical District in the West Berkeley Development. If the Rental Payments have not been expended pursuant to this Section by January 1, 1985, the Lessor shall deposit the Rental Payments with the Lessee for use by the Lessee, with CHFA approval, to make capital improvements to the Development and to pay operating costs of the Development which are eligible activities under the Community Development Block Grant Program and the Lessee shall thereafter not be liable to the Lessor for said Rental Payments.

Section 10.18 Reasonable Approvals. Wherever the Lease requires Lessor or Lessee approval of any document or other matter, such approval shall not be unreasonably withheld.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands this the day and year first above written.

82-149148

LESSOR

WITNESS:

THE REDEVELOPMENT AGENCY OF
THE CITY OF BERKELEY

By: *Forrest Craven*
Executive Officer, Forrest Craven

LESSEE:

ATTEST:

E AND I DEVELOPMENT ASSOCIATES,

By: *Arthur Evans*
Arthur Evans,
General Partner

By: CRICO LIMITED PARTNERSHIP OF
BERKELEY, a General Partner

ATTEST:

By: C.R.H.W., INC.,
Its General Partner

By: *Richard L. Kadish*
Richard L. Kadish
Senior Vice President

APPROVED BY:

WITNESS:

CALIFORNIA HOUSING FINANCE
AGENCY

By: *R.P. Phinney*
Authorized Officer, R.P. Phinney

WBLA/RC/9/30

STATE OF CALIFORNIA)
)
COUNTY OF San Francisco) ss.

On September 30, 1982, before me, the undersigned, a Notary Public in and for the State aforesaid, personally appeared Arthur F. Evans, known to me to be one of the partners of the partnership that executed the within instrument and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Rita Kehrig
Notary Public



STATE OF CALIFORNIA)
)
COUNTY OF SAN FRANCISCO) ss.

On this 30 day of September, 1982, before the undersigned, a Notary Public duly commissioned and sworn, personally appeared R. P. Phinney known to me to be the Development Officer of the California Housing Finance Agency, a public instrumentality of the State of California, and known to me to be the person who executed the within instrument on behalf of said Agency, and acknowledged to me that such Agency executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal in said County of San Francisco, State of California, the day and year in this certificate first above written.

Rita Kehrig



82-149148

82-149148

(Partnership)

STATE OF CALIFORNIA }
COUNTY OF San Francisco } SS.
On September 30, 1982

before me, the undersigned, a Notary Public in and for said State, personally appeared Richard L. Kadish known to me to be the Sr. Vice President of C.R.H.W., Inc. a corporation, said corporation being known to me to be the general partner

~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.

Signature: *Rita Kehrig*
RITA KEHRIG
Name (Typed or Printed)



STAPLE HERE

STATE OF CALIFORNIA
COUNTY OF San Francisco

82-149148

On this 30 day of September, 19 82, before me, a Notary Public in and for said County and State, personally appeared Forrest Craven, known to me to be the Executive Officer

of The Redevelopment Agency of the City of Berkeley and known to me to be the person who executed the within instrument on behalf of said public agency, and acknowledged to me that such public agency executed the same.

WITNESS my hand and official seal.

Rita Kehrig
RITA KEHRIG
(Name typed or printed)





Office of the City Manager

CONSENT CALENDAR

May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Grant Application: The Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or her designee to 1) apply for and accept a grant in the amount of \$76,000 from the California Division of Boating & Waterways (“DBW”) Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) execute any amendments; and 3) authorize a local match contribution of \$7,600, subject to securing the grant.

FISCAL IMPACTS OF RECOMMENDATION

The cost to remove and dispose of abandoned and derelict vessels at the Berkeley Marina through FY2026 is estimated at \$83,600. The Parks, Recreation, and Waterfront Department will submit a grant application to the Division of Boating and Waterways SAVE grant program in the amount of \$76,000 for this work, and will allocate a required minimum 10% local match, equivalent to \$7,600. Funding for the match is subject to appropriation in the FY 2025 budget in the Marina Fund (Fund 608). If awarded, the grant will be deposited in the Boating and Waterways Fund (Fund 607).

CURRENT SITUATION AND ITS EFFECTS

Each year, approximately ten (10) vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on our Marina and harm our reputation. This new round of funding will assist us as we work to keep our docks clear of derelict vessels in the coming year, and build upon the progress we make in removing derelict vessels via previous SAVE Grants.

BACKGROUND

Responsibility for derelict and abandoned vessels often falls on public agencies. In 2020, the City received a SAVE grant for \$130,000 and removed twenty-five derelict vessels. In

late 2020, the City received a SAVE grant for \$42,000 to remove 8 derelict vessels. In late 2021, the City received a SAVE grant for \$42,000 to remove 7 vessels. In late 2022, the City received a SAVE grant for \$60,000, which is currently being used to remove abandoned vessels. In late 2023, the City received another grant for \$60,000 which will be fully spent in FY 2025. The increased grant amount for the 2024 application is due to an increase in costs for removal and an increase in the average amount of abandoned vessels in the Berkeley Marina. For the past 20 years, the Division of Boating and Waterways has provided grant funding assistance to public agencies throughout California, including the City of Berkeley, to properly remove, store, and dispose of abandoned, wrecked, or dismantled vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent.

ENVIRONMENTAL SUSTAINABILITY

Derelict, abandoned, and sunken vessels pose a navigational and environmental hazard to the waters of the Bay (e.g., they can leak oil fuel, oil coolant, paints and solvents, sanitary waste, etc.) Removal and proper disposal of these vessels contributes to the improvement to the health of the Bay waters.

RATIONALE FOR RECOMMENDATION

The Parks, Recreation, and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. SAVE grants allow the City to substantially leverage our existing funding for these projects, and safely remove potential environmental and navigational hazards from our waters. The swift removal of derelict vessels from the Berkeley Marina via SAVE funds prevents the accumulation of such vessels on our docks improves the attractiveness of the Berkeley Marina to existing and prospective slip holders.

CONTACT PERSON

Alexandra Endress, Waterfront Manager, 981-6737
Sean Crothers, Waterfront Supervisor, 981-6744

Attachments:

1. Resolution

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

GRANT APPLICATION: SURRENDERED AND ABANDONED VESSEL EXCHANGE (SAVE) GRANT PROGRAM OF THE STATE DIVISION OF BOATING AND WATERWAYS

WHEREAS, each year, approximately ten (10) vessels get abandoned by their owners at the Berkeley Marina because they lack funds to repair the vessels or they lack funds to pay for their dockage fees. This number is expected to increase due to financial hardships of the Covid-19 pandemic. Due to the age and neglect of the vessels, they have no value, are not sea-worthy, and are likely to sink. These vessels occupy slips in the Berkeley Marina that could otherwise be used to generate dockage revenue for the City, and these vessels are a visual blight on the Marina and harm our reputation; and

WHEREAS, responsibility for abandoned vessels often falls on public agencies. For the past 20 years, the Division of Boating and Waterways has provided grants to public agencies, including the City of Berkeley, to remove, store, and dispose of abandoned, wrecked, or dismantled water vessels or any other partially submerged objects that pose a substantial hazard to navigation, from navigable waterways or adjacent public property, or private property with the landowner's consent; and

WHEREAS, the Parks, Recreation and Waterfront Department has the primary responsibility for removing derelict and abandoned vessels from local waters. By applying for SAVE grants, the City is able to substantially leverage our existing funding for these projects, and safely remove potential environmental and navigational hazards from our waters; and

WHEREAS, the cost to remove and dispose of ten (10) abandoned and derelict vessels at the Berkeley Marina through FY2026 is estimated at \$83,600. The Parks, Recreation and Waterfront Department will apply for \$76,000 from the DBW SAVE grant program to remove these vessels, and must provide a minimum match of 10% (equal to \$7,600). Funding for the match is subject to appropriation in the FY 2025 budget in the Marina Fund (Fund 608). If awarded, the grant will be deposited in the Boating and Waterways Fund (Fund 607).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or her designee is authorized to 1) apply for and accept a grant in the amount of \$76,000 from the California Division of Boating & Waterways ("DBW") Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) execute any amendments; and 3) authorize a local match contribution of \$7,600, 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.



Office of the City Manager

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jordan Klein, Director, Planning & Development Department
Subject: Leave of Absence Requests: Environment & Climate Youth Commissioners

RECOMMENDATION

Approve Leaves of Absence for Environment & Climate Youth Commissioners Mabel Athanasiou and Shanza Syed for the Commission meeting dates June 26, 2024 and July 24, 2024.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Environment & Climate Youth Commissioners Mabel Athanasiou and Shanza Syed are requesting leave of absences for the Commission meeting dates of June 26, 2024 and July 24, 2024, due to travel. BMC Chapter 3.02.030 states that a Commissioner appointed by the Council as a whole may be granted a leave of absence, not to exceed three months, by the Council.

BACKGROUND

On November 28, 2023, Council appointed Mabel Athanasiou and Shanza Syed for membership on the Environment & Climate Commission, Resolution No. 70,110-N.S.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

Approval by the City Council is the only mechanism for granting a leave of absence for a Commissioner appointed by the Council as a whole.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Sarah Moore, Environment & Climate Commission Secretary, Planning & Development Department, 510-981-7494



Office of the City Manager

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Contract: Online Solutions, LLC (DBA Citizenserve) for Housing Inspection and Code Enforcement Software

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract with Online Solutions, LLC (DBA Citizenserve) for software licensing, implementation, maintenance and related services for housing inspection and code enforcement software, for an amount not to exceed \$622,215, from June 17, 2024 through June 16, 2029.

FISCAL IMPACTS OF RECOMMENDATION

The five-year costs for implementation, including data migration and integrations, is \$622,215. The cost will be shared between the Rental Housing Safety Program from Fund 129 (RHSP), and the Land Use and Building & Safety Divisions from Fund 621 (PSC).

Fund 129 (RHSP) Share of Costs

For Fiscal Year 2024, funding in the amount of \$69,137 is available in account number 129-53-585-635-0000-000-441-613130. Funds for FY 2025 and FY 2026 are included in the FY2025 and FY2026 budget and are subject to appropriation for each year. Funding for FY 2027 and FY 2028 will be requested in the budget for those years.

Fund 129 (RHSP)	FY24	FY25	FY26	FY27	FY28
Implementation Fees	29,290	87,869			
Annual Subscription Payment	39,848	39,848	39,848	39,848	39,848
Total	69,137	127,716	39,848	39,848	39,848

Fund 621 (PSC) Share of Costs

For Fiscal Year 2024, funding in the amount of \$6,129 is available in Land Use Division account number 621-53-584-622-0000-000-472-613130 and \$58,384 is available in Building & Safety Division account number 621-53-585-634-0000-000-472-613130 to cover the full FY 2024 PSC Fund expense of \$64,513. Funding for FY 2025 through FY 2028 will be appropriated via the AAO and budget processes for those years, as needed.

Fund 621 (PSC)	FY24	FY25	FY26	FY27	FY28
Implementation Fees	16,745	50,236			
Annual Subscription Payment	47,768	47,768	47,768	47,768	47,768
Total	64,513	98,004	47,768	47,768	47,768

CURRENT SITUATION AND ITS EFFECTS

In 2023, the Planning and Development Department began seeking a system to integrate housing inspection and financial management functions in a single, cohesive system and to manage building and zoning code enforcement. The Department seeks to improve tracking of information collected during inspections, and management of communications and documentation required for inspection follow-through. A Request for Proposals (RFP) was issued for Housing Inspection and Code Enforcement Software (Specification No. 24-11628-C) on November 1, 2023. This initiative was in response to the recognized inefficiencies of operating disparate systems for housing inspection data and financial management, and less than satisfactory performance of the inspection data system since 2015.

Five firms responded to the RFP. An interdepartmental panel including IT and Planning staff reviewed the proposals, hosted demonstrations, and gathered references.

The adoption of the Citizenserve platform aligns with the City’s strategic objectives to deliver outstanding, timely, and accessible services and information to our community and helps advance the City’s Strategic Plan Goal to be a customer focused organization that provides excellent, timely, easily-accessible service and information to the community.

BACKGROUND

Since 2015, the City has utilized the Accela Housing module along with the FUNDS\$ Miscellaneous Receivables module for housing inspections. When the Planning and Development Department implemented the Accela system for housing inspections in 2015, only inspection data was migrated, with financial information remaining in FUNDS\$. As a result, staff have had to work in two separate systems to result housing inspections and generate invoices for fees. While the Accela Housing module was custom configured from an Accela code enforcement software module, and modified over subsequent years, it never provided fully satisfactory utility. The City is seeking a new system that includes both the inspection and financial components of the program to reduce the workload and streamline operations.

Building and zoning code enforcement activities are currently tracked with Excel spreadsheets. Citizenserve will improve these code enforcement efforts by providing a system with workflows to manage notices of violation and other correspondence, inspection notes, owner contact information, reminders, and citations when necessary. View access will be provided to staff in other departments, including Neighborhood

Services Code Enforcement, the Fire Department, and the Rent Board, to facilitate citywide coordination of code enforcement efforts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The proposed software is expected to significantly enhance operational efficiencies, enabling inspectors to complete more inspections weekly, thereby achieving higher inspection goals with fewer resources. It also offers the potential to further reduce the Department's carbon footprint through the adoption of more paperless processes.

RATIONALE FOR RECOMMENDATION

The proposed housing inspection and code enforcement software represents a pivotal upgrade for RHSP, and for building and zoning code enforcement, ensuring the continuation of essential services in a more efficient and integrated manner. The system will provide a portal for property owners, where they can make payments and fill out exemption correction forms online, which will save time for owners and staff alike, and will continue to provide tenants with an online portal to submit requests for service.

ALTERNATIVE ACTIONS CONSIDERED

During the RFP evaluation process, alternatives, including the adoption of different vendors' solutions, or not acquiring new software and continuing with inefficient processes, were thoroughly considered. However, the selection team determined that Citizenserve offered the most significant operational and fiscal advantages.

Staff also considered incorporating housing inspection and code enforcement functionalities into a broader RFP that is planned to procure a vendor to develop a new permitting system. This alternative was ultimately set aside in favor of the proposed solution specialized in code enforcement processes.

CONTACT PERSON

Eryn Blackwelder, Community Services Specialist II, Planning and Development Department, 510-981-7498

Jenny McNulty, Resilient Buildings Program Manager, Planning and Development Department, 510-981-7451

Attachments:
1: Resolution

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

CONTRACT: ONLINE SOLUTIONS, LLC (DBA CITIZENSERVE) FOR HOUSING INSPECTION AND CODE ENFORCEMENT SOFTWARE

WHEREAS, the City of Berkeley has identified the need to improve the efficiency of its housing inspection, code enforcement and revenue collection processes; and

WHEREAS, five firms responded to a Request for Proposals released on November 1, 2023 (Specification No. 24-11628-C); and

WHEREAS, a selection committee reviewed the proposals and determined that Online Solutions, LLC (DBA Citizenserve) was the best qualified to provide the services needed and offered the best combination of cost, software functionality and customer service; and

WHEREAS, funding for licensing, implementation and maintenance services in the amount of \$133,650, is allocated for Fiscal Year (FY) 2024 in the Planning Department's budget and spending 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 or their designee is authorized to execute a contract, and any amendments with Online Solutions, LLC for housing inspection and code enforcement software for a total contract period of five years in an amount not to exceed \$622,215 for the Planning and Development Department (from accounts 129-53-585-635-0000-000-441-613130-, 621-53-584-622-0000-000-472-613130-, and 621-53-585-634-0000-000-472-613130-).



Office of the City Manager

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Jordan Klein, Director, Planning and Development Department
 Subject: Contract: Raimi + Associates for Professional Planning Services for the North Shattuck, College and Solano Avenue Corridors Zoning Update

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the North Shattuck, College, and Solano Avenues Corridors Zoning Update, in an amount not to exceed \$600,000, for the period of June 6, 2024 to Dec 31, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this project comes from two sources: \$350,000 is available in Fund 011 (General Fund), and \$250,000 in Fund 621 (Permit Service Center), for a total project budget of \$600,000. Funds will be expended from 011-53-584-622-0000-000-441-612990- (General Funds Professional Services - Miscellaneous) and the PSC account is 621-53-584-622-0000-000-472-612990- (Permit Service Center Professional Services - Miscellaneous).

CURRENT SITUATION AND ITS EFFECTS

The North Shattuck, College, and Solano Avenue Corridors Zoning Update (Corridors Zoning Update) is an effort to amend the zoning of the three-priority commercial and transit corridors. In January 2024, the City released an RFP (Specification No. 24-11655-C) seeking a planning consultant to aid with Corridors Zoning Update. The City held a pre-bid meeting on February 8, 2024 and accepted proposals through March 14, 2024.

BACKGROUND

The 2023-2031 Housing Element Update includes Program 27-Priority Development Areas (PDAs), Commercial and Transit Corridors, which include updates to the Zoning Ordinance to increase allowed densities and/or development capacity with the goal of achieving consistency among all transit and commercial corridors, especially between formerly red-lined areas and higher-resource areas of Solano Avenue, north Shattuck Avenue, and College Avenue. The Housing Element Update also includes Program 33 – Zoning Code Amendment: Residential. Program 33, which includes adopting Zoning

Ordinance amendments to increase residential development potential, and developing objective standards for residential and mixed-use developments in commercial districts. This work will also address a City Council referral from May 23, 2023, authored by Councilmember Hahn, which provided further guidance to staff regarding the implementation of that Housing Element program.

Accordingly, the Planning and Development Department is embarking on a zoning update for the North Shattuck, College, and Solano Avenue corridors, with an estimated completion date of December 2026. The goals of the zoning updates are to revisit the allowed land uses and permits required in these districts, establish objective development standards in accordance with State laws, and increase the zoned capacity for housing development. The project will also include targeted updates to the General Plan Land Use Element to align with proposed zoning amendments, and associated environmental review.

To accomplish this significant scope of work, the City requires the help of a strong consultant team to work collaboratively with staff and stakeholders to analyze and develop land use policy recommendations. The process will proactively engage the community, consider relevant statutory laws and regulations, and result in updates to the Berkeley Municipal Code and Berkeley General Plan.

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 2023-2031 Cycle Housing Element 2023-2031 identifies Solano, North Shattuck, and College Avenues as priority commercial and transit corridors for increasing housing capacity, in part to further fair housing and mitigate barriers to development in high resource neighborhoods (Program 27-Priority Development Areas (PDAs), Commercial and Transit Corridors). The Housing Element also includes a program to increase residential development potential, and developing objective standards for residential and mixed-use developments in commercial districts (Program 33-Zoning Code Amendment: Residential).

Staff recommends the selection of Raimi + Associates, a planning consultant with extensive experience in Berkeley and throughout the State. Raimi + Associates' team includes Plan to Place, Yes Duffy Architects, Strategic Economics, Rincon Consultants, and Kittleson and Associates, and has particular experience with Berkeley's Zoning Ordinance, California Housing Law, CEQA and community engagement.

ALTERNATIVE ACTIONS CONSIDERED

The scope of the work and the level of effort required to update the land use regulations for the North Shattuck, College, and Solano corridors exceed the capacity of existing City staff. As such, the City did not consider managing and executing the project exclusively with staff resources.

CONTACT PERSON

Uttara Ramakrishnan, Associate Planner, Planning and Development Department, 510-981-7483

Attachments:

1: Resolution

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

CONTRACT WITH RAIMI + ASSOCIATES FOR PROFESSIONAL PLANNING SERVICES FOR THE NORTH SHATTUCK, COLLEGE, AND SOLANO AVENUE CORRIDORS ZONING UPDATE

WHEREAS, the State Department of Housing and Community Development (HCD) determines the Bay Area housing needs for an 8-year cycle; and

WHEREAS, the City of Berkeley ("City") adopted the 2023-2031 Housing Element Update of the Berkeley General Plan on January 18, 2023 with Resolution No. 70,669-N.S.; and

WHEREAS, the City prepared the 2023-31 Housing Element in conformance with State and local planning laws and practices, considering local conditions and context, including economic, environmental, and fiscal factors; and

WHEREAS, the Housing Element includes an inventory of sites that can accommodate the new housing sufficient to meet the City's Regional Housing Needs Allocation (RHNA) obligation at each income level; and

WHEREAS, HCD requires the City's sites inventory, identified to meet the RHNA, affirmatively furthers fair housing. This includes ensuring RHNA units, especially lower income units, are not disproportionately concentrated in areas with larger populations of interest or special needs populations such as racial/ethnic minority groups, persons with disabilities, Racially or Ethnically Concentrated Areas of Poverty, cost burdened renters, etc.; and

WHEREAS, in adopting the 2023-2031 Housing Element Update, Program 33 includes adopting Zoning Ordinance amendments to increase residential development potential, and developing objective standards for residential and mixed-use developments in commercial districts; and

WHEREAS, the Planning and Development Department determined that consultant assistance is needed to complete the North Shattuck, College, and Solano Avenue Corridors Zoning Update; and

WHEREAS, in January 2023, the City of Berkeley released Request for Proposals Specification No. 24-11655-C for professional planning services; and

WHEREAS, in March 2024, Raimi + Associates submitted a proposal with a detailed scope of work and budget for the preparation of the North Shattuck, College, and Solano Avenue Corridors Zoning Update; and

WHEREAS, funding will be expended from 011-53-584-622-0000-000-441-612990- (General Funds Prof Svcs - Misc) and the PSC account is 621-53-584-622-0000-000-472-612990- (Permit Service Center Prof Svcs - Misc).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or their designee is authorized to execute a contract and any amendments with Raimi + Associates to perform professional planning services for the North Shattuck, College, and Solano Avenues Corridors Zoning Update, for an amount not to exceed \$600,000, for a period of June 6, 2024 to December 31, 2026. A record signature copy of said contract and any amendment to be on file in the City Clerk Department.



Office of the City Manager

CONSENT CALENDER
May 21, 2024

To: Honorable Mayor and Members of the City Council
From: Dee Williams-Ridley, City Manager
Submitted by: Jennifer Louis, Chief of Police
Subject: Contract No. 32300103 Amendment: Bay Area PL Services of On-call Phlebotomy and Sexual Assault Exams

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32300103 and any necessary future amendments with Bay Area PL Services for the Berkeley Police Department, increasing the contract amount by \$150,000 for a total not to exceed amount of \$200,000 with the contract end date extended to December 31, 2028.

FISCAL IMPACTS OF RECOMMENDATION

Approval of the recommendation would support ongoing operational expense required for solving criminal cases in a timely matter. The funding for this contract is allocated from the State Citizens Option for Public Safety program 159 Fund (budget code 159-71-705-820-0000-000-421-612990) and does not impact the General Fund.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Police Department (BPD) currently contracts with Bay Area PL Services to provide the services of an on-call phlebotomist licensed by the State of California as a clinical laboratory technologist for blood draws and suspect sexual assault exams. This service is essential in obtaining evidence in compliance with state law for criminal investigations. The ability for BPD to have an on-call service that can respond to almost any location throughout Alameda County in a timely manner greatly assists the Department in the successful prosecution of cases.

BPD has less than \$10,000 remaining of the \$50,000 contract. At the current rate of usage, the funding will be exhausted by August 2024. In order to maintain the ability to collect invaluable evidence the BPD is requesting this contract amendment of an additional \$150,000 and a contract total not to exceed \$200,000.

BACKGROUND

Prior to the contract with Bay Area PL Services the BPD contracted with VBS services for collection of biological evidence. The Department discontinued this contract because VBS was no longer capable of conducting suspect sexual assault exams. In 2022 BPD entered into a contract with Bay Area PL Services as a sole source provider. Currently there is no other organization in the Bay Area that can provide the services needed by the BPD.

This contract satisfies the requirement for BPD to obtain blood samples for testing and/or exam services on a subject and to properly collect, preserve and document the evidence as required by state law and the courts.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

All waste is properly disposed of to ensure compliance with biological hazardous waste requirements.

RATIONALE FOR RECOMMENDATION

The cost associated with on-call phlebotomy and sexual assault exam services is an operational expense for which the Berkeley Police Department is currently responsible. In an effort to solve criminal cases as fast as practical and potentially limit further victimization, the BPD continues to utilize these services. An amendment to increase funds for this contract will allow the Department to continue to meet the on-call phlebotomy and suspect sexual assault examination requirements of its investigations.

ALTERNATIVE ACTIONS CONSIDERED

Stop the use of this contract and not collect crucial evidence in criminal cases resulting in charges not being filed and cases being dropped.

CONTACT PERSON

Jennifer Louis, Chief of Police, (510)-981-5900

Attachment:

1. Resolution

Contract No. 32300103 Amendment: Bay Area PL Services of On-call Phlebotomy and Sexual Assault Exams

3 | Page

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

CONTRACT NO. 32300103 AMENDMENT: BAY AREA PL SERVICES FOR ON-CALL PHLEBOTOMY AND SEXUAL ASSAULT EXAMS

WHEREAS, the Berkeley Police Department is responsible for emergency response and investigations involving criminal activity within the City of Berkeley; and

WHEREAS, the Berkeley Police Department is required to obtain blood samples and suspect sexual assault exam services for investigation as required by state law and the courts; and

WHEREAS, the Bay Area PL Services maintains trained and state certified phlebotomists and technicians to provide these on-call services to the Berkeley Police Department; and

WHEREAS, the Berkeley Police Department has identified on-call phlebotomy and sexual assault exam services as an operational expense for which the Department is responsible and funds from the State Citizens Option for Public Safety program 159 Fund will be the primary source of funding.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32300103 and any necessary future amendments with Bay Area PL Services for on-call phlebotomy and suspect sexual assault exam services to the Berkeley Police Department for an additional \$150,000 not to exceed \$200,000, and extend the contract until December 31, 2028, and subject to the City's annual budget appropriation process.



Office of the City Manager

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Terrance Davis, Director, Department of Public Works
 Subject: Declaration of Intent – Fiscal Year 2025 Street Lighting Assessments

RECOMMENDATION

Adopt two Resolutions granting the City Manager the authority to:

- Approve the Engineer's Reports;
- Set a public hearing to be held before the Council of the City of Berkeley at its June 25, 2024, meeting; and
- Authorize the City Clerk to publish a Notice of the Public Hearing for Fiscal Year 2025 Levy of Assessments for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018.

FISCAL IMPACTS OF RECOMMENDATION

Resolutions would conditionally approve, pending the public hearing and final City Council authorization thereafter, the continued levying of assessments in Fiscal Year (FY) 2025 for Berkeley Street Lighting Assessment District No. 1982-1 and Street Lighting Assessment District 2018, collectively referred to herein as the Districts.

The assessments are to be filed with the Alameda County Auditor and included on the County's assessment roll. After collection by the County, the total amount of the assessment minus a county collection fee is paid to the City of Berkeley. The Street Light Assessment District Fund (Fund 142) posts the revenue.

A summary of forecasted FY 2025 revenue and expenditures for the Districts is shown in Table 1.

Table 1: FY 2025 Street Light Assessment Revenue & Expenditures Forecast

Street Lighting Program Expenditures	\$ 1,948,743
Projected Assessments	
Street Light Assessment District 1982-1	\$ 1,422,966
Street Light Assessment District 2018	\$ 838,753
Misc. Revenue	\$ 500

Projected Net Assessments	\$ 2,262,219
To (from) General Fund and/or Reserves	\$ 313,477

Allowable annual adjustments of the 2018 District assessment rates are expected to raise revenues over the coming years.

CURRENT SITUATION AND ITS EFFECTS

The proposed FY 2025 rates for Assessment District 1982-1 (1982 District) are incorporated into the Engineer's Report (Attachment 3) and reflect no changes to assessment rates in FY 2025⁴. Accordingly, this action is exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XIII D, Sec. 5). Any increase or change in the formula for the assessments would make the annual assessment subject to procedures and approval process of Proposition 218 (Government Code Section 53750-53754): table 2 details this district's prior year and proposed FY 2025 assessment rates.

Table 2: Street Lighting Assessment District No. 1982-1 Rate Schedule

Rate Category	Assessment FY 2024	Proposed Assessment FY 2025	Unit
Residential and Institutional	\$ 0.0108	\$ 0.0108	BSF ¹
Industrial and Utility	\$ 0.0216	\$ 0.0216	BSF
Commercial	\$ 0.0432	\$ 0.0432	BSF

The assessment for Street Lighting Assessment District 2018 (2018 District) is subject to an annual adjustment tied to the Consumer Price Index-U for the San Francisco Bay Area as of December of each succeeding year (the "CPI"), with a maximum annual adjustment not to exceed 3%. For the period beginning in December 2022 and ending in December 2023, the CPI increased by 2.62%², therefore, the assessment CPI adjustment for Fiscal Year 2025 may not exceed the 2.62%. As approved by voters, the total annual adjustment may be calculated by taking the sum of the 1982-1 District and 2018 District assessments and multiplying the sum by the allowable CPI increase. Calculating the adjustment in this manner allows for including a 1982-1 District adjustment as part of the 2018 District adjustment. The cumulative total adjustment resulted in an increase in the 2018 district assessment rate of approximately 8.49%.

¹ Building Square Footage (BSF)

² Bureau of Labor Statistics, Data Series CUUSS49BSA0

These rate increases and the methodology used in their calculation are in accordance with the voter-approved measure; therefore, the proposed adjustments are exempt from the notice, protest, and hearing requirements of State Proposition 218 as set forth in Government Code Section 53753.5 (Article XII D, Sec. 5). Table 3 details FY 2024 and proposed FY 2025 assessment rates for this district. A detailed calculation of the annual adjustment and the corresponding rate increases are included in the 2018 District Engineer's Report (Attachment 4).

Table 3: Street Lighting Assessment District 2018 Rate Schedule

Rate Category	Assessment FY 2024	Proposed Assessment FY 2025	Unit
Residential			
Single Family	\$ 16.72	\$ 17.96	parcel
Multi-Family<5 units	\$ 13.38	\$ 14.37	unit
Multi-Family 5 or more units	\$ 10.03	\$ 10.78	unit
Condominium	\$ 13.38	\$ 14.37	parcel
Mobile Home	\$ 8.36	\$ 8.98	unit
Multiple SFR on parcel	\$ 16.72	\$ 17.96	unit
Non-Residential			
General Commercial	\$ 250.80	\$ 269.40	acre
Industrial / Warehouse	\$ 25.08	\$ 26.94	acre
Auto Repair	\$ 167.20	\$ 179.60	acre
Hotel / Motel / Boarding	\$ 167.20	\$ 179.60	acre
Hospital	\$ 104.50	\$ 112.25	acre
Retirement Home	\$ 20.90	\$ 22.45	acre
School / Day Care	\$ 37.62	\$ 40.41	acre
Medical / Dental / Vet	\$ 209.00	\$ 224.50	acre
Church	\$ 12.54	\$ 13.47	acre
Mortuary	\$ 4.18	\$ 4.49	acre
Recreational	\$ 41.80	\$ 44.90	acre
Parking / Transportation	\$ 83.60	\$ 89.80	acre
Mini Storage	\$ 12.54	\$ 13.47	acre
Office	\$ 62.70	\$ 67.35	acre
Bank	\$ 209.00	\$ 224.50	acre
Park / Open Space / Agriculture	\$ 0.84	\$ 0.90	acre
Vacant	<i>Not assessed</i>		

Revenue from the assessments will provide needed funding for installing, maintaining, and servicing public lighting facilities, including but not limited to street lights, traffic

signals, and related electrical facilities. The improvements and services support the Strategic Plan goals of creating a resilient, safe, connected, and prepared city and providing state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The Berkeley Street Lighting Assessment District No. 1982-1 was established under the Landscaping and Lighting Act of 1972 (Streets and Highway Code Section 22620-22631) on July 27, 1982 (Resolution No. 51,449-N.S.)³. The Street Lighting Assessment District 2018 was established under the same Act on June 12, 2018 (Resolution No. 68,482-N.S.). The Landscaping and Lighting Act of 1972 requires the City Council to hold a public hearing each year to consider the adoption of an annual budget and approve changes to the Engineer's Report, even if assessments are not being increased.

In accordance with the Landscaping and Lighting Act of 1972, the City Council sets a date for a public hearing and authorizes the publication of a notice at least ten days prior to the date of that hearing to allow owners of assessed properties within each district to make an oral or written protest against the annual levy. During the course of, or upon conclusion of the public hearing, the City Council may order changes in any of the matters provided in the respective Engineer's Report, including changes in improvements; zones within the assessment district; and the proposed district diagram, or the proposed assessment, as long as any proposed changes are less than the proposed annual levy.

Copies of the Engineer's Reports with FY 2025 assessments are to be filed with the City Clerk and at the reference desk of the main branch of the Berkeley Public Library. Electronic copies of the reports and finalized assessment rolls will also be available to the public upon request.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City exclusively uses LED (light emitting diode) street lighting. LED lights achieve the City's illumination standards and last longer than high-pressure sodium lamps, reducing maintenance costs, and providing environmental benefits by reducing the level of greenhouse gases emitted, reducing the level of toxic materials disposed, and maximizing energy efficiency.

RATIONALE FOR RECOMMENDATION

The Landscaping and Lighting Act of 1972, under which the Districts were formed, requires a public hearing to be held each year during a regular City Council Meeting to

³ State of California legislation (Streets & Highways §22500) allows local governmental agencies to form Landscape & Lighting Maintenance Districts. A 1972 Act Landscaping and Lighting District is a flexible tool used by local government agencies to pay for landscaping, lighting and other improvements and services in public areas. It is based on the concept of assessing only those properties that benefit from improvements financed, either directly, or indirectly through increased property values.

<http://www.californiataxdata.com/pdf/1972LLact.pdf>

consider adopting an annual budget and changes to the Engineer's Report. Failing to meet these requirements would prevent the City from collecting assessments for the Districts in FY 2025.

CONTACT PERSON

Wahid Amiri, Deputy Director, Department of Public Works, (510) 981-6396
Ronald A. Nevels, Manager of Engineering, Public Works, (510) 981-6439

Attachments:

- 1: Resolution – Declaration of Intent – Street Lighting Assessment District 1982-1
- 2: Resolution – Declaration of Intent – Street Lighting Assessment District 2018
- 3: Engineer's Report - Street Lighting Assessment District 1982-1 Fiscal Year 2025
- 4: Engineer's Report - Street Lighting Assessment District 2018 Fiscal Year 2025

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

DECLARATION OF INTENT – ASSESSMENTS FOR FY 2025 STREET LIGHTING
ASSESSMENT DISTRICT 1982-1

WHEREAS, on July 27, 1982, the Council of the City of Berkeley Adopted Resolution No. 51,449–N.S. that completed proceedings to form the Berkeley Street Lighting Assessment District No. 1982-1; and

WHEREAS, pursuant to Chapter III of the Landscaping and Lighting Act of 1972 Street and Highway Code Section 22620-22631, the Department of Public Works, Engineering Division, Engineer of Work for Berkeley Street Lighting Assessment District No. 1982-1, prepared and filed an annual report for levy of annual assessments for Fiscal Year (FY) 2025 with the City Clerk.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council of the City of Berkeley approves the Engineer’s Report, dated April 2024, on levy of FY 2025 for Berkeley Street Lighting Assessment District 1982-1 assessments. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley declares its intention to levy and collect assessments within the Berkeley Street Lighting Assessment District 1982-1 for FY 2025.

BE IT FURTHER RESOLVED that the City Clerk shall publish a notice at least ten (10) days prior to the date of the public hearing listing the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

BE IT FURTHER RESOLVED that the annual report for Fiscal Year 2025 for which assessments are to be levied and collected to pay the costs of the improvements described in the report prepared by the Department of Public Works, Engineering Division, in accordance with the Landscaping and Lighting Act of 1972 is filed with the Office of City Clerk. All interested persons are referred to that report for a full and detailed

May 21, 2024

description of improvements, boundaries of the assessment district, and proposed assessments upon assessable lots and parcels of land within the assessment district.

BE IT FURTHER RESOLVED that at 6:00 PM on Tuesday, June 25, 2024, the City Council will conduct a public hearing. The hearing may be held in the School District Board Room at 1231 Addison Street, Berkeley, CA 94702. The Council will consider all objections or protests, if any, to the proposed assessment. Any interested person may present written or oral testimony at the public hearing.

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

DECLARATION OF INTENT – ASSESSMENTS FOR FY 2025 STREET LIGHTING
ASSESSMENT DISTRICT 2018

WHEREAS, on June 12, 2018, the Council of the City of Berkeley Adopted Resolution No. 68,432–N.S. that completed proceedings to form the Street Lighting Assessment District 2018; and

WHEREAS, pursuant to Chapter III of the Landscaping and Lighting Act of 1972 Street and Highway Code Section 22620-22631, the Department of Public Works, Engineering Division, Engineer of Work for Street Lighting Assessment District 2018, prepared and filed an annual report for levy of annual assessments for Fiscal Year (FY) 2025 with the City Clerk.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley approves the Engineer’s Report, dated April 2024, on the levy of assessments for FY 2025 for Street Lighting Assessment District 2018. The area of land to be assessed is located in the City of Berkeley, Alameda County.

BE IT FURTHER RESOLVED that the proposed annual adjustments of assessments are in compliance with the provisions of Proposition 218 because adjustments are in accordance with adjustment formulas established when the assessment district was formed.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley declares its intention to levy and collect assessments within the Street Lighting Assessment District 2018 for FY 2025.

BE IT FURTHER RESOLVED that the City Clerk shall publish a notice at least ten (10) days prior to the date of the public hearing listing the date, hour, and place of the public hearing for annual levy and collection of assessments in accordance with Streets and Highway Code Sections 22625, 22626, 22552, and 22553 and Section 6061 of the Government Code.

BE IT FURTHER RESOLVED that improvements to be made in this assessment district are generally described as maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting, including but not limited to grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalk, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

May 21, 2024

BE IT FURTHER RESOLVED that the annual report for Fiscal Year 2025 for which assessments are to be levied and collected to pay the costs of the improvements described in the report prepared by the Department of Public Works, Engineering Division, in accordance with the Landscaping and Lighting Act of 1972 is filed with the Office of City Clerk. All interested persons are referred to that report for a full and detailed description of improvements, boundaries of the assessment district, and proposed assessments upon assessable lots and parcels of land within the assessment district.

BE IT FURTHER RESOLVED that at 6:00 PM on Tuesday, June 25, 2024, the City Council will conduct a public hearing. The hearing may be held in the School District Board Room at 1231 Addison Street, Berkeley, CA, 94702. The Council will consider all objections or protests, if any, to the proposed assessment. Any interested person may present written or oral testimony at the public hearing.

CITY OF BERKELEY

STREET LIGHTING ASSESSMENT DISTRICT No. 1982-1

ENGINEER'S REPORT

on the
Levy of an Assessment
for
Fiscal Year 2025

April 2024

Prepared by

RONALD NEVELS, PE
CITY OF BERKELEY
DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION

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BACKGROUND

By its Resolution 51,230 N.S., adopted April 6, 1982, the Berkeley City Council initiated proceedings under the provisions of Division 15, Part 2, of the California Streets and Highways Code, entitled "Landscaping and Lighting Act of 1972". The required public hearing was held on July 20, 1982, at which time the Council ordered the improvements and the formation of the assessment district, and confirmed the diagram and assessment. The district so formed was designated the "City of Berkeley Street Lighting Assessment District 1982-1". Assessments have been levied for the 1983 through 2024 fiscal years.

This report was prepared and filed pursuant to Division 15, Part 2, of the California Streets and Highway Code Section 2250, and is exempt from Government Code Section 53753 since the proposed assessment for FY 2025 will not be increased.

PLANS AND SPECIFICATIONS

The plans and specifications for this assessment district were prepared and filed with the Engineer's Report for the 1983 fiscal year, which plans and specifications are incorporated herein by this reference thereto.

METHODOLOGY

The benefit to individual parcels within the Assessment District was established in 1982 based on the median light intensity a parcel receives. Parcel's Land Use Code (LUC) is used to categorize the parcels. The assessment is calculated by multiplying the building square footage on the parcel times the rate of its category. The rate structure has three categories: 1) Residential and Institutional, 2) Industrial, 3) Commercial. An industrial area has twice the median light intensity of a residential area and a commercial area has four times the median light intensity; therefore, the rates are two and four times higher, respectively, than the residential rate. The rates are:

Residential and Institutional	\$0.0108/Building Square Footage
Industrial and Utility	\$0.0216/Building Square Footage
Commercial	\$0.0432/Building Square Footage

ESTIMATE OF COSTS

The improvements to be made in this assessment district are generally described as the maintenance or servicing of existing and future public lighting facilities, including, but not limited to street lights, traffic signals, and related electrical facilities; and the installation and construction of public lighting including grading, clearing, removal of debris, installation and construction of curbs, gutters, walls, sidewalks, paving, irrigation, and drainage as needed for the installation of public lighting or related electrical facilities.

An estimate of costs for the maintenance of the improvements is provided in the fiscal year (FY) 2025 Street Light Assessment Fund (Fund 142) forecast provided below.

Table 1- FY 2025 Street Light Fund Forecast

Expenses	
Personnel Expenses	\$ 474,194
Non-Personnel Expenses	
<i>Non-Personnel</i>	\$ 452,239
<i>Debt Service</i>	\$ 217,907
<i>PG&E Electric Costs</i>	\$ 498,352
<i>Indirect Costs</i>	\$ 56,564
<i>Operating Transfer Out</i>	\$ 12,120
<i>County Collection Fee</i>	\$ 37,367
Subtotal Non-Personnel Costs	\$ 1,274,549
Capital Expenses	
<i>Deferred Capital/Maint</i>	\$ 200,000
Subtotal Capital Expenses	\$ 200,000
Total Expenses	\$ 1,948,743
Assessments & Other Revenue	
Street Light Assessment District 1982-1	\$ 1,422,966
Street Light Assessment District 2018	\$ 838,753
Misc. Revenue	\$ 500
Total Revenue	\$ 2,262,219
Deficit – To (from) General Fund and/or Reserves	\$ 313,477

DIAGRAM

The diagram for this assessment district was prepared and filed with the Engineer's Report for the 1983 fiscal year.

ASSESSMENT

Except as described below, the assessments to be made against the assessable lots and parcels of land within this assessment district are contained in the "2024 Assessment Roll" for this district, which roll is filed herewith and incorporated herein by this reference thereto.

Said assessment roll filed herewith is based on data contained in the City's 2024 Library Tax tape and the County Assessor's 2024 maps. In the event that data contained in the 2024 Library Tax tape and 2024 maps, when issued, conflict therewith, assessments to be made against the affected parcels for this 2025 Fiscal Year shall be based upon the revised data contained in said 2025 tape and 2025 maps.

Dated: _____

Ronald Nevels, RCE 62524
Engineer of Work

APPENDIX A: FY 2025 ASSESSMENT ROLL

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference, made part of this report. These records shall govern all details concerning the description of the lots or parcels.

FY 2025

City of Berkeley

Street Lighting Assessment District 2018

April 2024

Engineer of Work:



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Fairfield, California 94534
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CITY OF BERKELEY

City Council

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Ben Bartlett, District 3
Vacant, District 4
Sophie Hahn, District 5
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Mark Humbert, District 8

City Manager

Dee Williams-Ridley

Public Works Department

LaTanya Bellow, Interim Director
Joseph Enke, Manager of Engineering
Ricardo Salcedo, Associate Civil Engineer

City Attorney

Farimah Brown

Engineer of Work

John Bliss, P.E., SCI Consulting Group

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Introduction

Overview

The City of Berkeley (“City”) provides maintenance and servicing of certain publicly-owned street lights throughout the City. In order to fund the installation, maintenance and operation (the “Services”) of these improvements (“Improvements”), the City formed a city-wide street light assessment district in 1982. The rates for the 1982 assessment district have never been increased. Revenues from these assessments are placed into the streetlight fund (Fund 470).

In time, the financial outlook of the Streetlight fund began to cause concern as the costs increased for energy, labor and materials, while the revenue remained relatively static. Accordingly, the Streetlight fund no longer had enough funds to fund the Street light program. As a result, beginning in Fiscal Year 2006¹ the Streetlight fund began to receive a subsidy from the City’s General Fund in order to balance revenues with expenditures. However, because of other demands on the General Fund, that subsidy ended beginning Fiscal Year 2018. The modest fund balance was sufficient for Fiscal Year 2018 to cover that year’s anticipated expenses, but under current conditions it was expected to be depleted during Fiscal Year 2019. To establish financial sustainability for the Streetlight fund and avoid significant reductions in service levels, in 2018 the City conducted a funding measure to increase the assessment revenue for street light services.

With the passage of Proposition 218 in 1996, any increase in assessments must be approved by the affected property owners through a specified ballot proceeding. In addition, Proposition 218 and related subsequent court decisions create strict criteria for how assessments can be apportioned to the various properties, and the existing 1982 assessment structure may not be adequately consistent with these newer criteria. While the 1982 assessment structure may continue as a “grandfathered” assessment, any increase must be implemented in accordance with Proposition 218 and court decisions. For this reason, a new district, Street Lighting Assessment District 2018 (“District”), was formed separately, leaving the 1982 assessment structure in place, as is. The District will was formed and the levies are made pursuant to Part 2 of Division 15 of the *California Streets and Highways Code*, commonly known as the Landscape and Lighting Act of 1972 (“Act”), and Article XIID of the California Constitution (“Article”).

¹ Fiscal years are referenced in this Report by the year that fiscal period ends. For example, Fiscal Year 2006 would cover the period from July 1, 2005 through June 30, 2006.

Assessment Formation Process

This Engineer's Report ("Report") describes the Street Lighting Assessment District 2018 ("District"), along with the boundaries, a description of the facilities and public improvements to be improved, serviced and maintained by the assessments (the "Improvements"), and the proposed assessments for Fiscal Year 2025 ("Assessments").

At its meeting on April 3, 2018, the City Council passed a resolution directing that a notice of assessment and assessment ballot be mailed to property owners within the District whose property receives special benefit from the Improvements. The notice included a description of the Improvements to be funded by the Assessments, the proposed assessment amount for each parcel owned, and an explanation of the method of completing and submitting the ballot. Ballots were mailed on or about April 11, 2018.

On May 29, 2018, a public hearing was held for the purpose of allowing public testimony regarding the proposed Assessments. At the Public Hearing, the public had the opportunity to speak on the issue, voice any concerns or protests, and obtain further information about the proposed Assessments.

The returned ballots were then tabulated, and the ballot results were announced at the City Council meeting on June 12, 2018. It was determined that the assessment ballots submitted in opposition to the proposed Assessments did not exceed the assessment ballots submitted in favor of the Assessments (each ballot was weighted by the proportional financial obligation of the property for which the ballot was submitted), so the Council was able to take action to approve the levying of Assessments for Fiscal Year 2019. The Assessments were confirmed and approved, and the Assessment information was submitted to the County Auditor/Controller. The County Auditor/Controller included the Assessments on the property tax roll beginning in Fiscal Year 2019. Assessments may now be continued by the City Council from year to year.

Legal Requirements

Proposition 218

This Assessment District was formed consistent with Proposition 218, The Right to Vote on Taxes Act, which was approved by the voters of California on November 6, 1996 and is now codified as Articles XIII C and XIII D of the California Constitution. Proposition 218 provides for benefit assessments to be levied to fund the cost of providing services, improvements, as well as maintenance and operation expenses to a public improvement which benefits the assessed property.

Proposition 218 describes a number of important requirements, including property-owner balloting for the imposition, increase and extension of assessments, and these requirements are satisfied by the process used to establish this Assessment District.

Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority

In July 2008, the California Supreme Court decided *Silicon Valley Taxpayers Association, Inc. v. Santa Clara County Open Space Authority* (“SVTA”), the most significant court case clarifying the substantive assessment requirements of Proposition 218. Several of the most important elements of the decision included further emphasis that:

- Benefit assessments are for special benefits to property, not general benefits.
- The services and/or improvements funded by assessments must be clearly defined.
- Assessment districts must be drawn to contain all parcels that receive a special benefit from a proposed public improvement.
- Assessments paid in each assessment district must be proportional to the special benefit received by each such parcel from the improvements and services funded by the assessment.

This Engineer’s Report and the process used to establish the Assessments are consistent with the *SVTA* decision and with the requirements of Article XIIC and XIID of the California Constitution based on the following factors:

1. The District is narrowly drawn to include only the properties that receive special benefit from the specific Improvements. Thus, zones of benefit are not required, and the assessment revenue derived from real property in the District is extended only on the Improvements in the District.
2. The Improvements which will be constructed and maintained with Assessment proceeds in the District are located in close proximity to the real property subject to the Assessment. The Improvements provide illumination to streets and sidewalks enabling improved access to the residents of such assessed property. The proximity of the Improvements to the assessed parcels and the improved access and increased safety provided to the residents of the assessed parcels by the Improvements provides a special benefit to the parcel being assessed pursuant to the factors outlined by the Supreme Court in that decision.

3. Due to their proximity to the assessed parcels, the Improvements financed with Assessment revenues in the District benefit the properties in that District in a manner different in kind from the benefit that other parcels of real property in the area derive from such Improvements, and the benefits conferred on such property in the District are more extensive than a general increase in property values.
4. The assessments paid in the District are proportional to the special benefit that each parcel within the District receives from the Improvements because:
 - a) The costs of the specific lighting Improvements and maintenance and utility costs in the District are specified in this Report; and
 - b) Such Improvement and maintenance costs in the District are allocated among different types of property located within the District and equally among those properties which have similar characteristics, such as single-family residential parcels, multi-family residential parcels, commercial parcels, industrial parcels, etc.

Dahms v. Downtown Pomona Property

On June 8, 2009, the Court of Appeal amended its original opinion upholding a benefit assessment for property in the downtown area of the City of Pomona in *Dahms v. Downtown Pomona Property* (“*Dahms*”). On July 22, 2009, the California Supreme Court denied review. In *Dahms* the Court upheld an assessment that was 100% special benefit (i.e. 0% general benefit) on the rationale that the services and improvements funded by the assessments were directly provided to property in the assessment district. The Court also upheld discounts and exemptions from the assessment for certain properties.

Bonander v. Town of Tiburon

On December 31, 2009, in *Bonander v. Town of Tiburon* (“*Bonander*”), the Court of Appeal overturned a benefit assessment approved by property owners to pay for placing overhead utility lines underground in an area of the Town of Tiburon. The Court invalidated the assessments primarily on the grounds that the assessments had been apportioned to assessed property based in part on relative costs within sub-areas of the assessment district instead of the overall cost of the improvements and the overall proportional special benefits.

Beutz v. County of Riverside

On May 26, 2010 the Court of Appeals issued a decision in Steven Beutz v. County of Riverside ("*Beutz*"). This decision overturned an assessment for park maintenance in Wildomar, California, primarily because the general benefits associated with improvements and services was not explicitly calculated, quantified and separated from the special benefits.

Golden Hill Neighborhood Association v. City of San Diego

On September 22, 2011, the Court of Appeal issued a decision in Golden Hill Neighborhood Association v. City of San Diego appeal. This decision overturned an assessment for street and landscaping maintenance in the Greater Golden Hill neighborhood of San Diego, California. The Court described two primary reasons for its decision. First, like in *Beutz*, the Court found the general benefits associated with services were not explicitly calculated, quantified and separated from the special benefits. Second, the Court found that the City failed to record the basis for the assessment on its own parcels.

Compliance with Current Law

This Engineer's Report is consistent with the requirements of Articles XIIC and XIID of the California Constitution and with the *SVTA* decision because the Improvements to be funded are clearly defined; the Improvements are directly available to and will directly benefit property in the District; and the Improvements provide a direct advantage to property in the District that would not be received in absence of the Assessments.

This Engineer's Report is consistent with *Beutz*, *Dahms* and *Greater Golden Hill* because the Improvements will directly benefit property in the District and the general benefits have been explicitly calculated and quantified and excluded from the Assessments. The Engineer's Report is consistent with *Bonander* because the Assessments have been apportioned based on the overall cost of the Improvements and Services and proportional special benefit to each property.

Plans and Specifications

The work and Improvements to be undertaken by the City and the cost paid from the levy of the annual assessment provide special benefit to assessor parcels within the District defined in the Method of Assessment herein. Consistent with the Act, the Improvements are generally described as follows:

The installation, maintenance, and servicing of local street lights in close proximity to certain lots and parcels which provide a direct special benefit to such lots or parcels.

The installation, maintenance, and servicing of peripheral street light structures which provide a special benefit to all the assessable parcels within the District whether or not such parcels are in close proximity to such lighting.

The installation or construction of public lighting facilities, or the acquisition of any new improvements.

Plans and Specifications for the Improvements for the District are voluminous and are not bound in this Report but by this reference are incorporated and made a part of this Report. The Plans and Specifications are on file in the Public Works Engineering Office where they can be made available for public inspection.

Article XIII D of the California Constitution defines "maintenance and servicing expenses" as, "the cost of rent, repair, replacement, rehabilitation, fuel, power, electrical current, care and supervision necessary to properly operate and maintain a permanent public improvement." The Improvement funding includes, but is not limited to, the removal, repair, replacement or relocation of light standards, poles, bulbs, fixtures and appurtenances, electrical energy, supplies, engineering and incidental costs relating to the maintenance and servicing of the local lighting improvements benefiting the parcels within the District.

The Improvements to be maintained and serviced within the District are to be part of the local street light system of the City of Berkeley that confers special benefit to the District's parcels. The specific location of local street light Improvements within the City can be found in the Streetlight Condition Assessment by Tanko Lighting, which is on file in the office of the Director of Public Works, where it is available for public inspection.

The Improvements to be maintained and serviced within the District include City-owned street lights within the right of way of the local public streets located within the boundaries of the District. These lights are all within close proximity to the parcels within the District identified as receiving local lighting benefit in the Method of Assessment, and, as such, provide special benefit to these parcels.

All street light maintenance will be performed by the City of Berkeley or its contractors.

Fiscal Year 2025 Budget

A summary budget for fiscal year 2025 for the maintenance of the Improvements is provided below. The full Itemized budget for the Assessment District is voluminous and is not bound in this report but by reference is incorporated and made a part of this report. The Itemized budget is on file in the Department of Public Works where it is available for public inspection.

Table 1 – FY 2025 Budget Summary

	FY 2025
Revenue	
1982 Assessment Dist	\$ 1,422,966
SLAD 2018 Assessments ¹	838,753
Misc. Revenue	500
TOTAL REVENUE	\$ 2,262,219
Expenses	
<u>Personnel Expenses</u>	
Personnel	474,194
<u>Other Operating Expenses</u>	
Non-Personnel	452,239
Indirect Costs	56,564
Gas/Electricity	498,352
Debt Service Payment	217,907
Operating Transfer Out	12,120
County Collection Fee	37,367
Other Operating Subtotal	\$ 1,274,549
<u>Capital Expenses</u>	
Deferred Capital/Maint	200,000
Capital Subtotal	\$ 200,000
TOTAL EXPENSES	\$ 1,948,743
To (from) General Fund and/or Reserves	\$ 313,477
Budget Allocation to Parcels	
Total Street Light 2018 Assessments ¹	\$ 838,753
Total Street Light 2018 SFEs	46,691.257
Assessment per SFE ²	\$ 17.96

Notes on the Budget:

1. The Act requires that proceeds from the Assessments must be deposited into a special fund that has been set up for the revenues and expenditures of the District. Moreover, funds raised by the Assessment shall be used only for the purposes stated within this Report. Any balance remaining at the end of the Fiscal Year, June 30, must be carried over to the next Fiscal Year. The City may also establish a reserve fund for contingencies and special projects, as well as a capital improvement fund for accumulating funds for larger capital improvement projects or capital renovation needs. Any remaining balance would either be placed in the reserve fund, the capital improvement fund, or would be used to reduce future years' assessments.

2. The rate shown here is for a Single-Family Equivalent ("SFE"), which is a single-family home or its equivalent. For the definition of the term SFE and rates for other types of property, see the section titled, "Method of Assessment" and the sections following it in this report.

Method of Assessment

This section of the Engineer's Report includes an explanation of the benefits derived from the installation, maintenance and servicing of the Improvements throughout the District and the Assessment methodology used to apportion the total Assessment to properties within the District.

The District consists of all assessor parcels within the boundaries as defined by the Assessment Diagram and the parcels identified by the Assessor Parcel Numbers listed with the levy roll included with this Report. The parcel list includes all assessable privately and publicly owned parcels within the boundaries. The method used for apportioning the Assessment is based on the proportional special benefits to be derived by the properties in the District over and above general benefits conferred on real property or to the public at large. The apportionment of special benefit is a two-step process: the first step is to identify the types of special benefit arising from the Improvements and the second step is to allocate the Assessments to property based on the estimated relative special benefit for each type of property.

Discussion of Benefit

In summary, the Assessments can only be levied based on the special benefit to property. This benefit is received by property over and above any general benefits. Moreover, such benefit is not based on any one property owner's use of the Improvements or a property owner's specific demographic status. With reference to the requirements for Assessments, Section 22573 of the Act states:

The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.

Proposition 218, as codified in Article XIID of the California Constitution, has confirmed that Assessments must be based on the special benefit to property:

No assessment shall be imposed on any parcel which exceeds the reasonable cost of the proportional special benefit conferred on that parcel.

Special Benefit

Street lighting is an optional improvement, not required by state or federal law, that is an enhancement over and above requisite infrastructure, and thus is a special benefit. The majority of the benefits of the street lights are received by the benefited property, with a small portion of the benefits received by the general public on major streets only. This portion received by the general public is captured and quantified in the following section.

The factors that determine special benefit conferred on parcels are detailed below:

Improved Visibility and Safety

Well maintained, effective street lighting provides special benefit to proximate parcels, within range of the light, because it allows for safer and improved use of the property in the evenings, early morning, and at night. Street lighting provides special benefit because it increases neighborhood safety and, at least indirectly, reduces the likelihood of crime on the proximate parcels. Over time, the Improvements continue to confer a particular and distinct special benefit upon parcels within the District because of the nature of the Improvements. The proper maintenance of the street lights and appurtenant facilities increases visibility and local human presence and, in many situations, helps reduce property-related crimes, especially vandalism, against assessed properties in the District.

Improved Access, Navigation and Traffic Safety

Well maintained, effective street lighting enhances ingress, egress and accessibility of all forms to the assessed parcels in the evening, early morning, and at night by increasing visibility. Improved visibility also helps prevent local automobile, bicycle, and pedestrian traffic accidents related to the assessed parcels. This benefit includes a reduction in accidents during non-daylight hours.

Improved Community Character and Vitality

Well maintained, effective street lighting promotes evening and nighttime social interaction of residents and customers of businesses and industry. This creates a positive atmosphere and enhanced community image in the evening and at night for the assessed parcels.

All of the above-mentioned items also contribute to a specific enhancement to each of the parcels within the District. The proximate street lights make each parcel safer, more visible, more accessible, more useful, more valuable and more desirable; and this further strengthens the basis of these Assessments.

General Versus Special Benefit

The proceeds from the Assessments are used to fund the described Improvements and increased levels of maintenance to the other City facilities that serve and benefit the properties in the District. In absence of the Street Lighting Assessment District 2018, such Improvements would not be properly maintained. Therefore, the District's purpose is to ensure that the necessary and beneficial public facilities for property in the District are properly maintained, operated and repaired over time. The Assessments will ensure that street lighting and associated improvements within and adjacent to the District are functional, well maintained and effective. These public resources directly benefit the property in the District and will confer distinct and special benefits to the properties within the District.

The Improvements and Services are specifically designed, located and created to provide additional and improved resources for property inside the District and not the public at large although the Improvements maintained by the Services may be available to the general public. Other properties that are outside the District do not enjoy the unique proximity and other special benefit factors described previously. These Improvements and Services are of special benefit to properties located within the District because they provide a direct advantage to properties in the District that would not be provided in the absence of the Assessments. Any general benefits to surrounding properties outside of the Assessment District, if any, are collateral and conferred concomitantly.

Quantification of General Benefit

Although the analysis used to support these assessments concludes that the benefits are solely special, as described above, consideration is made for the suggestion that a portion of the benefits are general. General benefits cannot be funded by these assessments. The funding for general benefits must come from other sources.

The maintenance and servicing of these Improvements is also partially funded, directly and indirectly, from other sources, including the City of Berkeley, Alameda County, and the State of California. This funding comes in the form of grants, development fees, special programs, and general funds, as well as direct maintenance and servicing of facilities (e.g. curbs, gutters, streets, drainage systems, etc.). This funding from other sources more than compensates for general benefits, if any, received by the properties within the Assessment District.

In the 2009 *Dahms* case, the Court upheld an assessment that was 100% special benefit on the rationale that the services funded by the assessments were directly provided within the assessment district. It is also important to note that the improvements and services funded by the assessments in Pomona are similar to the improvements and services funded by the Assessments described in this Engineer's Report and the Court found these improvements and services to be 100% special benefit. Also similar to the assessments in Pomona, the Assessments described in this Engineer's Report fund Improvements and Services directly provided within the District and every benefiting property in the District enjoys proximity and access to the Improvements. Therefore, *Dahms* establishes a basis for minimal or zero general benefits from the Assessments. Nonetheless, possible general benefits have been liberally calculated below and then shown to be more than offset by resources from non-assessment sources.

Calculation of General Benefit

The Illumination Engineering Society of North America provides a widely-used standard for street lighting which has become the de-facto industry standard. This standard specifies footcandle requirements as a measurement of illumination at the roadway level, which are different for local, collector, and major streets using three levels (low/medium/high) of pedestrian activity. The three street classifications and pedestrian activity levels are described below with a discussion of their general benefit contribution from the street light system.

Local Streets – a street that is used to gain access to the property bordering it. The street lights on local streets primarily serve the adjacent property owner. Therefore, per industry standard, the street lights on local streets have no general benefit component.

Collector Streets – low to moderate capacity roads which serve to move traffic from local streets to arterial roads. Similar to local streets, collector streets are primarily used by local residents and per industry standard are also deemed to have no general benefit component. This street classification will be used as the baseline for this analysis.

Arterials – high capacity streets that serve as the principal network for through traffic flow. These routes connect areas of principal traffic generation and important regional roadways traversing the City. As such, this traffic includes a significant number of drivers from outside the District and the street light Improvements may confer some general benefit on those drivers.

On average, arterial streets require a 45% increase in lighting levels from the baseline collector streets.² This increase in lighting reinforces the special benefits to the abutting properties as defined above: increased visibility and safety; improved access, navigation and traffic safety; and improved community character and vitality. In addition to these benefits, the through traffic flow, which includes drivers from outside the District, receives the additional benefit of reduction in nighttime accidents due to enhanced lighting. The degree to which each of these benefits can be considered general benefit is shown in Table 2 below.

Table 2 – General Benefit for Arterial Streets

Benefit Factor	Relative Weight	General Benefit Contribution	Relative General Benefit
Improved Nighttime Visibility and Safety	25	0%	0.0%
Improved Access, Navigation and Traffic Safety	25	50%	12.5%
Improved Community Character and Vitality	25	0%	0.0%
Reduction in Nighttime Accidents	25	75%	18.8%
General Benefit on Arterial Streets from Improved Lighting			31.3%

The general benefit from arterial streets must be combined with the general benefit from all other streets in the District. Each category of street has its unique general benefit weight, prorated by center line miles of streets. This calculation is shown in Table 3 below.

Table 3 – Calculation of General Benefit

Street Classification	Centerline Miles	General Benefit Weight	General Benefit
Local	158	73.1%	0.0%
Collector	37	17.1%	0.0%
Arterial	21	9.7%	3.0%
TOTAL	216	100%	3.0%

² Based on values from the Illumination Engineering Society of North America, "American National Standard Practice for Roadway Lighting."

As a result, the City of Berkeley will contribute at least 3.0% of the total budget from sources other than the Assessment. This contribution offsets any general benefits from the Assessment Services.

Calculation of the Current General Benefit Contribution from the City

This general benefit contribution is the sum of the following components:

The City of Berkeley owns, maintains, rehabilitates and replaces curb and gutter along the border of the Assessment District improvements. This curb and gutter serves to support, contain, retain, manage irrigation flow and growth, and provide a boundary for the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance, rehabilitation, and replacement of the curb and gutter is conservatively estimated to be 1%.

The City of Berkeley owns and maintains a storm drainage system along the border of the District's Improvements. This system serves to prevent flooding and associated damage to the Improvements and to manage urban runoff including local pollutants loading from the Improvements. The contribution from the City of Berkeley toward general benefit from the maintenance and operation of the local storm drainage system is conservatively estimated to be 1%.

The City of Berkeley owns and maintains local public streets throughout the District. These public streets provide access to the Improvements for its enjoyment as well as efficient maintenance. The contribution from the City of Berkeley toward general benefit from the maintenance of local public streets is conservatively estimated to be 1%.

The value of the construction of the existing street light Improvements can be quantified and monetized as an annuity. Since this construction was performed and paid for by funds other than these Assessments, this "annuity" can be used to offset general benefit costs and is conservatively estimated to contribute 25%.

General Benefit is More than Offset by City Contribution

Therefore, the total general benefit is liberally quantified at 3.0%, which is more than offset by the total non-assessment contribution toward general benefit of 28%.

Method of Assessment

As previously discussed, the proposed Assessments will provide comprehensive Improvements that will clearly confer special benefits to properties in the proposed District. The allocation of special benefits to property is partially based on the type of property and the size of property.

The development of an Assessment methodology requires apportioning to determine the relative special benefit for each property. To determine the special benefit received by individual parcels, the use of that parcel must be considered. Each category of property can benefit from street lights in a unique way, and those characteristics must be quantified. As noted above, the special benefit factors are as follows:

- Improved visibility and safety
- Improved access, navigation and traffic safety
- Improved community character and vitality

The basis for apportioning Assessments is traffic generated to and from a particular parcel. This is used because the amount of traffic generated by a parcel is directly proportional to, and effectively models, the relative quantity of the three special benefit factors. For instance, the more people that come and go from a site, the more the site benefits from the improved visibility and safety. The same reasoning applies to the other special benefit factors.

Residential Traffic

The typical single-family residence (“SFR”) generates approximately ten vehicular trips per day. Condominium units generate approximately eight trips per day and apartment units generate approximately six trips per day per unit. The trip generation rates that are used for each land use are based on the trip generation rates published by the San Diego Association of Governments and the Encinitas Ranch Austin Foust Traffic Study. The trip generation rates are included in Appendix A of this report.

Non-Residential Traffic

Trip generation for non-residential parcels vary depending on their designated land use as well as size of parcel. The trip generation data for non-residential land uses are based on trips per acre. For instance, a commercial parcel on two acres typically will have twice the traffic of a commercial parcel on one acre. It follows that the two-acre parcel will then receive twice the benefit from the street lighting as the one-acre parcel. Various land uses were grouped into categories with similar traffic characteristics, resulting in the fee categories shown later in this report.

Darkness

Non-residential parcels typically do not operate all night long. The average period of darkness is 12 hours, but non-residential uses will only operate for approximately three hours of that time. For that reason, a non-residential darkness factor of $(3 \div 12 =)$ 25% is applied to those parcels. For two non-residential categories, the darkness factor is different, as shown below:

- Offices and banks typically close earlier than other non-residential uses so they are assigned a darkness factor of 12.5%.
- Hotels, motels and boarding houses typically have activity further into the night than other non-residential uses, so they are assigned a darkness factor of 50%.

Non-residential trip generation is then adjusted for the darkness factor for each rate category.

Single-Family Equivalent

The SFR category is used as the baseline for calculating the special benefit for all other land uses and sizes. Each rate category is assigned a single-family equivalent (“SFE”) rate using the following formula:

$$\frac{ADT \times \text{Darkness Factor}}{ADT \text{ for SFR}} = \text{SFE Rate}$$

Where:

- ADT = Average Daily Trips for each category
- ADT for SFR = ADT for single-family residential, which is used as a baseline figure for SFE rate
- SFE Rate = SFEs per unit shown (parcel, [living] unit, or acre)

The results of these calculations for each rate category are shown in Table 4 below.

Table 4 – Single-Family Equivalent Rates

Landuse Category	ADT	Darkness Factor	Adj ADT	SFE Rate	Unit
Residential					
Single Family	10	1	10	1.000	parcel
Multi-Family < 5 units	8	1	8	0.800	unit
Multi-Family 5 or more units	6	1	6	0.600	unit
Condominium	8	1	8	0.800	parcel
Mobile Home	5	1	5	0.500	unit
Multiple SFR on parcel	10	1	10	1.000	unit
Non-Residential					
General Commercial	600	0.25	150	15.000	acre
Industrial / Warehouse	60	0.25	15	1.500	acre
Auto Repair	400	0.25	100	10.000	acre
Hotel / Motel / Boarding	200	0.5	100	10.000	acre
Hospital	250	0.25	62.5	6.250	acre
Retirement Home	50	0.25	12.5	1.250	acre
School / Day Care	90	0.25	22.5	2.250	acre
Medical / Dental / Vet	500	0.25	125	12.500	acre
Church	30	0.25	7.5	0.750	acre
Mortuary	10	0.25	2.5	0.250	acre
Recreational	100	0.25	25	2.500	acre
Parking / Transportation	200	0.25	50	5.000	acre
Mini Storage	30	0.25	7.5	0.750	acre
Office	300	0.125	37.5	3.750	acre
Bank	1000	0.125	125	12.500	acre
Park / Open Space / Agriculture	2	0.25	0.5	0.050	acre
Vacant	0			na	

Annual Assessment Increase

The Assessment is subject to an annual adjustment tied to the San Francisco-Oakland-Hayward Consumer Price Index-U as of December of each succeeding year ("CPI"), with a maximum annual adjustment not to exceed 3%. In order for the City's dedicated Streetlight fund revenue sources to satisfy cost requirements into the future, the maximum rate per SFE is calculated based upon the sum of the 1982 assessment and the Street Light Assessment District 2018 Assessment.

Table 5 – Maximum Single-Family Equivalent Rate Calculation

	FY 2024	FY 2025
2018 District Maximum for FY 24	\$ 780,912.67	\$ 780,912.67
1982 District Maximum for FY 24	\$ 1,422,966.00	
Total for FY 24	\$ 2,203,878.67	
Maximum Increase of 3% of Total for FY 25		\$ 57,840.80
FY 25 Maximum Assessment		\$ 838,753.47
Total SFEs		46,691.257
FY 25 Maximum Rate per SFE		\$ 17.96

Duration of Assessment

The Assessments may be continued every year after their formation, so long as the public Improvements need to be maintained and improved and the City requires funding from the Assessments for these Improvements in the District. As noted previously, the Assessment can continue to be levied annually after the City Council approves an annually updated Engineer’s Report, budget for the Assessment, Improvements to be provided and other specifics of the Assessment. In addition, the City Council must hold an annual public hearing to continue the Assessment.

Appeals and Interpretation

Any property owner who feels that the Assessment levied on the subject property is in error as a result of incorrect information being used to apply the foregoing method of assessment, may file a written appeal with the City of Berkeley Public Works department. Any such appeal is limited to correction of an assessment during the then current or, if before July 1, the upcoming fiscal year. Upon the filing of any such appeal, the City of Berkeley City Engineer or his or her designee will promptly review the appeal and any information provided by the property owner. If the City Engineer or his or her designee finds that the assessment should be modified, the appropriate changes shall be made to the assessment roll. If any such changes are approved after the assessment roll has been filed with the County for collection, the City Engineer or his or her designee is authorized to refund to the property owner the amount of any approved reduction. Any dispute over the decision of the City Engineer or her or his designee shall be referred to the Public Works Director and the decision of the Public Works Director shall be final.

Assessment Statement

WHEREAS, on March 21, 2024, the City Council of the City of Berkeley, County of Alameda, California, adopted a Resolution initiating proceedings for the levy of Assessments for fiscal year 2025 within the Street Light Assessment District 2018, pursuant to the provisions of the Landscaping and Lighting Act of 1972 and Article XIID of the California Constitution (collectively “the Act”);

WHEREAS, the City of Berkeley directed the undersigned Engineer of Work to prepare and file a report presenting an estimate of costs, a diagram for the Assessment District and an assessment of the estimated costs of the Improvements upon all assessable parcels within the Assessment District, to which the description of the proposed Improvements therein contained, reference is hereby made for further particulars;

NOW, THEREFORE, the undersigned, by virtue of the power vested in me under the Act and the order of the City Council of the City of Berkeley, hereby make the following assessment to cover the portion of the estimated cost of the Improvements, and the costs and expenses incidental thereto to be paid by the Assessment District.

The amount to be paid for the Improvements and the expense incidental thereto to be paid by the City of Berkeley Street Lighting Assessment District 2018 for the fiscal year 2025 are generally as listed in Table 1.

As required by the Act, an Assessment Diagram is hereto attached and made a part hereof showing the exterior boundaries of the City of Berkeley Street light Assessment District 2018. The distinctive number of each parcel or lot of land in the City of Berkeley Street light Assessment District 2018 is its Assessor Parcel Number appearing on the Assessment Roll.

And I do hereby assess and apportion the net amount of the cost and expenses of the Improvements, including the costs and expenses incident thereto, upon the parcels and lots of land within the City of Berkeley Street Lighting Assessment District 2018, in accordance with the special benefits to be received by each parcel or lot, from the Improvements, and more particularly set forth in the cost estimate and method of assessment hereto attached and by reference made a part hereof.

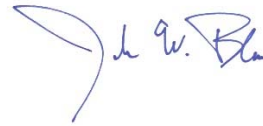
The Assessments are made upon the parcels or lots of land within the City of Berkeley Street Lighting Assessment District 2018 in proportion to the special benefits to be received by the parcels or lots of land from the Improvements.

Each parcel or lot of land is described in the Assessment Roll by reference to its parcel number as shown on the Assessor's Maps of the County of Alameda for the fiscal year 2025. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County.

I hereby place opposite the Assessor Parcel Number for each parcel or lot within the Assessment Roll, the amount of the assessment for the fiscal year 2025 for each parcel or lot of land within the City of Berkeley Street Lighting Assessment District 2018.

Dated: April 15, 2024

Engineer of Work



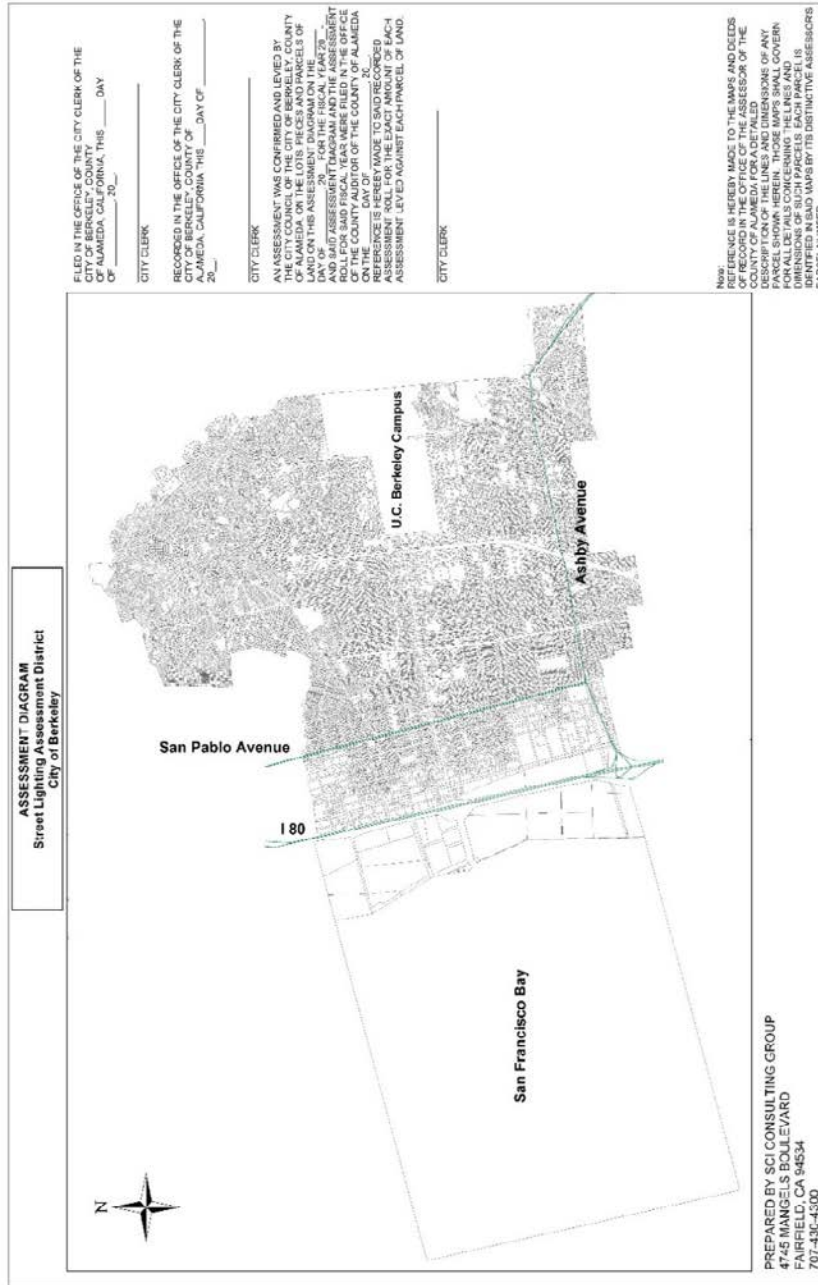
By _____
John Bliss, License No. C52091



Assessment Diagram

The boundaries of the City of Berkeley Street Light Maintenance Assessment Districts and Annexations are displayed on the Assessment Diagram below.

Figure 1 – Assessment Diagram



Appendix A – SANDAG Trip Generation Tables

(NOT SO)
BRIEF GUIDE OF VEHICULAR TRAFFIC GENERATION RATES
FOR THE SAN DIEGO REGION



APRIL 2002

NOTE: This listing only represents a *guide* of average, or estimated, traffic generation "driveway" rates and some very general trip data for land uses (emphasis on acreage and building square footage) in the San Diego region. These rates (both local and national) are subject to change as future documentation becomes available, or as regional sources are updated. For more specific information regarding traffic data and trip rates, please refer to the San Diego Traffic Generators manual. **Always check with local jurisdictions for their preferred or applicable rates.**

LAND USE	TRIP CATEGORIES (PRIMARY:DIVERTED:PASS-BY)*	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio) Between 6:00-9:30 A.M. Between 3:00-6:30 P.M.	TRIP LENGTH (Miles)†
AGRICULTURE (Open Space)	[80:18:2]	2/acre**		10.8
AIRPORT	[78:20:2]			12.5
Commercial		60/acre, 100/flight, 70/1000 sq. ft.***	5% (6:4)	5% (5:5)
General Aviation		6/acre, 2/flight, 6/based aircraft***	9% (7:3)	15% (5:5)
Heliports		100/acre**		
AUTOMOBILE ⁵				
Car Wash				
Automatic		900/site, 600/acre**	4% (5:5)	9% (5:5)
Self-serve		100/wash stall**	4% (5:5)	8% (5:5)
Gasoline	[21:51:28]			2.8
with/Food Mart		160/vehicle fueling space**	7% (5:5)	8% (5:5)
with/Food Mart & Car Wash		155/vehicle fueling space**	8% (5:5)	9% (5:5)
Older Service Station Design		150/vehicle fueling space, 900/station**	7% (5:5)	8% (5:5)
Sales (Dealer & Repair)		50/1000 sq. ft., 300/acre, 60/service stall**	5% (7:3)	9% (4:6)
Auto Repair Center		20/1000 sq. ft., 400/acre, 20/service stall**	8% (7:3)	11% (4:6)
Auto Parts Sales		60/1000 sq. ft., **	4%	10%
Quick Lube		40/service stall**	7% (6:4)	10% (5:5)
Tire Store		25/1000 sq. ft., 30/service stall**	7% (6:4)	11% (5:5)
CEMETERY		5/acre*		
CHURCH (or Synagogue)	[64:25:11]	9/1000 sq. ft., 30/acre** (quadruple rates for Sunday, or days of assembly)	5% (6:4)	8% (5:5)
COMMERCIAL/RETAIL ⁵				
Super Regional Shopping Center (More than 80 acres, more than 800,000 sq. ft., w/usually 3+ major stores)		35/1000 sq. ft., 400/acre*	4% (7:3)	10% (5:5)
Regional Shopping Center (40-80 acres, 400,000-800,000 sq. ft., w/usually 2+ major stores)	[54:35:11]	50/1000 sq. ft., 500/acre*	4% (7:3)	9% (5:5)
Community Shopping Center (15-40 acres, 125,000-400,000 sq. ft., w/usually 1 major store, detached restaurant(s), grocery and drugstore)	[47:31:22]	80/1000 sq. ft., 700/acre**	4% (6:4)	10% (5:5)
Neighborhood Shopping Center (Less than 15 acres, less than 125,000 sq. ft., w/usually grocery & drugstore, cleaners, beauty & barber shop, & fast food services)		120/1000 sq. ft., 1200/acre***	4% (6:4)	10% (5:5)
Commercial Shops	[45:40:15]			4.3
Specialty Retail/Strip Commercial		40/1000 sq. ft., 400/acre*	3% (6:4)	9% (5:5)
Electronics Superstore		50/1000 sq. ft.**		10% (5:5)
Factory Outlet		40/1000 sq. ft.**	3% (7:3)	9% (5:5)
Supermarket		150/1000 sq. ft., 2000/acre***	4% (7:3)	10% (5:5)
Drugstore		90/1000 sq. ft.**	4% (6:4)	10% (5:5)
Convenience Market (15-16 hours)		500/1000 sq. ft.**	8% (5:5)	8% (5:5)
Convenience Market (24 hours)		700/1000 sq. ft.**	9% (5:5)	7% (5:5)
Convenience Club (w/gasoline pumps)		850/1000 sq. ft., 550/vehicle fueling space**	8% (5:5)	7% (5:5)
Discount Store		60/1000 sq. ft., 600/acre**	7% (7:3)	9% (5:5)
Discount Store		60/1000 sq. ft., 600/acre**	3% (6:4)	8% (5:5)
Furniture Store		6/1000 sq. ft., 100/acre**	4% (7:3)	9% (5:5)
Lumber Store		30/1000 sq. ft., 150/acre**	7% (6:4)	9% (5:5)
Home Improvement Superstore		40/1000 sq. ft.**	3% (6:4)	8% (5:5)
Hardware/Paint Store		60/1000 sq. ft., 600/acre**	2% (6:4)	9% (5:5)
Garden Nursery		40/1000 sq. ft., 90/acre**	3% (6:4)	10% (5:5)
Mixed Use: Commercial (w/supermarket)/Residential		110/1000 sq. ft., 2000/acre* (commercial only) 5/dwelling unit, 200/acre* (residential only)	3% (6:4) 9% (3:7)	9% (5:5) 13% (6:4)
EDUCATION				
University (4 years)	[91:9:0]	2.4/student, 100 acre*	10% (8:2)	9% (3:7)
Junior College (2 years)	[92:7:1]	1.2/student, 24/1000 sq. ft., 120/acre**	12% (8:2)	9% (6:4)
High School	[75:19:6]	1.3/student, 15/1000 sq. ft., 60/acre**	20% (7:3)	10% (4:6)
Middle/Junior High	[63:25:12]	1.4/student, 12/1000 sq. ft., 50/acre**	30% (6:4)	9% (4:6)
Elementary	[57:25:10]	1.6/student, 14/1000 sq. ft., 90/acre**	32% (6:4)	9% (4:6)
Day Care	[28:58:14]	5/child, 180/1000 sq. ft.**	17% (5:5)	18% (5:5)
FINANCIAL ⁵	[35:42:23]			3.4
Bank (Walk-In only)		150/1000 sq. ft., 1000/acre***	4% (7:3)	8% (4:6)
with Drive-Through		200/1000 sq. ft., 1500/acre*	5% (6:4)	10% (5:5)
Drive-Through only		250 (125 one-way)/lane*	3% (5:5)	13% (5:5)
Savings & Loan		60/1000 sq. ft., 600/acre**	2%	9%
Drive-Through only		100 (50 one-way)/lane**	4%	15%
HOSPITAL	[73:25:2]			8.3
General		20/bed, 25/1000 sq. ft., 250/acre*	8% (7:3)	10% (4:6)
Convalescent/Nursing		3/bed**	7% (6:4)	7% (4:6)
INDUSTRIAL				
Industrial/Business Park (commercial included)	[79:19:2]	16/1000 sq. ft., 200/acre***	12% (8:2)	12% (2:8)
Industrial Park (no commercial)		8/1000 sq. ft., 90/acre**	11% (8:1)	12% (2:8)
Industrial Plant (multiple shifts)	[92:5:3]	10/1000 sq. ft., 120/acre*	14% (5:2)	15% (3:7)
Manufacturing/Assembly		4/1000 sq. ft., 50/acre**	19% (9:1)	20% (2:8)
Warehousing		5/1000 sq. ft., 60/acre**	13% (7:3)	15% (4:6)
Storage		2/1000 sq. ft., 0.2/vault, 30/acre*	6% (5:5)	9% (5:5)
Science Research & Development		8/1000 sq. ft., 80/acre**	16% (9:1)	14% (1:9)
Landfill & Recycling Center		6/acre	11% (5:5)	10% (4:6)

(OVER)

MEMBER AGENCIES: Cities of Carlsbad, Chula Vista, Coronado, Del Mar, El Cajon, Encinitas, Escondido, Imperial Beach, La Mesa, Lemon Grove, National City, Oceanside, Poway, San Diego, San Marcos, Santee, Solana Beach, Vista and County of San Diego.

ADVISORY/LIAISON MEMBERS: California Department of Transportation, County Water Authority, U.S. Department of Defense, S.D. Unified Port District and Tijuana/Baja California.

LAND USE	TRIP CATEGORIES [PRIMARY-DIVERTED-PASS-BY]*	ESTIMATED WEEKDAY VEHICLE TRIP GENERATION RATE (DRIVEWAY)	HIGHEST PEAK HOUR % (plus IN:OUT ratio)		TRIP LENGTH (Miles) ¹
			Between 6:00-9:30 A.M.	Between 3:00-6:30 P.M.	
LIBRARY	[44:44:12]	50/1000 sq. ft., 400/acre**	2%	(7:3) 10% (5:5)	3.9
LODGING	[58:38:4]				7.6
Hotel (w/convention facilities/restaurant)		10/occupied room, 300/acre	6%	(6:4) 8% (6:4)	
Motel		9/occupied room, 200/acre*	8%	(4:6) 9% (6:4)	
Resort Hotel		8/occupied room, 100/acre*	5%	(6:4) 7% (4:6)	
Business Hotel		7/occupied room**	8%	(4:6) 9% (6:4)	
MILITARY	[82:16:2]	2.5/military & civilian personnel*	9%	(9:1) 10% (2:8)	11.2
OFFICE					
Standard Commercial Office (less than 100,000 sq. ft.)	[77:19:4]	20/1000 sq. ft., ^o 300/acre*	14%	(9:1) 13% (2:8)	8.8
Large (High-Rise) Commercial Office (more than 100,000 sq. ft., 6+ stories)	[82:15:3]	17/1000 sq. ft., ^o 600/acre*	13%	(9:1) 14% (2:8)	10.0
Office Park (400,000+ sq. ft.)		12/1000 sq. ft., 200/acre**	13%	(9:1) 13% (2:8)	
Single Tenant Office		14/1000 sq. ft., 180/acre*	15%	(9:1) 15% (2:8)	8.8
Corporate Headquarters		7/1000 sq. ft., 110/acre*	17%	(9:1) 16% (1:9)	
Government (Civic Center)	[50:34:16]	30/1000 sq. ft., 1*	9%	(9:1) 12% (3:7)	6.0
Post Office					
Central/Walk-In Only		90/1000 sq. ft.**	9%	7%	
Community (not including mail drop lane)		200/1000 sq. ft., 1300/acre*	6%	(6:4) 9% (5:5)	
Community (w/mail drop lane)		300/1000 sq. ft., 2000/acre*	7%	(5:5) 10% (5:5)	
Mail Drop Lane only		1500 (750 one-way)/lane*	7%	(5:5) 12% (5:5)	
Department of Motor Vehicles		180/1000 sq. ft., 900/acre**	6%	(6:4) 10% (4:6)	
Medical-Dental	[60:30:10]	50/1000 sq. ft., 500/acre*	6%	(8:2) 11% (3:7)	6.4
PARKS	[66:28:6]				5.4
City (developed w/meeting rooms and sports facilities)		50/acre*	4%	8%	
Regional (developed)		20/acre*	13%	(5:5) 9% (5:5)	
Neighborhood/County (undeveloped)		5/acre (add for specific sport uses), 6/picnic site**			
State (average 1000 acres)		1/acre, 10/picnic site**			
Amusement (Theme)		80/acre, 130/acre (summer only)**		6% (6:4)	
San Diego Zoo		115/acre*			
Sea World		80/acre*			
RECREATION					
Beach, Ocean or Bay	[52:39:9]	600/1000 ft. shoreline, 60/acre*			6.3
Beach, Lake (fresh water)		50/1000 ft. shoreline, 5/acre*			
Bowling Center		30/1000 sq. ft., 300/acre, 30/lane**	7%	(7:3) 11% (4:6)	
Campground		4/campsite**	4%	8%	
Golf Course		7/acre, 40/hole, 700/course**	7%	(8:2) 9% (3:7)	
Driving Range only		70/acre, 14/tee box*	3%	(7:3) 9% (5:5)	
Marinas		4/berth, 20/acre**	3%	(3:7) 7% (6:4)	
Multi-purpose (miniature golf, video arcade, batting cage, etc.)		90/acre	2%	6%	
Racquetball/Health Club		30/1000 sq. ft., 300/acre, 40/court*	4%	(6:4) 9% (6:4)	
Tennis Courts		16/acre, 30/court**	5%	11% (5:5)	
Sports Facilities					
Outdoor Stadium		50/acre, 0.2/seat*			
Indoor Arena		30/acre, 0.1/seat*			
Racetrack		40/acre, 0.5/seat*			
Theaters (multiplex w/matinee)	[66:17:17]	80/1000 sq. ft., 1.8/seat, 360/screen*	13%	8% (6:4)	6.1
RESIDENTIAL	[86:11:3]				7.9
Estate, Urban or Rural (average 1-2 DU/acre)		12/dwelling unit**	8%	(3:7) 10% (7:3)	
Single Family Detached (average 3-6 DU/acre)		10/dwelling unit**	8%	(3:7) 10% (7:3)	
Condominium (or any multi-family 6-20 DU/acre)		8/dwelling unit**	8%	(2:8) 10% (7:3)	
Apartment (or any multi-family units more than 20 DU/acre)		6/dwelling unit**	8%	(2:8) 9% (7:3)	
Military Housing (off-base, multi-family) (less than 6 DU/acre)		8/dwelling unit	7%	(3:7) 9% (6:4)	
(6-20 DU/acre)		6/dwelling unit	7%	(3:7) 9% (6:4)	
Mobile Home					
Family		5/dwelling unit, 40/acre*	8%	(3:7) 11% (6:4)	
Adults Only		3/dwelling unit, 20/acre*	9%	(3:7) 10% (6:4)	
Retirement Community		4/dwelling unit**	5%	(4:6) 7% (6:4)	
Congregate Care Facility		2.5/dwelling unit**	4%	(6:4) 8% (5:5)	
RESTAURANT ^s	[51:37:12]				4.7
Quality		100/1000 sq. ft., 3/seat, 500/acre***	7%	(6:4) 8% (7:3)	
Sit-down, high turnover		160/1000 sq. ft., 6/seat, 1000/acre***	8%	(5:5) 8% (6:4)	
Fast Food (w/drive through)		650/1000 sq. ft., 20/seat, 3000/acre***	7%	(6:5) 7% (6:5)	
Fast Food (without drive-through)		700/1000 sq. ft.**	5%	(6:4) 7% (5:5)	
Delicatessen (7am-4pm)		150/1000 sq. ft., 11/seat*	9%	(6:4) 3% (3:7)	
TRANSPORTATION					
Bus Depot		25/1000 sq. ft.**			
Truck Terminal		10/1000 sq. ft., 7/bay, 80/acre**	9%	(4:6) 8% (5:5)	
Waterport/Marine Terminal		170/berth, 12/acre**			
Transit Station (Light Rail w/parking)		300/acre, 2 ^{1/2} /parking space (4/occupied)**	14%	(7:3) 15% (3:7)	
Park & Ride Lots		400/acre (600/paved acre), { 5/parking space (8/occupied)** }	14%	(7:3) 15% (3:7)	

* Primary source: San Diego Traffic Generators.
 ** Other sources: ITE Trip Generation Report (6th Edition), Trip Generation Rates (other agencies and publications), various SANDAG & CALTRANS studies, reports and estimates.

^o Trip category percentage ratios are daily from local household surveys, often cannot be applied to very specific land uses, and do not include non-resident drivers (draft SANDAG Analysis of Trip Diversion, revised November, 1990).
 PRIMARY - one trip directly between origin and primary destination.
 DIVERTED - linked trip (having one or more stops along the way to a primary destination) whose distance compared to direct distance ≥ 1 mile.
 PASS-BY - undiverted or diverted < 1 mile.

¹ Trip lengths are average weighted for all trips to and from general land use site. (All trips system-wide average length = 6.9 miles)

^c Fitted curve equation: $\ln(T) = 0.502 \ln(x) + 6.945$ } T = total trips, x = 1,000 sq. ft.
^d Fitted curve equation: $\ln(T) = 0.756 \ln(x) + 3.950$ }

^R Fitted curve equation: $t = -2.169 \ln(d) + 12.85$ $t = \text{trips/DU, } d = \text{density (DU/acre), DU = dwelling unit}$

^S Suggested PASS-BY (undiverted or diverted < 1 mile) percentages for trip rate reductions only during P.M. peak period (based on combination of local data/review and Other sources**):

COMMERCIAL/RETAIL	
Regional Shopping Center	20%
Community	30%
Neighborhood	40%
Specialty Retail/Strip Commercial (other)	10%
Supermarket	40%
Convenience Market	50%
Discount Club/Store	30%
FINANCIAL	
Bank	25%
AUTOMOBILE	
Gasoline Station	50%
RESTAURANT	
Quality	10%
Sit-down high turnover	20%
Fast Food	40%

¹ Trip Reductions - In order to help promote regional "smart growth" policies, and acknowledge San Diego's expanding mass transit system, consider vehicle trip rate reductions (with proper documentation and necessary adjustments for peak periods). The following are some examples:

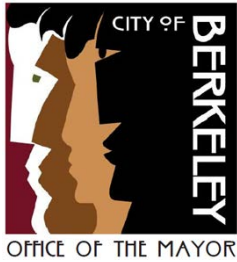
[1] A 5% daily trip reduction for land uses with transit access or near transit stations accessible within 1/4 mile.

[2] Up to 10% daily trip reduction for mixed-use developments where residential and commercial retail are combined (demonstrate mode split of walking trips to replace vehicular trips).

Appendix B – Assessment Roll

An Assessment Roll (a listing of all parcels assessed within the City of Berkeley Street Lighting Assessment District 2018 and the amount of the assessment) has been filed with the City Engineer, and is, by reference, made part of this report and will be available for public inspection during normal office hours.

Each lot or parcel listed on the Assessment Roll is shown and illustrated on the latest County Assessor records and these records are, by reference made part of this report. These records shall govern all details concerning the description of the lots or parcels.



TO: Honorable Members of the City Council

FROM: Mayor Jesse Arreguín (Author), Councilmember Hahn (Co-Sponsor)

SUBJECT: Develop a pilot program for 5-10 Seriously Mentally Ill (SMI) persons who have required frequent interventions

RECOMMENDATION

Direct the City Manager to develop a pilot program for 5-10 Seriously Mentally Ill (SMI) persons who have required frequent interventions; aim is to improve their well-being and prevent or dramatically reduce calls for service; the pilot would implement a “friendship or care team” for each as described below to build trust, support, address loneliness; teams would be staffed with existing contracted outreach providers; teams would keep a brief daily log of their experience and calls for service would be tracked; pilot to be evaluated and report back to Council quarterly to determine efficacy.

BACKGROUND

Persons with SMI have been known to devolve into dangerous episodic behavior with tragic results--for themselves and their victims (a few extreme examples attached). Unfortunately, we have very few tools to prevent this behavior. This item asks that we pilot one potential avenue.

AOT (Assisted Outpatient Treatment) is a legal intervention tool involving a lengthy legal process and a court order at the County level.

AOT is not suggested here. Rather what is suggested is to use one feature of AOT: the outreach team.

The outreach team or a “buddy” team can be implemented immediately outside of any court process. The team’s role is to develop an ongoing relationship to hopefully prevent or dramatically lessen violent or problematic behavior. The team would attempt to build rapport, reach out on a regular (daily if possible) basis offering friendship, help, clothing, an ear, “whatever it takes” to calm and, if at all possible, guide a person toward services. The team would have access to a clinician for support and guidance. A log would be kept noting condition, responsiveness, effectiveness of communication, etc. The log would also note what works best, what could be more helpful. Along with records of calls for service, these notes would inform the evaluation of the pilot.

San Francisco's AOT program is a two-person team.¹

This item directs the staff to develop such a pilot program in concert with appropriate "others," implement contract modifications if necessary with existing service providers, develop guidelines for the teams, and determine the appropriate metrics to evaluate its efficacy.

FINANCIAL IMPLICATIONS

Staff time.

CONTACT

Mayor Jesse Arreguín

mayor@cityofberkeley.info | 510-981-7100

¹ <https://www.sfdph.org/dph/comupg/oservices/mentalHlth/AOT/default.asp>



Office of the Mayor

CONSENT CALENDAR
May 21, 2024

To: Honorable Mayor and Members of the City Council
 From: Mayor Jesse Arreguín
 Subject: Amendment to Commissioner Leave of Absence Process

RECOMMENDATION

Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 3.02 to allow the Mayor to approve a Leave of Absence for a Commissioner appointed by the Council as a whole.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with this recommendation.

BACKGROUND

The City of Berkeley has dozens of citizen commissions, providing opportunities for residents to advise the Council on topics they have experience in. Commissions play a key role in the democratic process of City governance, allowing people of diverse backgrounds and views to provide input on legislative and policy matters that impact the community.

Normally, under the Fair Representation Ordinance, most commissions have representatives appointed by each member of the City Council and the Mayor. But there are exceptions to this. Some Commissions, such as the Mental Health Commission and Environment and Climate Commission, have seats appointed by the full Council. For almost all Commissions where each commissioner is appointed by a specific Councilmember, that Councilmember can provide a Leave of Absence (LOA) for their appointee at any time, so long as it happens before the meeting in which the LOA is requested as LOAs are not allowed retroactively. However, for Commissioners appointed by the Council as a whole, they must seek approval from the entire Council for a LOA. This process requires the Secretary of the Commission to submit a Council item for approval, a process that takes approximately five weeks. In many cases, a LOA is requested due to illness or a scheduling conflict that can come up suddenly, meaning that they will not be able to get an approved LOA under the current process. A Commissioner is automatically terminated if they miss three consecutive meetings or at least 50% of regular meetings in a six-month period.

The process for a Leave of Absence is defined in Berkeley Municipal Code Section 3.02.030. To ensure that Commissioners appointed by the whole Council who need to

request a LOA are able to receive one in a timely manner, it is recommended that this section is updated to allow the Mayor, as President of the Council, to submit a request just like any Councilmember can do for their individual appointees.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with adopting this recommendation.

RATIONALE FOR RECOMMENDATION

This action will simplify the process of obtaining a Leave of Absence, freeing up staff time who otherwise would have to create a Council item, and reduce the likelihood of an automatic termination happening, which in turn will help Commissions operate effectively.

ALTERNATIVE ACTIONS CONSIDERED

An alternative recommendation would be to allow for a Leave of Absence retroactively, but such action would not resolve the tedious process currently in place.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100

Attachments:

1: Ordinance

ORDINANCE NO. -N.S.

AMENDING BMC SECTION 3.02.030 – LEAVES OF ABSENCE

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

Section 1. That Berkeley Municipal Code 3.02.030 is amended to read as follows:

3.02.030 Leaves of absence.

The following circumstances shall not count as absences for the purposes of Section [3.02.020](#):

A. A member of a board, commission or committee may be granted a leave of absence not to exceed three months by the appointing Councilmember, the appointing Commission, or the ~~Mayor Council~~, when the appointment is made by the Council as a whole, and a temporary vacancy shall thereupon exist for the period of such leave of absence. Notice of the leave of absence must be filed with the City Clerk prior to the absence.

1. During the period of such temporary vacancy, the appointing Councilmember, the appointing Commission, or the ~~Council Mayor~~, when the appointment is made by the Council as a whole, may fill such vacancy by a temporary appointment to said commission; provided, however, that the period of such temporary appointment shall not exceed the period of the temporary vacancy. At the expiration of a leave of absence so granted, the member shall automatically resume full membership on the board, commission or committee.

2. Alternatively, the appointing Councilmember or Mayor may select one of their Alternate Commissioners to serve temporarily as provided for in Section [3.02.030.A.1](#) when a leave of absence is granted for one of their appointees.

B. Commissioners may request that an absence be excused due to a conflict between the date of a scheduled commission meeting on which the commissioner sits and a religious or cultural holiday. Such a request shall be made in writing on a form provided by the City and submitted to the secretary prior to the meeting for which the commissioner's absence is to be excused. The request shall not be subject to the approval of the commission but shall be accepted upon request. The secretary shall then excuse that absence and exclude it from the attendance report sent semi-annually to the City Clerk.

The definition of a religious or cultural holiday shall be left to the individual commissioner. However, the following list may be considered illustrative of the religious and cultural holidays for which a commissioner may seek an excused absence: Al Hijrah New Year, Ash Wednesday, Chinese New Year, Diwali, Easter Sunday, Eid Al Fitr, Eid Al Adha,

Good Friday, Hanukkah, Holi, Kwanzaa, Palm Sunday, Passover, Rosh Hashanah, St. Patrick's Day and Yom Kippur.

C. Members of the Police Accountability Board may be granted a leave of absence upon the filing of a notice for leave of absence with the City Clerk by the nominating Councilmember or the Mayor for their nominee. All other conditions and regulations for leaves of absence in this Code and adopted by resolution, that are not inconsistent with the City Charter, shall apply.

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.



Office of the Mayor

CONSENT CALENDAR
May 21, 2024

To: Members of the City Council
 From: Mayor Jesse Arreguín
 Subject: Budget Referral: Restarting 4th of July Celebration

RECOMMENDATION

Refer up to \$630,000 to the Fiscal Year 2025-2026 Budget Process to be reserved in the City's General Fund to be used to restart 4th of July Celebrations in 2025.

BACKGROUND

The 4th of July Celebration in Berkeley was an annual event funded by the City and placed on pause since the start of the 2020 COVID-19 pandemic. In the past, celebrations drew crowds of hundreds, bringing opportunities for families, residents, and visitors to safely enjoy a fireworks display along the Berkeley Marina while giving patronage to small businesses and vendors in the West Berkeley area. In the past, the event consisted of a full day of activities including live bands, gourmet food trucks, carnival rides, a petting zoo, and other festivities.

After a four-year hiatus, it is appropriate to reconsider options for restarting the event. Below is a breakdown of cost projections for four different types of events that can take place for the celebrations. Costs include personnel, administration and operations, and programming and are different based on length of the event and the types of activities sponsored. The Parks and Recreation Department created these five figures based on a proposal to explore replacing a traditional fireworks display with a modern LED drone show, which can bring a state of the art, environmentally & wildlife friendly, and safe alternative to fireworks. If the City decides to go with an option that includes a drone show, staff should source a vendor that fits within the overall budget.¹

1. Basic Evening - \$430,000: A 4pm-10pm evening only event, with a DJ for music, food trucks, family activities, and a 25-minute LED drone show with 200 drones.
2. Basic Evening Plus Live Music - \$490,000: A 4pm-10pm evening only event with the activities above, plus live music and stage.
3. Basic All-Day Event - \$530,000: A 12 noon-10pm all-day event with a DJ, food trucks, family activities, and an LED drone show.

¹ Individual line item cost projections are based on estimates.

4. Basic All-Day Event Plus Live Music - \$620,000: A 12 noon-10pm all-day event with the activities above, plus live music and stage.

FINANCIAL IMPLICATIONS

\$630,000 from the City's General Fund as part of the 2025/2026 biennial budget process.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Jesse Arreguín

510-981-7100

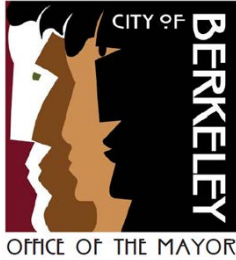
Anthony Rodriguez, Senior Legislative Assistant

Attachments:

- 1: 2025 4th of July Celebration options and associated costs

4th of July: Options for 2025
4/16/2024

Cost Categories	Options for 2025			
	(1) Basic Evening: Drones, DJ, Food Trucks 4pm-10pm	(2) Basic Evening plus Live Music 4pm-10pm	(3) Basic All Day Event: Drones, DJ, Food Trucks 12 noon-10pm	(4) Basic All Day Event plus Live Music 12 noon-10pm
4th of July Costs				
Personnel	98,000	98,000	149,000	149,000
Police Personnel	62,000	62,000	93,000	93,000
Public Works Personnel	11,000	11,000	16,000	16,000
PRW Personnel (Hourly + OT)	25,000	25,000	40,000	40,000
Non-Personnel - Admin/Ops	88,000	93,000	98,000	103,000
Event Mgmt	10,000	15,000	20,000	25,000
Barricades	5,000	5,000	5,000	5,000
Traffic Services	14,000	14,000	14,000	14,000
Recycling	6,000	6,000	6,000	6,000
All other non-personnel (indirect costs, permit fees, signage, etc.)	53,000	53,000	53,000	53,000
Non-Personnel - Program	242,500	292,500	280,000	360,000
Fireworks --> Drone Show	160,000	160,000	160,000	160,000
DJ	5,000	5,000	15,000	15,000
Food trucks	2,500	2,500	5,000	5,000
Live Music & Stage		50,000	-	80,000
Family Activities & Supplies	75,000	75,000	100,000	100,000
Total Cost	430,000	490,000	530,000	620,000



TO: Honorable Members of the City Council

FROM: Mayor Jesse Arreguín (Author), Councilmember Hahn (Co-Sponsor),
Councilmember Wengraf (Co-Sponsor)

SUBJECT: Relinquishment of Council Office Budget Funds to the Berkeley Rotary
Endowment and Co-Sponsorship of 2024 Taste of Downtown Berkeley Event

RECOMMENDATION

Adopt two resolutions to authorize the co-sponsorship and expenditure of \$500 from Mayor Arreguin's discretionary office budget to the Berkeley Rotary Endowment to support the second annual Taste of Downtown Berkeley event.

BACKGROUND

Berkeley Rotary and the Downtown Berkeley Association are hosting the second annual Taste of Downtown Berkeley event on Sunday, June 9th. The event serves the public good of our community twofold. With 15 participating restaurants, it celebrates our Downtown's exciting and ever-expanding food scene by inviting people to enjoy diverse local food and drinks. The \$60 ticket cost goes directly toward Berkeley Rotary's community services that support some of our most marginalized community members.

During its successful 2023 pilot, over 200 people attended, raising over \$18,000 for the Rotary Club's community programming, including their health clinic, supportive housing services, and scholarship initiatives. As a sponsor of Taste of Downtown Berkeley, the City will receive recognition at the event, on Berkeley Rotary's website, and promotional materials.

FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from Mayor Arreguin's office budget.

CONTACT

Mayor Jesse Arreguín
mayor@cityofberkeley.info | 510-981-7100

ATTACHMENTS

1. Resolution co-sponsoring Taste of Downtown Berkeley event
2. Resolution relinquishing funds to Berkeley Rotary Endowment

RESOLUTION NO. ##,###-N.S. CITY SPONSORSHIP OF THE SECOND ANNUAL
TASTE OF DOWNTOWN BERKELEY EVENT AND FUNDRAISER

WHEREAS, the mission of Rotary is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders; and

WHEREAS, Berkeley Rotary and the Downtown Berkeley Association will be hosting the second annual Taste of Downtown Berkeley, inviting community members and friends to the enjoy the diverse Downtown Berkeley food scene on Sunday, June 9, while raising money for critical community services, including health clinic services, supportive housing programming, and scholarship initiatives.; and

WHEREAS, the Taste of Downtown Berkeley actively promotes local businesses and restaurants by fostering community engaging and enhancing visibility; and

WHEREAS, over 200 participants attended last year in 2023, raising \$18,000 for Berkeley Rotary's mutual aid projects.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby co-sponsors the second annual Taste of Downtown Berkeley event, and the event organizers have permission to use the City's name and logo in the event's promotional materials and signage naming the City of Berkeley as a co-sponsor solely for the purpose of the City indicating its endorsement of the event.

BE IT FURTHER RESOLVED that this co-sponsorship does not: (1) authorize financial support, whether in the form of fee waivers, a grant or provision of City services for free; (2) constitute the acceptance of any liability, management, or control on the part of the City for or over the Taste of Downtown Berkeley event; or (3) constitute regulatory approval of the event.

RESOLUTION NO. ##,###-

AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE OFFICE EXPENSE ACCOUNT OF MAYOR ARREGUIN AND OTHER OFFICES TO SUPPORT BERKELEY ROTARY'S TASTE OF DOWNTOWN EVENT AND ITS ONGOING COMMUNITY PROGRAMMING

WHEREAS, the mission of Rotary is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders; and

WHEREAS, Berkeley Rotary and the Downtown Berkeley Association will be hosting the second annual Taste of Downtown Berkeley, inviting community members and friends to enjoy the diverse Downtown Berkeley food scene on Sunday, June 9, while raising money for critical community services, including health clinic services, supportive housing programming, and scholarship initiatives.; and

WHEREAS, the Taste of Downtown Berkeley actively promotes local businesses and restaurants by fostering community engaging and enhancing visibility; and

WHEREAS, over 200 participants attended last year in 2023, raising \$18,000 for Berkeley Rotary's mutual aid projects.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by Mayor Arreguin's Office Budget up to \$500 and Councilmembers from their office budgets of an amount to be determined by each Councilmember, shall be granted to the Berkeley Rotary Endowment towards first Annual Taste of Downtown Berkeley event and fundraiser with proceeds serving a public good.



Office of the Mayor

CONSENT CALENDAR
May 21, 2024

To: Members of the City Council
From: Mayor Jesse Arreguín
Subject: Budget Referral: Berkeley Youth Alternatives Part-Time Garden Assistant

RECOMMENDATION

Refer \$31,250 to the Fiscal Year 2025-2026 Budget process for Berkeley Youth Alternatives to hire a part-time Garden Assistant.

BACKGROUND

Since 1992, Berkeley Youth Alternatives (BYA) was able to secure resources from the City of Berkeley and private sources to operate and manage the Bancroft Garden, and also provide job training for at-risk community members. In recent years, funding has been limited, and BYA has not been able to hire a full-time Garden Coordinator or even part-time Garden Assistant to assist with these activities. As a consequence, BYA was able to incorporate the garden programming and stewardship into existing workforce contracts using grants from the County of Alameda and delivering nutrition education.

BYA is requesting assistance from the City to support the funding for a part-time Garden Assistant to join the Community Gardeners team at Bancroft Garden. An allocation \$31,250 (\$25,000 wages + \$6,250 [25% benefits]) would allow a team member to oversee the garden, engage youth in programming and job training, and interface with Community Gardeners to coordinate care and services.

FINANCIAL IMPLICATIONS

\$31,250 from the City’s General Fund as part of the 2024/2025 biennial budget process.

ENVIRONMENTAL SUSTAINABILITY

There are no identifiable adverse environmental effects associated with the subject of this report. An added Garden Assistant would help with the stewardship of flora and fauna at Bancroft Garden.

CONTACT PERSON

Mayor Jesse Arreguín 510-981-7100
Anthony Rodriguez, Senior Legislative Assistant

**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Berkeley Juneteenth Festival: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Adopt a Resolution approving the expenditure of funds, including \$500 from Councilmember Bartlett for pre-planning of the Berkeley Juneteenth Festival (organized by Berkeley Juneteenth Association, Inc. 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

BACKGROUND:

President Lincoln issued his Emancipation Proclamation on January 1st, 1863, but people in bondage in Texas remained unaware of their freedom until 1865, as their captors withheld this information from them. On June 18, 1865 Major General Gordon Granger of the Union Army arrived in Galveston, Texas with 1,800 soldiers on a mission to force the captors to release the people in bondage, whose population had swelled to over a quarter of a million.

The next year, newly-freed people in Texas flooded the streets, celebrating June 19th as their own emancipation day. Local groups kept the Juneteenth tradition alive and, in 1979, the passage of H.B. 1016 made June 19th Black Heritage Day an official Texas holiday. In commemoration of African American culture and traditions, Juneteenth is now celebrated in communities nationwide.

The Berkeley Juneteenth Festival was founded by R.D. Bonds, Bradley Walters, and Sam Dyke, who started the Festival celebration to promote community pride, and bring together South Berkeley businesses and residents in the celebration of a major African American cultural event. The establishment of Berkeley Juneteenth Association, Inc. (BJAI), culminated in the first annual Festival in 1987. Former City Councilmembers Mary Wainwright and the late Maudell Shirek were instrumental in obtaining City sponsorship. The late Lothario Lotho and Giselle Thomas also dedicated over 25 years.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$500 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

Councilmember Ben Bartlett
James Chang
Tina R. Posner

bbartlett@berkeleyca.gov
ichang@berkeleyca.gov
tposner@berkeleyca.gov

ATTACHMENT:

1. Resolution

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmembers Bartlett has surplus funds in his office expenditure account; and

WHEREAS, a California non-profit tax-exempt corporation – Berkeley Juneteenth Association, Inc. – will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: Berkeley Juneteenth Association, Inc. (BJAI) Promotes greater societal cohesiveness and well-being by educating and involving the community-at-large in historical, family, and cultural activities pertaining to people of color; and

WHEREAS, BJAJ hosts various activities including Black History Month Celebrations and the Berkeley Juneteenth Festival; and

WHEREAS, cultural celebrations are critical to the social and spiritual unity of our community, and are integrated into BJAJ events; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Berkeley Juneteenth Association, Inc.

**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Speed Bump Installation on Russell St at King Street (South Berkeley).

RECOMMENDATION:

Refer to the City Manager to analyze the potential for the installation of a speed bump on Russell St. at King St. (South Berkeley), to improve the public space to increase safety for pedestrians, cyclists, and people living with disabilities, while also meeting the needs of public transit and emergency vehicles. The analysis should prioritize speed bump installation that reduces injuries and accidents in the street and creates many benefits for our community. It should also consider other items listed by members of the community.

CURRENT SITUATION:

The intersection at Russell St. and King St. located within District 3, is a regularly crossed street by pedestrians, cyclists, and drivers alike. Right at its corner, Grove Park and Berkeley Public Library are walking-distance away, as well as other service centers in the community. Community members have expressed a shared interest in maintaining the safety and accessibility of this crucial intersection. While it serves as a hub for community activities and services, there is a growing awareness of safety concerns for all road users.

Residents have requested a Traffic Study to be conducted for the intersection at Russell St. and King St. dating as far back as 2022. Their original request was not met and a new request has been submitted for the fiscal year of 2023-2024 as of January 2, 2024.

Funding for a speed bump would meet the goals for the State of California's "Safe Streets and Roads for All" (SS4A) Program.

Links:

1. PDF from 11/2022, request for traffic calming study (Jessica Liu)
https://drive.google.com/file/d/1RFLut2WQ2fs_2tJqWaXhYTcbGEIKgfGE/view?usp=drive_link
2. PDF from 11/2023, neighbor comment/testimony (Cindi Augsjoost)
https://drive.google.com/file/d/1nc0HEt12lsSAnJVAV1ZIZRQiLIACbKDq/view?usp=drive_link
3. PDF from 11/2023, correspondence with Public Works (Jessica Liu)
https://drive.google.com/file/d/11G4jDW2iHHX5MVMjESQrMoKnCxMtc91y/view?usp=drive_link

4. PDF from 11/2023, neighbor comment/testimony (Sudhir Manandhar)
https://drive.google.com/file/d/1aR7y3IVH3I99gh87fO2O4y0ildse1KdG/view?usp=drive_link
5. PDF from 11/2023, correspondence with Public Works (Loa Ortiz)
https://drive.google.com/file/d/1Gt0SNHq6BecFbcgUhkNPANclSWq_1QUx/view?usp=drive_link
6. PDF from 12/2023, correspondence with Public Works (Jessica Liu)
https://drive.google.com/file/d/10rjPLm_n7sQj9oup-tNcPQ570S673qD2/view?usp=drive_link
7. PDF from 12/2023, correspondence with Police Department (Sutapa Mallik)
https://drive.google.com/file/d/1chrHVlrHfYwFB2568J1_iC0vqGfwug7/view?usp=drive_link
8. Video from 01/2024, showing a blue sports car ignoring the stop sign
https://drive.google.com/file/d/1gTpsHHXf89oPsB1pmG8O6DJKmn62lfgg/view?usp=drive_link
9. Video from 01/31/2024, showing garbage trucks ignoring the stop sign
https://drive.google.com/file/d/1tFvLW7wmbzm92B8lvrдемg1qhkt_OPdX/view?usp=drive_link
https://drive.google.com/file/d/1Yif0qT6Am9HS540p4zfN-Llo3UXbrsah/view?usp=drive_link

News articles about south Berkeley hit and run:

- <https://www.kron4.com/news/bay-area/7-year-old-trick-or-treater-injured-in-berkeley-hit-and-run/>
- <https://www.berkeleyside.org/2023/11/17/berkeley-traffic-safety-petition-san-pablo-park-halloween>
- <https://www.nbcbayarea.com/news/local/east-bay/boy-injured-hit-and-run-halloween-berkeley/3358693/>

Original petition: <https://www.change.org/p/demanding-traffic-pedestrian-safety-measures-after-halloween-night-s-hit-run>

Relevant news article on funding (federal and state):

<https://www.cbsnews.com/sanfrancisco/news/road-safety-improvements-coming-to-bay-area-california-with-139-million-in-federal-funding/>

BACKGROUND:

Over the past year, more than two vehicle-related accidents have been reported along Russell St. and King St. These incidents not only highlight the immediate need for enhanced safety measures but also underscore the potential long-term impacts on the

well-being of residents in District 3¹. Crime rates are intricately linked to the overall safety of streets². Safer streets contribute to a sense of security for residents, acting as a deterrent to criminal activities³. Conversely, unsafe streets can create an environment conducive to criminal behavior, affecting the overall well-being of the community.

Community members have been corresponding with the City of Berkeley's Transportation and Public Works Departments since 04/2019, requesting a speed bump. Community members have since submitted two separate petitions for a "Traffic Calming Study" in 2022. Community members have also contacted the Berkeley Police Department for enforcement help.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

The Vision Zero Action Plan for Berkeley was adopted in 2019 and outlines key priorities and actions to eliminate traffic-related fatalities and severe injuries by 2028. The plan focuses on collaboration, capacity building, transparency, equity, project planning, and public awareness.⁴

The Council adopted a Complete Streets Policy in 2013, which intends to create and sustain street designs and repairs. This policy is determined to create a "comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel"⁵ for all users. This includes pedestrians, persons with disabilities, motorists, bicyclists, users and operators of public transportation, seniors, children, youth, and families.

FISCAL IMPACT:

Staff time and cost associated with the installation of a speed bump.

ENVIRONMENTAL SUSTAINABILITY:

No adverse effects to the environment. Slower traffic and safer street crossings.

RATIONALE FOR RECOMMENDATION:

If the Council is dedicated to ensuring safety in the neighborhoods for all people, they should refer to the implementation of a speed bump at the intersection of Russell St. and King St. The consistent vehicle-related crimes along the intersection can be prevented with further action. The Council must keep their commitment to ensuring the safety of our drivers and pedestrians by preventing future accidents from occurring through the construction of more visible crossing signals.

ALTERNATIVES CONSIDERED

Alternatives include the consideration of other items listed under the petition. The recommendations include the installation of safety features such as speed bumps,

¹ <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/traffic-safety>

² <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/crimes>

³ <https://www.huduser.gov/portal/periodicals/em/summer16/highlight2.html>

⁴ <https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Vision-Zero-Action-Plan.pdf>

⁵ <https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Complete%20Streets%20Policy.pdf>

enhancements to pedestrian crosswalks, and a comprehensive traffic flow analysis.

CONTACT PERSON

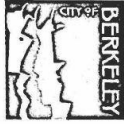
Councilmember Ben Bartlett
James Chang
Tina R. Posner
Nikki Paetsch

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info
tposner@cityofberkeley.info
npaetsch@cityofberkeley.info

Attachment:

1. Request for Traffic Calming Study from November 2022.
2. Safety concern from resident regarding Russel St. and King St. intersection from November 2023.

Attachment 1:



Date: 11/13/2022

City of Berkeley

Neighborhood Request for Traffic Calming Study

We, the residents of 1703 RUSSELL STREET, would like the City of Berkeley's Public Works (PW) Transportation Division to initiate a Traffic Calming Study in our neighborhood to address the following concern(s):

- Speeding
- Pedestrian Safety
- Cut-Through Traffic
- Commercial Vehicle Restriction
- Bicycle Safety
- Parking Issues
- Other (Please Specify)

◆ The specific location encompasses RUSSELL STREET, between KING ST. and McGEE AVE.

> Brief explanation of the reasons for the need for traffic calming, and any supporting observations:

Every day I observe cars ignoring the stop sign at the intersection of Russell/King St and speeding down Russell. There are many children walking to Malcolm X Elem. School + Grove Park, and cyclists on the Bicycle Blvd. Consider a traffic circle? Thank you!

> Please provide the name and contact information of the resident representing the consensus of your neighborhood on this matter:

Name: JESSICA LIU

Address: 1703 RUSSELL STREET, BERKELEY 94703

Telephone: 626-679-1216 email: 1703RUSSELLBERKELEY@GMAIL.COM

Please submit the completed form to:

Jesse Peoples, PE
1947 Center Street, 4th Floor
Berkeley, CA 94704
jpeoples@cityofberkeley.info

Attachment 2:



[Redacted]

Urgent need for speed bump on Russell St at King St (south Berkeley)

Fri, Nov 3, 2023 at 2:58 PM

To: Russell Berkeley <1703russellberkeley@gmail.com>
Cc: "Bartlett, Ben" <bbartlett@berkeleyca.gov>, "Chang, James" <jchang@berkeleyca.gov>, S [Redacted]
"Posner, Tina" <TPosner@berkeleyca.gov>, [Redacted]

[Redacted]

I am the next door neighbor to [Redacted]. I live on King Street at Russell in the [Redacted]

My child and I were 3 inches away from being hit by a car last year as we crossed Russell in front of the daycare. A guy drove through the stop sign without stopping while also looking down at his cell and didn't see me at all until I screamed at him and hit the car hood.

I sit in my driveway and watch hundreds of people ride their bikes on Russell which is a Bike Boulevard, and King Street which is a Bike Boulevard. They ride to Malcolm X Elementary school, to Willard Middle School, to Sylvia Mendez Elementary, and to UC Berkeley. They ride to the Ashby BART station. They use these streets to cross the city east- west and north- south. I also watch drivers blow through the stop signs at the Russell-King intersection every day. It is only a matter of time until someone is killed.

It is now scary to cross Russell St, just 10 steps, or 15 steps if you are a small child. We want to get to Grove park and the Tarea Hall Pittman South Branch library, but to take your kids across Russell on foot or on a bike feels like you are taking a risk with their lives.

And it is incredibly scary to teach my children how to ride a bike, knowing that drivers don't respect the stop signs at this intersection at all.

Please, put in a speed bump. This will make drivers slow down and pay attention as they come to this intersection.

Sincerely,

[Redacted signature]

[Quoted text hidden]



Office of the City Manager

PUBLIC HEARING
May 21, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Sharon Friedrichsen, Budget Manager
 Subject: Fiscal Years 2025 and 2026 Proposed Budget and Proposed Budget
 Public Hearing #1

RECOMMENDATION

Accept the Fiscal Years 2025 and 2026 Proposed Biennial Budget for review and consideration by the City Council and final adoption on June 25, 2024 and conduct Public Hearing #1 on the Fiscal Years 2025 and 2026 Proposed Budget.

FISCAL IMPACTS OF RECOMMENDATION

The Proposed Budget reflects planned citywide expenditures for Fiscal Years 2025 and 2026, including General Fund expenditures, and options to fund expenditures through a combination of using anticipated new revenues, fund balance and other strategies. The fiscal impact is subject to change based on forthcoming Council direction and will be codified with the adoption of the budget on June 25, 2024.

CURRENT SITUATION AND ITS EFFECTS

The Proposed Biennial Budget will include information on proposed revenues and expenditures by funding source; proposed expenditures by City department; proposed staffing levels; an update on the City's strategic plan priorities and goals; performance measures and the proposed capital improvement program.

Following the presentation on the Proposed Budget, staff requests that the City Council conduct the first public hearing on the budget. Subsequently, the Budget and Finance Policy Committee and City Council will continue discussions regarding the proposed budget prior to adoption on June 25, 2024. The FY 2025 and 2026 Proposed Budget is a Strategic Plan Priority Project, advancing our goal to provide an efficient and financially- health City government.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Actions included in the budget will be developed and implemented in a manner that is consistent with the City's environmental sustainability goals and requirements.

RATIONALE FOR RECOMMENDATION

This recommendation presents the Fiscal Years 2025 and 2026 Proposed Budget to City Council and begins the first of several public hearings pertaining to the budget, leading to adoption on June 25, 2024.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions have been considered.

CONTACT PERSON

Sharon Friedrichsen, Budget Manager, City Manager's Office, 981-7000

Attachments:

1: Public Hearing Notice

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL**

FY 2025 AND FY 2026 PROPOSED BUDGET PUBLIC HEARING #1

The City Manager's Office is proposing a public hearing for the Fiscal Year 2025 and Fiscal Year 2026 Proposed Budget, which is being presented to the City Council.

The hearing will be held on **Tuesday, May 21 2024 at 6:00 p.m.** in the School District Board Room, 1231 Addison Street.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of May 9, 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.**

For further information, please contact **Sharon Friedrichsen** at (510) 981-7000.

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 981-6900 or clerk@berkeleyca.gov for further information.

Posted: May 9, 2024

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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 May 9, 2024.

\_\_\_\_\_  
Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING  
May 21, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400  
 Subject: Rescinding and Adopting the Environmental Health Division Fee Schedule

### RECOMMENDATION

Conduct a Public Hearing and, upon conclusion, adopt a Resolution rescinding Resolution 69,891-N.S. which established the current Environmental Health fee schedule and adopting a new fee schedule. The new fee schedule keeps all existing fees at the same level and adds four (4) new fees as follows:

- 1) Compact Mobile Food Operations (CMFO)
- 2) Short-term / Guest Vendor Operations
- 3) Host Facility Operations
- 4) Temporary Food Facility (e.g., food booth) Late Applications

These recommended updates to the Environmental Health fee schedule reflect recent changes in State law, allowing the City to come into regulatory compliance with State law and offer more economic opportunities for smaller independent businesses. The new fees will be effective July 1, 2024 until subsequently modified.

### SUMMARY

The Environmental Health Division (EHD) recommends updating the fee schedule for the Retail Food Safety Inspection Program, which is administered by EHD. The proposed changes allow the City to come into regulatory compliance with changes in the State law over the past several years. EHD proposes to align the City's food permit categories with those types of operations currently allowed by the State law, which include the creation of new categories of food facilities outlined below. These changes must be adopted into EHD's current the fee schedule in order to permit, inspect and charge fees for these new types of facilities. In addition, EHD is also proposing a new fee to help with the influx of "last-minute" permit applications for Temporary Food Facilities by assessing an additional charge for permit applications that are received by EHD within two weeks of a scheduled City-sanctioned, community event.

**FISCAL IMPACTS OF RECOMMENDATION**

The attached fee schedule (included as Exhibit A) is the same as that adopted in 2021 with the addition of the new categories listed above.

The proposed fees are based on related categories within the current fee schedule and/or the existing hourly fee charged for “demand” services, which is currently \$170 per hour. Revenue projections resulting from the proposed new fees are difficult to calculate due to unpredictable retail food industry trends, however, current trends suggest that the fiscal impacts can range anywhere from \$2,000 to \$5,000 per year in additional General Fund revenue in the FY25 and in subsequent years.

The new proposed fee schedule also includes a fee of \$170 as a “late fee” for temporary food booth vendors who submit applications with less than fourteen (14) days prior to the start of a community event. This new fee is intended to serve as an incentive for food vendors to submit their applications well in advance of a scheduled event, and will help to offset additional costs associated with reviewing “last-minute” applications (e.g., overtime costs) street fairs and other community events where temporary food booths are often associated.

The table below summarizes how the proposed fees compare to comparable fees in neighboring jurisdictions.

**Summary of Environmental Health Division Proposed Fees Relative to Neighboring Jurisdictions**

| Environmental Health Jurisdiction | <sup>1</sup> CMFO Annual Permit Fee                         | <sup>1</sup> CMFO Plan Review Fee | Guest Vendor Permit Fee | Guest Vendor Plan Review Fee      | Host Facility Annual Permit Fee | Host Facility Plan Review Fee     | <sup>2</sup> Late Application Submittal Fee – Temporary Event Booth |
|-----------------------------------|-------------------------------------------------------------|-----------------------------------|-------------------------|-----------------------------------|---------------------------------|-----------------------------------|---------------------------------------------------------------------|
| City of Berkeley EH (proposed)    | \$131 - \$704 (based on existing Mobile Food Facility fees) | \$240 (based on 2 hrs @ \$170/hr) | \$546                   | \$240 (based on 2 hrs @ \$170/hr) | \$546                           | \$240 (based on 2 hrs @ \$170/hr) | \$170                                                               |
| Alameda County EH                 | \$204 - \$500                                               | Hourly @ \$174/hr                 | \$522                   | \$174 (hourly fee)                | \$408                           | \$174 (hourly fee)                | 50% of current permit fee (\$105.50)                                |
| Contra Costa EH                   | \$728 - \$896                                               | \$398 - \$498                     | No fee category         | No fee category                   | \$1052                          | \$796                             | N/A                                                                 |
| Santa Clara County EH             | \$229 - \$560                                               | \$580 - \$1015                    | \$169 - \$281           | \$435 (application fee)           | \$508                           | \$435 (application fee)           | N/A                                                                 |



|                     |               |               |                        |                    |               |                    |     |
|---------------------|---------------|---------------|------------------------|--------------------|---------------|--------------------|-----|
| San Mateo County EH | \$335-892     | \$841         | \$199 - \$348 (Pop Up) | \$249 (hourly fee) | \$498         | \$249 (hourly fee) | N/A |
| San Francisco EH    | \$235 - \$943 | \$353 - \$825 | \$235 (Pop Up)         | \$235 (hourly fee) | \$878 - \$928 | \$235              | N/A |

<sup>1</sup> Fees range from low-risk (pre-packaged, non-potentially hazardous) to high-risk (potentially hazardous foods)

<sup>2</sup> Sacramento County EH imposes a \$150 fee for temporary event applications submitted with less than 2 weeks prior to event date

CURRENT SITUATION AND ITS EFFECT

The City currently lacks the ability to approve certain types of food facility operations because the current fee schedule does not account for these new types of operations. By updating the Environmental Health fee schedule to reflect recent changes in State law, the City is able to offer more options for food service operations to conduct business, and to create more equitable economic opportunities for smaller independent businesses.

Perhaps the most significant new category is the **Compact Mobile Food Operations (CMFO)** category, which lessens the restrictions for “sidewalk food vendors” to sell food legally, and “decriminalizes” these types of food vending operations that were previously prohibited by state law. Senate Bill 972, passed in 2022, eased some of the regulatory restrictions that applied to more conventional mobile food trucks, and prohibited the application of criminal penalties for operating a CMFO, many of whom are operated by low-income immigrants in the local food economy.

An important distinction between a CMFO and a conventional mobile food truck is that a CMFO is restricted to “limited food preparation”, which means that a CMFO may only offer “cook-to-order” foods and food items which have been pre-cooked or prepared in a permitted food facility, such as a Microenterprise Home Kitchen Operation (MEHKO), or Cottage Food Operation. A conventional mobile food truck may conduct business similar to that of a fixed, brick-and-mortar facility, (which allows for full food preparation).

The Environmental Health Division (EHD) proposes to align the City’s food permit categories with those types of operations currently allowed by the State law. EHD will use existing protocols in evaluating and permitting CMFOs similar to that of the conventional mobile food trucks operations. Adoption of this new category will help ensure regulatory compliance and enforcement of food safety standards by regulating the growing number of sidewalk food vendors under a more formal permit process and will make it easier for CMFOs to comply.

**Short-term / Guest Vendor and Host Facility Operations** (also known referred to as “pop ups”), have become a popular trend in the food industry, and as of January 1,

2019, Assembly Bill 2584 allows a catering operation (e.g., “guest vendor”) to operate at a “host” facility, provided that both the guest vendor and host facility meet minimum requirements for permitting. It is important to note that food facility permits are not issued to individuals, but instead, they are issued to a specific owner/operator at a specified location, and **are not** transferable. By creating a specific permit category for these situations, EHD can issue short-term permits for “pop up” operations, and provide proper regulatory oversight which is consistent with other food facilities that serve the public. Moreover, EHD will be able recoup costs by charging fees to support the additional review time and inspectional activities associated with the regulation of these types of operations.

EHD also proposes to implement a new fee for any **Late Submittal** of a temporary food facility permit application. This “late fee” applies to applications that are received less than 2 weeks prior to City-sanctioned special events, like street fairs, and weekend festivals. Applications for these events, many of which focus on food have increased substantially since the height of the pandemic. EHD tends to receive a relatively large number of temporary food booth vendors applications for these events, and are often inundated with last-minute vendor applications. Review of these temporary food booth applications is a very involved, coordinated process, depending on the type of foods being offered.

EHD’s protocol requires a minimum of thirty (30) day lead time in order to properly review applications and issue permits. Because food vendors play such a critical role in attracting large crowds to these types of events, EHD staff are often under a great deal of pressure to review and approve food vendor applications. Often times, food vendor applications are submitted only a few days before an event, putting additional pressure on EHD staff, and often result in the use of overtime to adequately review and permit these last-minute submittals. The intent of this fee is to provide an incentive for food vendors to submit their applications well in advance, and serves to help offset the overtime costs involved in reviewing and approving these last-minute application submittals.

### BACKGROUND

The Environmental Health Division administers several local state-mandated public health programs such as the Retail Food Safety Inspection Program, the Public Pool and Spa Inspection Program, and the Tattoo and Body Piercing Registration program, all of which depend primarily upon fees for their operation. In addition, EHD administers or participates in several local programs required by the Berkeley Municipal Code such as the Vector Control Program, the Community Noise Ordinance, Styrofoam Ban, Abandoned Vehicle Abatement Program, Restaurant Stormwater Protection Inspection Program, Sewer Emergency Response Program, and Tobacco Licensing Program (services funded by grants, assessment district proceeds, or City special revenue funds). The Division also provides other inspection services to protect public health, such as the water quality monitoring program for the Aquatic Park. Adjusted from time

to time as needed, the permit and inspection fees are collected from each regulated facility in the City of Berkeley each calendar year and support Environmental Health Division's staffing costs.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

Adopting a fee schedule that includes these additional fee categories will allow the City to permit these new types of food facilities. Furthermore, these new fee categories align with recent changes to State law. Approval of the recommended action will maintain the Fee Schedule for the Environmental Health Division consistent with anticipated revenues in balance with projected program expenses. The previously approved fee is broadly aligned with the range of fees charged by other Bay Area Environmental Health jurisdictions.

ALTERNATIVE ACTIONS CONSIDERED

Staff did not consider other alternative actions, however, if Council chooses not to adopt the proposed fee changes, it would place the City in a difficult position of having to deny an application that is allowed by the State, and businesses may choose other locations to conduct business outside of Berkeley. With regard to the proposed Late Submittal Fee, should Council decide not to approve this fee, staff will continue to work diligently to try to approve Temporary Permit Applications as best they can, but may have to deny applications due to time constraints.

CONTACT PERSON

Ron Torres, Manager of Environmental Health, HHCS (510) 981-5310

Attachments:

1: Resolution

Exhibit A: Fee Schedule for Environmental Health Services

2: Public Hearing Notice

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

FEE SCHEDULE FOR ENVIRONMENTAL HEALTH REGULATION AND  
INSPECTIONS EFFECTIVE JULY 1, 2024

WHEREAS, Environmental Health program fees cover cost of permit and inspection services; and

WHEREAS, the present fees for certain specified services, including retail food facilities services, remained unchanged since the adoption of Resolution 69,891-N.S. effective July 1, 2021; and

WHEREAS, California Senate Bill 972 (SB972), chaptered on September 23, 2022, established a new category of food operation called Compact Mobile Food Operation, codified in the California Health & Safety Code §§113818, et seq., which is intended to promote economic inclusion while modernizing the California Retail Food Code so that sidewalk food vendors can obtain a permit and join the regulated vending economy; and

WHEREAS, California Assembly Bill No. 2524, signed into state law in 2018, became effective on January 1, 2019, establishing a “catering operation” and “host facility” as a food facilities; and

WHEREAS, “Pop up” food operations have become a popular trend in the food industry, and can now be formally permitted under the host facility and guest vendor categories; and

WHEREAS, City-sanctioned special events like street fairs and weekend festivals often draw large crowds and feature a variety of different food vendors; and

WHEREAS, Environmental Health staff experience a large influx of “last-minute” food vendor applications just days before a special event, and are often pressured into approving food vendor applications; and

WHEREAS, a “late application fee” could provide more incentive for applicants to submit their applications in a more timely manner; and

WHEREAS, regulated facilities should bear the cost of permitting and inspection services.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution 69,891-N.S.from May 25, 2021 is hereby rescinded.

BE IT FURTHER RESOLVED that the Proposed Annual Fees in the Fee Schedule for Environmental Health Services, attached to this Resolution as Exhibit A, are hereby adopted, until subsequently modified, to cover the costs of regulations and inspections required by the Berkeley Municipal Code and the California Retail Food Code, Health and Safety Code §113700 et seq.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect on and after July 1, 2024.

**Environmental Health Division Fee Schedule  
HEALTH AND SANITATION PERMIT AND FEE SCHEDULE**

| <b>ESTABLISHMENT</b>                                                                                     | <b>CURRENT ANNUAL FEES</b> | <b>PROPOSED ANNUAL FEES</b> |
|----------------------------------------------------------------------------------------------------------|----------------------------|-----------------------------|
| Bed and Breakfast                                                                                        | \$432                      | \$432                       |
| Boarding House                                                                                           | \$432                      | \$432                       |
| Confectionary                                                                                            | \$245                      | \$245                       |
| Food Market-Commissary                                                                                   | \$355                      | \$355                       |
| In Plant or Employee Food Establishment                                                                  | \$407                      | \$407                       |
| Licensed Health Care                                                                                     | \$704                      | \$704                       |
| MFF (Mobile Food Facility) – Full or Limited Food Prep                                                   | \$704                      | \$704                       |
| MFF – Prepackaged Food (TTCS/PHF)                                                                        | \$406                      | \$406                       |
| MFF – Prepackaged Food (non-TTCS/PHF)                                                                    | \$131                      | \$131                       |
| Restaurants – Commissary                                                                                 | \$704                      | \$704                       |
| Schools - Public                                                                                         | \$0                        | \$0                         |
| Schools - Private                                                                                        | \$432                      | \$432                       |
| Temporary Food Facility (TFF) – Full or Limited Food Prep at Certified Farmer's or Flea Markets (annual) | \$546                      | \$546                       |
| TFF - Prepackaged Food (TTCS/PHF) at Certified Farmer's or Flea Markets (annual)                         | \$406                      | \$406                       |
| TFF - Prepackaged Food (non-TTCS/PHF) at Certified Farmer's or Flea Markets (annual)                     | \$182                      | \$182                       |
| Certified Farmer's Market (CFM) Permit                                                                   | \$182                      | \$182                       |
| Flea Market Event Coordinator for TFF & MFF                                                              | \$182                      | \$182                       |
| Vending Machines                                                                                         | \$52                       | \$52                        |
| Pool – Public Spa                                                                                        | \$182                      | \$182                       |
| Pool – Public Swimming Pool                                                                              | \$704                      | \$704                       |
| Retail Tobacco License                                                                                   | \$498                      | \$498                       |
| Cottage Food Class A                                                                                     | \$170                      | \$170                       |
| Cottage Food Class B                                                                                     | \$425                      | \$425                       |
| Body Art – Facility (Tattoo, Body Piercing, & Perm. Cosmetic)                                            | \$366                      | \$366                       |
| Body Art – Practitioner (Tattoo, Body Piercing, & Perm. Cosmetic)                                        | \$85                       | \$85                        |
|                                                                                                          |                            |                             |
| Microenterprise Home Kitchen Operation (MEHKO)                                                           | \$510                      | \$510                       |
| <sup>New</sup> Compact Mobile Food Operations (CMFO) Prepackaged Food (non-TTCS/PHF)                     | N/A                        | \$131                       |
| <sup>New</sup> Compact Mobile Food Operations (CMFO) Prepackaged Food (TTCS/PHF)                         | N/A                        | \$406                       |
| <sup>New</sup> Compact Mobile Food Operations (CMFO) Full or Limited Food Prep                           | N/A                        | \$704                       |
| Short-Term / Guest Vendor Operation                                                                      | \$546                      | \$546                       |
| Host Facility                                                                                            | \$546                      | \$546                       |

| <b>ESTABLISHMENT ANNUAL FEES -<br/>Current and Proposed Fees</b> | <b>0-<br/>1000<br/>sq. ft.</b> | <b>1001-<br/>2500<br/>sq. ft.</b> | <b>2501-<br/>5000<br/>sq.ft</b> | <b>5001-<br/>7500<br/>sq.ft</b> | <b>Over 7500 sq.<br/>ft.</b> |
|------------------------------------------------------------------|--------------------------------|-----------------------------------|---------------------------------|---------------------------------|------------------------------|
| Bakery                                                           | \$704                          | \$870                             | \$1171                          | \$1461                          | \$1738                       |
| Cocktail Lounge                                                  | \$463                          | \$649                             | \$914                           | \$1127                          | \$1516                       |
| Food Market                                                      | \$355                          | \$519                             | \$813                           | \$1109                          | \$1409                       |
| Food Processing/Catering                                         | \$519                          | \$704                             | \$980                           | \$1319                          | \$1571                       |
| Meat Market                                                      | \$406                          | \$594                             | \$870                           | \$1171                          | \$1461                       |
| Meat and Food Market                                             | \$519                          | \$704                             | \$980                           | \$1280                          | \$1571                       |
| Restaurants                                                      | \$704                          | \$870                             | \$1171                          | \$1461                          | \$1738                       |
|                                                                  |                                |                                   |                                 |                                 |                              |

| <b>DEMAND SERVICES (HOURLY FEES)</b>                                                                                                   | <b>Current Fees</b> |                                     | <b>Proposed Fees</b> |                                     |
|----------------------------------------------------------------------------------------------------------------------------------------|---------------------|-------------------------------------|----------------------|-------------------------------------|
|                                                                                                                                        | <b>Fees</b>         | <b>Multiple<br/>Day<sup>2</sup></b> | <b>Fees</b>          | <b>Multiple<br/>Day<sup>2</sup></b> |
| Amplified Sound Permit/Application and Processing <sup>3</sup>                                                                         | \$44                | \$75                                | \$44                 | \$75                                |
| Amplified Sound Permit Variance Application and Processing <sup>3</sup>                                                                | \$182               | \$182                               | \$182                | \$182                               |
| Enforcing Noise Ordinance Permits                                                                                                      | \$182               | \$182                               | \$182                | \$182                               |
| Enforcing Noise Ordinance at Open Air/Special Events where Permits Were Issued (Hourly Rate)                                           | \$170               | \$170                               | \$170                | \$170                               |
| Sound Survey (Two Hour Minimum)                                                                                                        | \$340+              |                                     | \$340+               |                                     |
| Accelerated Plan Check of Food Facilities (2-Hour Minimum). Plan review w/in 10 working days at 100% over standard costs. <sup>3</sup> | \$340+              |                                     | \$340+               |                                     |
| Plan Check, Remodel (hourly rate of \$170 w/2-hour minimum)                                                                            | \$340+              |                                     | \$340+               |                                     |
| Plan Check New Construction (hourly rate with 4-hour minimum)                                                                          | \$680               |                                     | \$680                |                                     |
| Investigation of Food Facility <sup>4</sup> (Work or Operation w/out a Permit)                                                         | \$182               |                                     | \$182                |                                     |
| Food Facility Consultation/Pre-permit Inspection                                                                                       | \$182               |                                     | \$182                |                                     |
| New/Change of Ownership                                                                                                                | \$182               |                                     | \$182                |                                     |
| Re-issue of an Annual Permit (Copy) <sup>4</sup>                                                                                       | \$44                |                                     | \$44                 |                                     |
| Re-opening of a Food Facility Following Non-Compliance Closure <sup>4</sup>                                                            | \$182               |                                     | \$182                |                                     |
| Hourly Rate                                                                                                                            | \$170               | \$170                               | \$170                | \$170                               |
| Inspection of Food Service at Fundraisers                                                                                              | \$182               | \$182                               | \$182                | \$182                               |
| Inspection/Processing of Temporary Special Event Food Booth Operation (TTCS/PHF)                                                       | \$182               | \$250                               | \$182                | \$250                               |
| Inspection/Processing of Temporary Special Event Food Booth, Pre-packaged Foods (non-TTCS/PHF)                                         | \$44                | \$75                                | \$44                 | \$75                                |
| Temporary Special Event Coordinator Permit for two or more vendors                                                                     | \$182               | \$250                               | \$182                | \$250                               |

|                                                                                                                                             | Current Fees |                           | Proposed Fees |                           |
|---------------------------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------|---------------|---------------------------|
|                                                                                                                                             | Fees         | Multiple Day <sup>2</sup> | Fees          | Multiple Day <sup>2</sup> |
| <b>DEMAND SERVICES (HOURLY FEES)</b>                                                                                                        |              |                           |               |                           |
| Sales and Promotional Sampling of non-TTCS/PHF Foods at a Temporary Special Event                                                           | \$44         | \$75                      | \$44          | \$75                      |
| Sales/Food Demonstration/Promotional Sampling of Pre-Packaged TTCS/PHF Foods and Beverage Sampling at a Temporary Special Event (per event) | \$98         | \$150                     | \$98          | \$150                     |
| Investigation of a Food Facility (Hourly)                                                                                                   | \$182+       |                           | \$182+        |                           |
| Food Handler Training (Non-certificate, 2-hour minimum)                                                                                     | \$340+       |                           | \$340+        |                           |
| Food Handler Training Certificate Program                                                                                                   | \$180        |                           | \$180         |                           |
| Mechanical Ear Piercing Notification                                                                                                        | \$44         |                           | \$44          |                           |
| Valid Smoking, Noise, and Styrofoam Complaints                                                                                              | \$182        |                           | \$182         |                           |
| Property Inspection Fee                                                                                                                     | \$182        |                           | \$182         |                           |
| Administrative Hearing (2-hour minimum)                                                                                                     | \$340+       |                           | \$340+        |                           |
| Compost Sanitary Requirements                                                                                                               | \$182        |                           | \$182         |                           |
| Demolition Site Inspection                                                                                                                  | \$182        |                           | \$182         |                           |
| Interdepartmental Service Charges                                                                                                           | \$182        |                           | \$182         |                           |
| Stormwater Follow-up Inspection                                                                                                             | \$182        |                           | \$182         |                           |
| Potable Water Sampling                                                                                                                      | \$182        |                           | \$182         |                           |
| Virginia Graeme Baker (VGB) Pool Plan Check (2-Hour minimum)                                                                                | \$340+       |                           | \$340+        |                           |
| Greywater or Rain Catch Basin (4-hour minimum)                                                                                              | \$680+       |                           | \$680+        |                           |
|                                                                                                                                             |              |                           |               |                           |
| Cannabis Facilities Plan Check, Complaints, Billable Service, Follow-up Inspections (two-hour minimum)                                      | \$340+       |                           | \$340+        |                           |
| Cannabis Consumption Lounge Plan Review (2-Hour Minimum)                                                                                    | \$340+       |                           | \$340+        |                           |
| Confirmed Complaint Investigations and For-Cause Re-inspections of Microenterprise Home Kitchen Operations (Hourly)                         | \$170        |                           | \$170         |                           |
| Cannabis Facility Health Operating Permit Application and Processing Fee                                                                    | \$182        |                           | \$182         |                           |



| DEMAND SERVICES (HOURLY FEES)                                                                                          | Current Fees |                           | Proposed Fees |                           |
|------------------------------------------------------------------------------------------------------------------------|--------------|---------------------------|---------------|---------------------------|
|                                                                                                                        | Fees         | Multiple Day <sup>2</sup> | Fees          | Multiple Day <sup>2</sup> |
| Microenterprise Home Kitchen Operation Plan Check and Application Fee                                                  | \$182        |                           | \$182         |                           |
| <sup>New</sup> Temporary Food Facility Late Application Submittal Fee (Less than 14 days prior to the scheduled event) | N/A          |                           | \$170         |                           |

<sup>1</sup>City-sponsored Special Event

<sup>2</sup>Non refundable

<sup>3</sup>Applicable to MHKO

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
ENVIRONMENTAL HEALTH PERMIT AND FEE SCHEDULE  
ADJUSTMENTS**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Health, Housing and Community Services, Environmental Health Division, is proposing that current fees pursuant to Resolution No. 69,891-N.S. will remain unchanged with the exception of adding new fee categories for

| <b>Type of Permit</b>                | <b>Current Fee</b> | <b>Proposed Fee</b> |
|--------------------------------------|--------------------|---------------------|
| Compact Mobile Food Operation (CMFO) | N/A                | \$131 - \$704       |
| Short-Term / Guest Vendor Operation  | N/A                | \$546               |
| Host Facility Operation              | N/A                | \$546               |
| Late Application Submittal Fee       | N/A                | \$170               |

The hearing will be held on, May 21, 2024 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 9, 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.**

For further information please contact Ron Torres, Manager of Environmental Health at (510) 981-5310.

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](mailto: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](mailto:clerk@berkeleyca.gov) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** May 10 and May 17, 2024 – The Berkeley Voice  
Published pursuant to Government Code Section 6062a

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 9, 2024.

Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING
May 21, 2024

To: Honorable Mayor and Members of the City Council
 From: Dee Williams-Ridley, City Manager
 Submitted by: Tanya Bustamante, Interim Deputy Director, Health, Housing, and
 Community Services
 Subject: Fee Increase: Senior Center Facility Rental Security Deposit

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution raising the senior center rental facility's security deposit from \$350 to \$500, a total increase of \$150.

FISCAL IMPACTS OF RECOMMENDATION

An increase in the security deposit fee amount is proposed due to increasing incidents of rentals resulting in damaged and/or unclean conditions, which warrant additional repair and/or cleaning. The repair and cleaning costs often exceed the amount of the current security deposit amount of \$350.

The rental security deposit is a separate check submitted by the renter when the rental of a room(s) is confirmed in a senior center facility. The security deposit is refundable, and returned to the renter, upon completion of the rental if the condition of the rented space is deemed acceptable upon completion of a post-event walk thru with a staff person.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley senior centers in the Aging Services Division charge a series of fees pertaining to the rental of those facilities. The security deposit fee is a refundable fee required from the renter. As stated in the rental agreement, if there is no damage to the facility or grounds, no extra cleaning required, and time of use does not exceed the time indicated in the rental agreement, then the security deposit will be returned to the renter.

If there is physical damage to the building, grounds, or its furnishings or equipment, or the time spent at the event exceeded the time indicated in the rental agreement, then the deposit is retained until the cost of repair and/or replacement can be determined and deducted from the deposit.

The security deposit fee increase is in line with the City's Strategic Plan, as it advances our goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.

BACKGROUND

The Berkeley senior centers in the Aging Services Division are available for rental to community members, community-based organizations, and to internal City departments. The security deposit fee was last amended in July 2011.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no immediate environmental effects associated with the adoption of this fee increase.

RATIONALE FOR RECOMMENDATION

Over the past decade, costs for cleaning, facility and/or equipment repairs or replacements have increased significantly. Facility cleaning and repairs are necessary for the daily operation of these facilities as senior centers. In addition, neighboring senior center facilities have similar security deposit fees: City of Emeryville security deposit fees vary between \$165-\$1,000 per facility rental; City of Oakland security deposit fee for senior center rentals is \$375.

ALTERNATIVE ACTIONS CONSIDERED

The City could continue to charge the current amount for the security deposit, at a deficit for costs of cleaning and repair services. The gap will need to be covered by the General Fund.

CONTACT PERSON

Tanya Bustamante, Interim Deputy Director, HHCS, 510-981-5178

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

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

INCREASE OF SENIOR CENTER RENTAL FACILITY SECURITY DEPOSIT

WHEREAS, the Berkeley senior centers in the Aging Services Division are available for rental to community members, community-based organizations, and to internal City departments; and

WHEREAS, the Berkeley senior centers in the Aging Services Division charge a series of fees pertaining to the rental of those facilities; and

WHEREAS, the security deposit fee is a refundable fee required from the renter; and

WHEREAS, the security deposit fee was last amended in July 2011; and

WHEREAS, the proposed increase to the security deposit fee will be used to cover increased expenses incurred as a result of physical damage to the building, grounds, or its furnishings or equipment, or the time spent at the event exceeded the time indicated in the rental agreement.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the security deposit fee increase to \$500 shall be effective July 1, 2024.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
SECURITY DEPOSIT FEE INCREASE FOR THE RENTAL OF SENIOR
CENTER FACILITIES**

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Health, Housing, and Community Services, Aging Services Division is proposing to increase the refundable security deposit fee, for the rental of City of Berkeley Senior Centers.

Current Fees

\$350.00

Proposed Fees

\$500.00

The hearing will be held on, May 21, 2014 at [6:00 p.m.] in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Tanya Bustamante at 510-981-5178.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of May 9, 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@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk

Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

Published: May 10 and May 17, 2024 – The Berkeley Voice
Published pursuant to Government Code Section 6062a

~~~~~  
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 May 9, 2024.

\_\_\_\_\_  
Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING  
May 21, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Scott Ferris, Director, Parks, Recreation and Waterfront  
 Subject: Selected Sports Field Fee Increases

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees for select sports field fees; and rescinding Resolution No. 70,869-N.S. and all amendatory resolutions.

FISCAL IMPACTS OF RECOMMENDATION

The proposed increase in fees for sports field rentals for Gabe’s Fields at Harrison Park and Gilman Fields at Tom Bates Regional Sports Complex will generate estimated new revenue of \$120,000 per year and will be deposited into the Sports Field Operations Fund (Fund 113) to offset field operating and maintenance costs. Costs have outpaced field rental revenues in the last several years, and without this fee increase, the Sports Field Operations Fund is projected to exhaust reserves in FY25. With the proposed fee increase, the Fund would come back into balance, with an estimated 8% reserve rate, (see table 1). This is lower than the 15% typically recommended, but provides a small buffer for unforeseen costs or impacts to revenue.

*Table 1 - Sports Field Operations Fund Forecast, with and without proposed fee increase*

| Category                                               | FY25<br>(without fee<br>increase) | FY25<br>(with fee<br>increase) |
|--------------------------------------------------------|-----------------------------------|--------------------------------|
| Starting Balance                                       | \$11,885                          | \$11,885                       |
| Revenue                                                | \$293,919*                        | \$413,919                      |
| Expenditures                                           | \$317,514                         | \$317,514                      |
| Transfer (annual<br>set-aside for turf<br>replacement) | \$75,000                          | \$75,000                       |
| <b>Ending Balance</b>                                  | <b>-\$86,710</b>                  | <b>\$33,290</b>                |
| Reserve Rate                                           | -                                 | 8%                             |

\*Equivalent to FY24 projected revenue.

CURRENT SITUATION AND ITS EFFECTS

The City periodically reviews all recreation fees in an effort to keep programs and facilities accessible to residents while accounting for increased costs to deliver those services. Fees proposed for sports field rentals at Gabe’s Fields at Harrison Park and Gilman Fields at Tom

Bates Regional Sports Complex were last increased in 2018, when Council adopted Resolution No. 68,450-N.S.

Since then, costs to maintain and operate those sites have increased, with particularly sharp increases in sports field lighting costs. Electricity costs to power sports field lights increased 73% between FY23 and FY18, due to a combination of rate increases over time and PG&E’s shift to peak pricing for usage between 4pm and 9pm. Other costs to maintain these fields have increased by more than 20% over the same period.

Additionally, these fields are governed by a five-city Joint Powers Agreement (JPA) between Albany, Berkeley, El Cerrito, Emeryville, and Richmond. Per that agreement, at least \$75,000/year in field rental revenue is annually transferred out from the Sports Field Operations Fund to the Turf Replacement Fund, to set aside capital funds for the synthetic turf replacement – a project needed every 8-9 years. The synthetic turf was most recently replaced in 2018, and will be due for replacement in 2026-2027.

Without fee increases, those transfers cannot be made, as existing revenue is insufficient to cover FY25 costs and all Sports Field Operations Fund reserves will be exhausted.

City staff developed several fee increase scenarios and discussed with sports field user groups in two meetings in March and April 2024, as well as the JPA meeting in April 2024. Staff reviewed current City fees, showing that Berkeley had fallen to the lowest or near lowest in the East Bay for field rental fees; and that Berkeley was among the only jurisdictions to not charge higher rates for fields with lights. The proposed fees reflect feedback from user groups, who recommended that light rates be merged into field rental rates during times of day that lights are in operation. Proposed fees also keep youth rates at the middle or low end of neighboring city fees, and adult rates slightly higher but still lower than neighboring cities, (see tables 3-7 below).

To ensure the City can continue to maintain these heavily used sports fields, set aside funds for turf replacement per the JPA agreement, and keep the Sports Field Operations Fund solvent, the following fee increases are proposed, (see table 2). For these fields, resident fees (R) apply to residents of Berkeley, Albany, El Cerrito, Emeryville and Richmond. As with other Recreation fees, non-resident fees (NR) are set 20% higher than resident fees. Proposed fees would go into effect July 1, 2024.

Table 2 - Current vs. Proposed Fees

|                                    | Current (Per Hour)       | Proposed (Per Hour)      |
|------------------------------------|--------------------------|--------------------------|
| <b>ADULTS (Grass)</b>              | \$36.00 (R)/\$43.00 (NR) | \$41.50 (R)/\$50.00 (NR) |
| <b>ADULTS (Grass) w/Lights</b>     | N/A                      | \$56.50 (R)/\$68.00 (NR) |
| <b>ADULTS (Synthetic)</b>          | \$45.50 (R)/\$54.50 (NR) | \$52.25 (R)/\$62.75 (NR) |
| <b>ADULTS (Synthetic) w/Lights</b> | N/A                      | \$67.25 (R)/\$80.75 (NR) |
| <b>YOUTH (Grass)</b>               | \$14.50 (R)/\$17.50 (NR) | \$18.00 (R)/\$21.50 (NR) |
| <b>YOUTH (Grass) w/Lights</b>      | N/A                      | \$33.00 (R)/\$40.00 (NR) |
| <b>YOUTH (Synthetic)</b>           | \$20.00 (R)/\$24.00 (NR) | \$25.00 (R)/\$30.00 (NR) |
| <b>YOUTH (Synthetic) w/Lights</b>  | N/A                      | \$40.00 (R)/\$48.00 (NR) |

- **15% increase in Adult fees for grass field rentals.** The proposed increase keeps Berkeley fees consistent with cities like Richmond and San Francisco, and remains 30% lower than Oakland.

Table 3 - Fee Comparison: Grass Fields, Adults, No Lights

| GRASS - ADULT – No Lights                    | Rate/Hr        | NR/Hr          |
|----------------------------------------------|----------------|----------------|
| Emeryville                                   | N/A            | N/A            |
| Albany                                       | \$22.00        | \$34.00        |
| Fremont                                      | \$24.00        | \$47.00        |
| Union City                                   | \$28.00        | \$33.00        |
| Hayward                                      | \$30.00        | \$40.00        |
| <b>Berkeley – Gilman/Harrison - current</b>  | <b>\$36.00</b> | <b>\$48.00</b> |
| Berkeley – other City fields                 | \$36.00        | \$43.00        |
| San Francisco                                | \$40.00        | \$103.00       |
| Richmond                                     | \$41.00        | N/A            |
| <b>Berkeley – Gilman/Harrison – proposed</b> | <b>\$41.50</b> | <b>\$50.00</b> |
| Oakland                                      | \$55.00        | \$60.00        |

- **15% increase in Adult fees for synthetic turf field rentals.** The proposed increase keeps Berkeley fees consistent with cities like Richmond and San Francisco, and remains 30% lower than Oakland.

Table 4 - Fee Comparison: Synthetic Fields, Adults, No Lights

| SYNTHETIC FIELDS - ADULT<br>No Lights        | Rate/Hr        | NR/Hr          |
|----------------------------------------------|----------------|----------------|
| Albany USD                                   | \$32.00        | \$55.50        |
| Emeryville                                   | \$34.00        | \$46.00        |
| San Francisco                                | \$40.00        | \$103.00       |
| Hayward                                      | \$42.00        | \$52.00        |
| <b>Berkeley – Gilman/Harrison - current</b>  | <b>\$45.50</b> | <b>\$54.50</b> |
| Richmond                                     | \$51.00        | N/A            |
| <b>Berkeley – Gilman/Harrison - proposed</b> | <b>\$52.25</b> | <b>\$62.75</b> |
| Union City                                   | \$64.00        | \$95.00        |
| Oakland                                      | \$70.00        | \$75.00        |
| Fremont                                      | \$118.00       | \$223.00       |

- **24% increase in Youth fees for grass field rentals.** The proposed fees align fees with other Berkeley fields at \$18/hour, and remain significantly lower than Fremont, Union City, Richmond and San Francisco.

Table 5 - Fee Comparison: Grass Fields, Youth, No Lights

| <b>GRASS - YOUTH<br/>No Lights</b>           | <b>Res/Hr</b>  | <b>NR/Hr</b>   |
|----------------------------------------------|----------------|----------------|
| Albany USD                                   | N/A            | N/A            |
| Emeryville                                   | N/A            | N/A            |
| Oakland (+ \$5 per Youth per season)         | \$1.00         | \$25.00        |
| Hayward                                      | \$11.00        | \$40.00        |
| <b>Berkeley - Gilman/Harrison - current</b>  | <b>\$14.50</b> | <b>\$17.50</b> |
| Albany                                       | \$15.00        | \$23.00        |
| Berkeley - City fields – current             | \$18.00        | \$21.50        |
| <b>Berkeley – Gilman/Harrison - proposed</b> | <b>\$18.00</b> | <b>\$21.50</b> |
| Fremont                                      | \$24.00        | \$47.00        |
| Union City                                   | \$28.00        | \$33.00        |
| Richmond                                     | \$28.00        | N/A            |
| San Francisco                                | \$40.00        | \$103.00       |

- **25% increase in Youth fees for synthetic turf field rentals.** This fee increase would continue to keep youth field rental fees for synthetic turf lower than all neighboring cities.

Table 6 - Fee Comparison: Synthetic Fields, Youth, No Lights

| <b>SYNTHETIC FIELDS - YOUTH - No<br/>Lights</b> | <b>Rate/Hr</b> | <b>NR/Hr</b>   |
|-------------------------------------------------|----------------|----------------|
| <b>Berkeley – Gilman/Harrison - current</b>     | <b>\$20.00</b> | <b>\$24.00</b> |
| <b>Berkeley – Gilman/Harrison - proposed</b>    | <b>\$25.00</b> | <b>\$30.00</b> |
| Hayward                                         | \$26.00        | \$52.00        |
| Albany USD                                      | \$32.00        | \$55.50        |
| Emeryville                                      | \$34.00        | \$46.00        |
| Oakland (+ \$5 per Youth per season)            | \$40.00        | \$55.00        |
| San Francisco                                   | \$40.00        | \$103.00       |
| Richmond                                        | \$41.00        | N/A            |
| Union City                                      | \$64.00        | \$95.00        |
| Fremont                                         | \$118.00       | \$223.00       |

- **\$15/hour light fee merged into field fees during times of day that lights are in operation.** The proposed fee would allow Berkeley to join all other neighboring cities

in applying higher rates for fields with lighting. Some cities incorporate light fees via a surcharge; others blend it into their existing fees. The additional cost for lighting varies across cities from \$10/hour to \$32.50/hour.

Table 7 – Comparison of Additional Charges for Sports Field Lighting

| City                                         | Add'l Hourly Lighting Charge (Res) | Notes                                                                                                               |
|----------------------------------------------|------------------------------------|---------------------------------------------------------------------------------------------------------------------|
| Hayward                                      | \$10 - \$27                        | \$10/hr for youth synthetic;<br>\$15/hr for youth grass;<br>\$15/hr for adult synthetic;<br>\$27/hr for adult grass |
| Albany                                       | \$14                               |                                                                                                                     |
| <b>Berkeley - Gilman/Harrison – proposed</b> | <b>\$15</b>                        |                                                                                                                     |
| San Francisco                                | \$15                               |                                                                                                                     |
| Oakland                                      | \$15                               |                                                                                                                     |
| Emeryville                                   | \$17                               |                                                                                                                     |
| Richmond                                     | \$21                               |                                                                                                                     |
| Fremont                                      | \$29                               |                                                                                                                     |
| Union City                                   | \$32.50                            |                                                                                                                     |

At Gilman/Harrison fields, based on user feedback, the lighting fees would be incorporated into field rental fees during the following times:

- Fall Season (Mid-August – November): 6:00pm – 11:00pm
- Winter Season (December – February): 4:30pm – 11:00pm
- Spring Season (March - May): 7:30 pm – 11:00pm
- Summer Season (June – Mid-August): 9:00pm – 11:00pm

**BACKGROUND**

Revenue and expenditures related to these fields are managed out of the Sports Field Operations Fund. The City of Berkeley established this fund, along with a Turf Replacement Fund after 2008, when the five cities comprising the Joint Powers Agreement – Albany, Berkeley, El Cerrito, Emeryville and Richmond – collaborated to develop the sports fields now known as the Tom Bates Regional Sports Complex. The Sports Field Operations Fund was created as a special revenue fund with the expectation that field rental revenue cover costs to maintain the fields. The Turf Replacement Fund was established as reserve fund for annual allocations from the five JPA cities and at least \$75,000 in annual field revenues transferred in from the Sports Field Operations Fund.

**RATIONALE FOR RECOMMENDATION**

The sports fields at Harrison Park and Tom Bates Regional Sports Complex are among the most highly used public fields in the region. Just the two artificial turf fields alone provide up to 300,000 player hours per year, rain or shine, and serve approximately 19,000 youth and adult users. Field rental fees have not been increased since 2018, and fee increases are required to cover field maintenance costs and set aside funds per JPA agreement for synthetic turf replacement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

CONTACT PERSON

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Christina Erickson, Deputy Director, PRW, 510-981-6703

Stephanie Chu, Youth and Recreation Services Manager, PRW, 510-981-6707

Attachments:

1. Recreation Fees: Current vs. Proposed
2. Resolution  
    Exhibit A: Fee Schedule
3. Notice of Public Hearing



ATTACHMENT 1

**Recreation Fee Schedule: Current vs. Proposed\***

\*New fees or changes to existing fees are highlighted in yellow.

**Exhibit A:**

| Program Area                                                                                                                                                                          | Unit of Measure | Resident     | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|---------------------|--------------|-------------------------|
| <b>I. DIRECTOR'S AUTHORITY TO IMPLEMENT NEW FEES</b>                                                                                                                                  |                 |              |                     |              |                         |
| The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs based on comparison with other municipalities. |                 |              |                     |              |                         |
| Various                                                                                                                                                                               | Various         | Up to \$350  |                     |              |                         |
| <b>II. FACILITY RENTAL CHARGES</b>                                                                                                                                                    |                 |              |                     |              |                         |
| <b>1. Room Rentals - Regular Hours (1 hour minimum); Non-Regular Hours (2 hour minimum)</b>                                                                                           |                 |              |                     |              |                         |
| James Kenney (JK) Live Oak (LO)<br>Frances Albrier (FA), Martin Luther King (MLK)                                                                                                     |                 |              |                     |              |                         |
| <b>A. Youth, Senior, Disabled</b>                                                                                                                                                     |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$41.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$61.00      |                     |              |                         |
| <b>B. All Other</b>                                                                                                                                                                   |                 |              |                     |              |                         |
| <b>Auditorium (FA) &amp; Social Hall (LO)</b>                                                                                                                                         |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$67.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$82.00      |                     |              |                         |
| <b>Fireside Room (LO), Community Room (JK)</b>                                                                                                                                        |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$52.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$67.00      |                     |              |                         |
| <b>Game Room (FA, MLK) Arts &amp; Crafts Room (FA, JK, LO) Meeting Room (JK, LO, MLK)</b>                                                                                             |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$46.00      |                     |              |                         |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$62.00      |                     |              |                         |
| <b>C. Multi Room Discount</b>                                                                                                                                                         |                 |              |                     |              |                         |
| 2nd room                                                                                                                                                                              | Rental          | 25% discount |                     |              |                         |
| 3rd room, each additional room                                                                                                                                                        | Rental          | 50% discount |                     |              |                         |
| <b>D. Gym Rentals (JK, MLK)</b>                                                                                                                                                       |                 |              |                     |              |                         |
| Regular Hours                                                                                                                                                                         | Hour            | \$64.00      |                     | \$77.00      |                         |
| Non-Regular Hours                                                                                                                                                                     |                 | \$75.00      |                     | \$90.00      |                         |
| <b>E. Filming Fee</b>                                                                                                                                                                 |                 |              |                     |              |                         |
| Parks and Facilities                                                                                                                                                                  | ½Day            | \$400.00     |                     | \$400.00     |                         |
|                                                                                                                                                                                       | Full Day        | \$800.00     |                     | \$800.00     |                         |
| <b>F. Surcharges</b>                                                                                                                                                                  |                 |              |                     |              |                         |
| Table & Chair Set-Up                                                                                                                                                                  | Rental          | \$63.00      |                     | \$76.00      |                         |

| Program Area                                                                                                                  | Unit of Measure              | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------|---------------------|--------------|-------------------------|
| Kitchen Use                                                                                                                   | Rental                       | \$86.00    |                     | \$103.00     |                         |
| Small Storage Room                                                                                                            | Month                        | \$21.00    |                     | \$25.00      |                         |
| Large Storage Room                                                                                                            | Month                        | \$31.00    |                     | \$37.00      |                         |
| Stage Use w/Room Rental                                                                                                       | Hour                         | \$26.00    |                     | \$31.00      |                         |
| P/A system & staff operation                                                                                                  | Hour                         | \$42.00    |                     | \$50.00      |                         |
| Cleaning/Damage Deposit All Rentals (Refundable)                                                                              | Rental                       | \$200.00   |                     | \$200.00     |                         |
| <b>2. City Athletic Fields</b>                                                                                                |                              |            |                     |              |                         |
| <b>Cedar Rose, Codornices, Glendale - La Loma, Grove, James Kenney, Ohlone, San Pablo, Willard, Rosa Parks, Thousand Oaks</b> |                              |            |                     |              |                         |
| Youth non-profit leagues                                                                                                      | 2-Hours                      | \$36.00    |                     | \$43.00      |                         |
| Adults, for-profits, private schools                                                                                          | 2-Hours                      | \$72.00    |                     | \$86.00      |                         |
| Maintenance Deposit                                                                                                           |                              | 40% of fee |                     | 40% of fee   |                         |
| <b>Gabe's Fields at Harrison Park, Natural Turf</b>                                                                           |                              |            |                     |              |                         |
| Youth non-profit leagues, no lights                                                                                           | 2-Hours                      | \$29.00    | \$36.00             | \$35.00      | \$43.00                 |
| Adults, for-profits, private schools, no lights                                                                               | 2-Hours                      | \$72.00    | \$83.00             | \$86.00      | \$100.00                |
| Youth non-profit leagues, with lights                                                                                         | 2-Hours                      |            | \$66.00             |              | \$80.00                 |
| Adults, for-profits, private schools, with lights                                                                             | 2-Hours                      |            | \$113.00            |              | \$136.00                |
| <b>Gilman Fields, Natural Turf</b>                                                                                            |                              |            |                     |              |                         |
| Youth non-profit leagues, no lights                                                                                           | 2-Hours                      | \$29.00    | \$36.00             | \$35.00      | \$43.00                 |
| Adults, for-profits, private schools, no lights                                                                               | 2-Hours                      | \$72.00    | \$83.00             | \$96.00      | \$100.00                |
| Youth non-profit leagues, with lights                                                                                         | 2-Hours                      |            | \$66.00             |              | \$80.00                 |
| Adults, for-profits, private schools, with lights                                                                             | 2-Hours                      |            | \$113.00            |              | \$136.00                |
| <b>Gilman Fields, Synthetic Turf</b>                                                                                          |                              |            |                     |              |                         |
| Youth non-profit leagues, no lights                                                                                           | 2-Hours                      | \$40.00    | \$50.00             | \$48.00      | \$60.00                 |
| Adults, for-profits, private schools, no lights                                                                               | 2-Hours                      | \$91.00    | \$104.50            | \$109.00     | \$125.50                |
| Youth non-profit leagues, with lights                                                                                         | 2-Hours                      |            | \$80.00             |              | \$96.00                 |
| Adults, for-profits, private schools, with lights                                                                             | 2-Hours                      |            | \$134.50            |              | \$161.50                |
| <b>Sports Field User Fines (Policy Violations: Applicable to All Athletic Fields)</b>                                         |                              |            |                     |              |                         |
| Playing on Closed Grass Fields                                                                                                | 1st Offense                  | \$250.00   |                     | \$250.00     |                         |
|                                                                                                                               | 2nd Offense                  | \$500.00   |                     | \$500.00     |                         |
| Running practices in main goal areas                                                                                          | 1st Offense within 12 months | \$50.00    |                     | \$50.00      |                         |
|                                                                                                                               | 2nd Offense within 12 mo     | \$100.00   |                     | \$100.00     |                         |
|                                                                                                                               | 3rd Offense within 12 mo     | \$200.00   |                     | \$200.00     |                         |

| Program Area                                                                                                                            | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| Dogs, Alcohol, Trash, Wheeled vehicles                                                                                                  | Incident        | \$100.00 |                     | \$100.00     |                         |
| Field Monitor                                                                                                                           | Hourly          | \$25.00  |                     | \$25.00      |                         |
| <b>Additional Rules (Applicable to all athletic fields)</b>                                                                             |                 |          |                     |              |                         |
| Weekday slots used before 3:30pm throughout the year are discounted 50%                                                                 |                 |          |                     |              |                         |
| Weekday slots 5:30pm-7:00pm are charged as full two-hour slot                                                                           |                 |          |                     |              |                         |
| All other slots are pro-rated in 30 minute increments                                                                                   |                 |          |                     |              |                         |
| <b>3. Skate Park Rental (only available AM hours)</b>                                                                                   |                 |          |                     |              |                         |
| <b>A. Morning Hours (includes 2 staff members)</b>                                                                                      | Hour            | \$250.00 |                     | \$300.00     |                         |
| <b>B. Birthday Party (includes 2 staff members &amp; lesson)</b>                                                                        | Hour            | \$350.00 |                     | \$420.00     |                         |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental          | \$200.00 |                     | \$200.00     |                         |
| <b>4. Tennis Courts</b>                                                                                                                 |                 |          |                     |              |                         |
| <b>A. Day Use (All Courts): Cedar Rose, Grove, James Kenney, Live Oak, Rose Garden, Roy Oakes, San Pablo, Strawberry Creek, Willard</b> |                 |          |                     |              |                         |
| Adult                                                                                                                                   | Hour            | \$7.00   |                     | \$8.00       |                         |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$5.00   |                     | \$6.00       |                         |
| <b>B. Night Use/Lighted Courts: Cedar Rose, Grove, James Kenney, Live Oak, San Pablo, Strawberry Creek, Willard</b>                     |                 |          |                     |              |                         |
| Adult                                                                                                                                   | Hour            | \$10.00  |                     | \$12.00      |                         |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$8.00   |                     | \$10.00      |                         |
| <b>5. Swim Centers (1-hour minimum) King, West Campus</b>                                                                               |                 |          |                     |              |                         |
| 1-35 people                                                                                                                             | Hour            | \$100.00 |                     | \$120.00     |                         |
| 36-70 people                                                                                                                            | Hour            | \$145.00 |                     | \$174.00     |                         |
| 71-100 people                                                                                                                           | Hour            | \$177.00 |                     | \$212.00     |                         |
| 101-150 people                                                                                                                          | Hour            | \$217.00 |                     | \$260.00     |                         |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental          | \$200.00 |                     | \$200.00     |                         |
| <b>6. Picnic Areas (4-hour minimum)</b>                                                                                                 |                 |          |                     |              |                         |
| Aquatic Park Area 1                                                                                                                     | 4-hours         | \$50.00  |                     | \$60.00      |                         |
| Aquatic Park Area 2                                                                                                                     | 4-hours         | \$54.00  |                     | \$65.00      |                         |
| Cedar Rose Area 1                                                                                                                       | 4-hours         | \$30.00  |                     | \$40.00      |                         |
| Cedar Rose Area 2                                                                                                                       | 4-hours         | \$36.00  |                     | \$43.00      |                         |
| Cesar Chavez Area 1                                                                                                                     | 4-hours         | \$50.00  |                     | \$50.00      |                         |
| Cesar Chavez Area 2                                                                                                                     | 4-hours         | \$220.00 |                     | \$220.00     |                         |
| Cesar Chavez: Area 3                                                                                                                    | 4-hours         | \$70.00  |                     | \$70.00      |                         |
| Codornices Park Area 1                                                                                                                  | 4-hours         | \$83.00  |                     | \$100.00     |                         |
| Codornices Park Area 2                                                                                                                  | 4-hours         | \$66.00  |                     | \$79.00      |                         |
| Codornices Park Area 4                                                                                                                  | 4-hours         | \$50.00  |                     | \$60.00      |                         |

| Program Area                                                                                 | Unit of Measure | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|----------------------------------------------------------------------------------------------|-----------------|------------|---------------------|--------------|-------------------------|
| Cragmont Area 1                                                                              | 4-hours         | \$50.00    |                     | \$60.00      |                         |
| Glendale La Loma Area 1                                                                      | 4-hours         | \$40.00    |                     | \$48.00      |                         |
| Grove Area 1                                                                                 | 4-hours         | \$33.00    |                     | \$40.00      |                         |
| James Kenney Area 1                                                                          | 4-hours         | \$50.00    |                     | \$60.00      |                         |
| James Kenney Area 2                                                                          | 4-hours         | \$50.00    |                     | \$60.00      |                         |
| John Hinkel Area 1                                                                           | 4-hours         | \$40.00    |                     | \$48.00      |                         |
| King School Area 1                                                                           | 4-hours         | \$33.00    |                     | \$40.00      |                         |
| Live Oak Park Areas 1                                                                        | 4-hours         | \$66.00    |                     | \$79.00      |                         |
| Live Oak Park Areas 2                                                                        | 4-hours         | \$66.00    |                     | \$79.00      |                         |
| Ohlone Park @ McGee Area 1                                                                   | 4-hours         | \$50.00    |                     | \$60.00      |                         |
| San Pablo Park Area 1                                                                        | 4-hours         | \$33.00    |                     | \$40.00      |                         |
| San Pablo Park Area 2                                                                        | 4-hours         | \$33.00    |                     | \$40.00      |                         |
| San Pablo Park Area 3                                                                        | 4-hours         | \$33.00    |                     | \$40.00      |                         |
| Strawberry Creek Area 1                                                                      | 4-hours         | \$33.00    |                     | \$40.00      |                         |
| Shorebird Park Areas 1                                                                       | 4-hours         | \$75.00    |                     | \$75.00      |                         |
| Shorebird Park Areas 2                                                                       | 4-hours         | \$75.00    |                     | \$75.00      |                         |
| Shorebird Park Area 3                                                                        | 4-hours         | \$45.00    |                     | \$45.00      |                         |
| Bounce House Permit                                                                          | Per Use         | \$30.00    |                     | \$36.00      |                         |
|                                                                                              |                 |            |                     |              |                         |
| <b>7. Parks &amp; Open Space (not athletic fields)</b>                                       |                 |            |                     |              |                         |
| <b>A. Special Events</b>                                                                     |                 |            |                     |              |                         |
| 1-99 Participants                                                                            | Day             | \$180.00   |                     | \$350.00     |                         |
| 100-249 Participants                                                                         | Day             | \$270.00   |                     | \$500.00     |                         |
| 250-499 Participants                                                                         | Day             | \$350.00   |                     | \$700.00     |                         |
| 500+ Participants                                                                            | Day             | \$550.00   |                     | \$1,000.00   |                         |
| Cleaning/Damage Deposit (refundable)                                                         | Day             | \$700.00   |                     | \$700.00     |                         |
| <b>Special Events - Additional Days</b>                                                      |                 |            |                     |              |                         |
| 1-99 Participants                                                                            | Day             | \$170.00   |                     | \$340.00     |                         |
| 100-249 Participants                                                                         | Day             | \$230.00   |                     | \$460.00     |                         |
| 250-499 Participants                                                                         | Day             | \$250.00   |                     | \$600.00     |                         |
| 500+ Participants                                                                            | Day             | \$450.00   |                     | \$900.00     |                         |
| <b>B. John Hinkel Amphitheater</b>                                                           |                 |            |                     |              |                         |
|                                                                                              | Day 4-hours     | \$200      |                     | \$240        |                         |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$75       |                     | \$90         |                         |
| Cleaning/Damage Deposit (refundable)                                                         |                 | \$500      |                     | \$500        |                         |
| <b>Camp Day Use Fee</b>                                                                      |                 |            |                     |              |                         |
| 1-50 Participants                                                                            | Day             | \$50.00    |                     | \$50.00      |                         |
| 51-100 Participants                                                                          | Day             | \$100.00   |                     | \$100.00     |                         |
| 101-150 Participants                                                                         | Day             | \$150.00   |                     | \$150.00     |                         |
|                                                                                              |                 |            |                     |              |                         |
| <b>Small Turf Areas in Parks (Ages 8 yrs &amp; under; Mon-Fri only; Max 3 days per week)</b> |                 |            |                     |              |                         |
| Ohlone Park, Aquatic Park, James Kenney Park, Live Oak Park                                  | 2-Hours         | \$25.00    |                     | \$30.00      |                         |
| <b>8. Weddings (4-hour minimum)</b>                                                          |                 |            |                     |              |                         |
| <b>A. Rose Garden</b>                                                                        | 4-Hours         | \$1,000.00 |                     | \$1,200.00   |                         |

| Program Area                                                                             | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|------------------------------------------------------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00 |                     | \$204.00     |                         |
| <b>8. Cragmont, Live Oak Park, &amp; John Hinkel (outside areas)</b>                     | 4-Hours         | \$450.00 |                     | \$540.00     |                         |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$75.00  |                     | \$90.00      |                         |
| <b>C. Spinnaker Way Vista</b>                                                            | 4-Hours         | \$750.00 |                     | \$750.00     |                         |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00 |                     | \$170.00     |                         |
| <b>D. Yacht Club Point</b>                                                               | 4-Hours         | \$750.00 |                     | \$750.00     |                         |
| Each Additional Hour (after 4 hours)                                                     | Hour            | \$170.00 |                     | \$170.00     |                         |
| Cleaning/Damage Deposit (refundable)                                                     | Rental          | \$700.00 |                     | \$700.00     |                         |
| <b>9. Mini-Amphitheater/Outdoor Classroom (4-hour minimum)</b>                           |                 |          |                     |              |                         |
| <b>Codornices Park #A1 (Next to Picnic Site #2)</b>                                      | 4-hours         | \$40.00  |                     | \$48.00      |                         |
| <b>Live Oak Park #A1</b>                                                                 | 4-hours         | \$50.00  |                     | \$60.00      |                         |
| <b>Shorebird Park #A1 (near Nature Center Playground)</b>                                | 4-hours         | \$50.00  |                     | \$50.00      |                         |
|                                                                                          |                 |          |                     |              |                         |
| <b>III. SWIM CENTER FEES</b>                                                             |                 |          |                     |              |                         |
| <b>1. Admissions (Public &amp; Family Swim, Laps)</b>                                    |                 |          |                     |              |                         |
| Adult (Drop-in)                                                                          | Swim            | \$6.00   |                     | \$6.00       |                         |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$51.00  |                     | \$51.00      |                         |
| Adult (Monthly)                                                                          | Month           | \$73.00  |                     | \$73.00      |                         |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$3.00   |                     | \$3.00       |                         |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$22.00  |                     | \$22.00      |                         |
| Youth Senior Disabled (Monthly Card)                                                     | Month           | \$37.00  |                     | \$37.00      |                         |
| <b>2. Red Cross Swim Sessions</b>                                                        |                 |          |                     |              |                         |
| Adult                                                                                    | Session         | \$75.00  |                     | \$90.00      |                         |
| Youth, Senior, Disabled                                                                  | Session         | \$72.00  |                     | \$84.00      |                         |
| Organized Youth Groups (Residents only)                                                  |                 |          |                     |              |                         |
| 10-15 participants                                                                       | Session         | \$65.00  |                     | -            |                         |
| 16-21 participants                                                                       | Session         | \$62.00  |                     | -            |                         |
| 22-32 participants                                                                       | Session         | \$54.00  |                     | -            |                         |
| 33-43 participants                                                                       | Session         | \$48.00  |                     | -            |                         |
| 44-54 participants                                                                       | Session         | \$39.00  |                     | -            |                         |
| 55+ participants                                                                         | Session         | \$37.00  |                     | -            |                         |
| <b>3. Premium Classes</b>                                                                |                 |          |                     |              |                         |
| Continuous & Coached Workouts: water aerobics, parent/tot, stroke technique, Master Swim |                 |          |                     |              |                         |
| Adult (Drop-in)                                                                          | Swim            | \$7.00   |                     | \$7.00       |                         |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$66.00  |                     | \$66.00      |                         |
| Adult (Monthly)                                                                          | Month           | \$82.00  |                     | \$82.00      |                         |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$5.00   |                     | \$5.00       |                         |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$40.00  |                     | \$40.00      |                         |
| Youth Senior Disabled (Monthly Card)                                                     | Session         | \$57.00  |                     | \$57.00      |                         |
| <b>4. Private Swim Lessons (1/2 hour session)</b>                                        |                 |          |                     |              |                         |
| Individual (One-on-One)                                                                  | Lesson          | \$30.00  |                     | \$36.00      |                         |

| Program Area                                                                    | Unit of Measure | Resident | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|---------------------------------------------------------------------------------|-----------------|----------|---------------------|--------------|-------------------------|
| Semi-Private Lesson (2 or more Participants)                                    | Lesson          | \$50.00  |                     | \$60.00      |                         |
| <b>IV. RECREATION PROGRAMS</b>                                                  |                 |          |                     |              |                         |
| <b>1. Sports</b>                                                                |                 |          |                     |              |                         |
| <b>A. Adult Softball League</b>                                                 |                 |          |                     |              |                         |
| 4 Game Season                                                                   | Team            | \$320.00 |                     | \$384.00     |                         |
| 8 Game Season                                                                   | Team            | \$640.00 |                     | \$715.00     |                         |
| 10 Game Season                                                                  | Team            | \$800.00 |                     | \$875.00     |                         |
| <b>8. Adult Basketball League</b>                                               |                 |          |                     |              |                         |
| 8 Game Season                                                                   | Team            | \$560.00 |                     | \$635.00     |                         |
| 10 Game Season                                                                  | Team            | \$700.00 |                     | \$775.00     |                         |
| <b>C. Adult Volleyball League</b>                                               |                 |          |                     |              |                         |
| 8 Game Season                                                                   | Team            | \$320.00 |                     | \$384.00     |                         |
| 10 Game Season                                                                  | Team            | \$400.00 |                     | \$475.00     |                         |
| 12 Game Season                                                                  | Team            | \$480.00 |                     | \$555.00     |                         |
| 15 Game Season                                                                  | Team            | \$600.00 |                     | \$675.00     |                         |
| <b>D. Open Gym Volleyball</b>                                                   |                 |          |                     |              |                         |
| Drop-In                                                                         |                 | \$5.00   |                     | \$5.00       |                         |
| <b>E. Youth Baseball</b>                                                        |                 |          |                     |              |                         |
| Individual                                                                      | Session         | \$51.00  |                     | \$61.00      |                         |
| <b>F. Youth Hoops League</b>                                                    |                 |          |                     |              |                         |
| Individual                                                                      | Session         | \$30.00  |                     | \$36.00      |                         |
| <b>G. Youth Twilight Basketball</b>                                             |                 |          |                     |              |                         |
| Individual                                                                      | Session         | \$27.00  |                     | \$32.00      |                         |
| <b>H. Youth Flag Football League</b>                                            |                 |          |                     |              |                         |
| Individual                                                                      | Session         | \$30.00  |                     | \$36.00      |                         |
| <b>I. Tennis Lessons</b>                                                        |                 |          |                     |              |                         |
| Youth                                                                           | Session         | \$73.00  |                     | \$88.00      |                         |
| Adult                                                                           | Session         | \$107.00 |                     | \$128.00     |                         |
| <b>J. Skate Park Lessons &amp; Classes</b>                                      |                 |          |                     |              |                         |
| Full Day                                                                        | Session         | \$258.00 |                     | \$310.00     |                         |
| 1/2 Day Camp                                                                    | Session         | \$195.00 |                     | \$234.00     |                         |
| Park Introduction                                                               | Session         | \$11.00  |                     | \$13.00      |                         |
| Trick Clinic                                                                    | Session         | \$11.00  |                     | \$13.00      |                         |
| Private Lessons                                                                 | Hour            | \$43.00  |                     | \$52.00      |                         |
| Group Lessons                                                                   | Session         | \$108.00 |                     | \$130.00     |                         |
| <b>2. Programs at Centers</b>                                                   |                 |          |                     |              |                         |
| <b>A. After School Program Registration Fee (Frances Albrier, James Kenney)</b> |                 |          |                     |              |                         |
| Individual                                                                      | Week            | \$25.00  |                     | \$30.00      |                         |
| <b>B. Community Center Camp Programs (Winter, Spring, Summer)</b>               |                 |          |                     |              |                         |
| Core                                                                            | 30 hours        | \$101.00 |                     | \$121.00     |                         |
| AM Extended Care                                                                | 5 hours         | \$10.00  |                     | \$12.00      |                         |
| PM Extended Care                                                                | 15 hours        | \$30.00  |                     | \$36.00      |                         |
| <b>3. Camp Programs</b>                                                         |                 |          |                     |              |                         |
| <b>A. Berkeley Day Camp</b>                                                     |                 |          |                     |              |                         |
| Youth Core Program                                                              | 5-Days          | \$269.00 |                     | \$323.00     |                         |
| AM Extended Care                                                                | 5-Days          | \$57.00  |                     | \$68.00      |                         |
| PM Extended Care                                                                | 5-Days          | \$88.00  |                     | \$106.00     |                         |
| Counselor-In-Training                                                           | 10-Days         | \$217.00 |                     | \$260.00     |                         |

| Program Area                                    | Unit of Measure | Resident                               | Resident (proposed) | Non-Resident                           | Non-Resident (proposed) |
|-------------------------------------------------|-----------------|----------------------------------------|---------------------|----------------------------------------|-------------------------|
| Cancelled Reservation                           | Session         | 25% of reservation not to exceed \$150 |                     | 25% of reservation not to exceed \$150 |                         |
| <b>B. Echo Lake Camp</b>                        |                 |                                        |                     |                                        |                         |
| <b>50 &amp; Better Camp</b>                     |                 |                                        |                     |                                        |                         |
| 50 & Better Camp Tent (up to 2 campers)         | 5-Day           | \$818.00                               |                     | \$981.00                               |                         |
| 50 & Better Camp Tent (up to 2 campers)         | 4-Day           | \$650.00                               |                     | \$780.00                               |                         |
| 50 & Better Camp Tent (up to 2 campers)         | Weekend         | \$515.00                               |                     | \$618.00                               |                         |
| 50 & Better Camp Additional Camper              | 1-Day           | \$55.00                                |                     | \$66.00                                |                         |
| <b>Counselor-In-Training</b>                    |                 |                                        |                     |                                        |                         |
| Counselor-In-Training                           | 2-Week          | \$448.00                               |                     | \$538.00                               |                         |
| Counselor-In-Training                           | 1-Week          | \$308.00                               |                     | \$370.00                               |                         |
| <b>Family Camp</b>                              |                 |                                        |                     |                                        |                         |
| Full-Week Standard Tent (up to 3 campers)       | 7-Day           | \$1,843.00                             |                     | \$2,212.00                             |                         |
| Full-Week Low-Occupancy Tent                    | 7-Day           | \$1,595.00                             |                     | \$1,914.00                             |                         |
| Nightly Rate: Sun, Mon, Tues, or Wed            | 1-Day           | \$450.00                               |                     | \$540.00                               |                         |
| Weekend Standard Tent (up to 3 campers)         | 4-Day           | \$1,397.00                             |                     | \$1,676.00                             |                         |
| Weekend Low-Occupancy Tent                      | 4-Day           | \$1,226.00                             |                     | \$1,471.00                             |                         |
| Mid-Week Standard Tent (up to 3 campers)        | 4-Day           | \$1,210.00                             |                     | \$1,452.00                             |                         |
| Mid-Week Low-Occupancy Tent                     | 4-Day           | \$1,062.00                             |                     | \$1,274.00                             |                         |
| Additional Camper Fee (1-Day)                   | 1-Day           | \$90.00                                |                     | \$108.00                               |                         |
| Additional Camper Fee Session- Based Daily Rate | 1-Day           | \$80.00                                |                     | \$96.00                                |                         |
| <b>Day Use Fees</b>                             |                 |                                        |                     |                                        |                         |
| Adult (15+) Day Use                             | 1-Day           | \$108.00                               |                     | \$129.60                               |                         |
| Youth (7-14) Day Use                            | 1-Day           | \$72.00                                |                     | \$86.40                                |                         |
| Child (3-6) Day Use                             | 1-Day           | \$54.00                                |                     | \$64.80                                |                         |
| <b>Group Rental Rates</b>                       |                 |                                        |                     |                                        |                         |
| Adult (15+)                                     | 1-Day           | \$85.00                                |                     | \$102.00                               |                         |
| Youth (7-14)                                    | 1-Day           | \$71.50                                |                     | \$85.80                                |                         |
| Child (3-6)                                     | 1-Day           | \$52.80                                |                     | \$63.36                                |                         |
| Infant (0-3)                                    | 1-Day           | \$0.00                                 |                     | \$0.00                                 |                         |
| <b>New Camper Welcome Weekend</b>               | Weekend         | \$195.00                               |                     | \$234.00                               |                         |
| <b>School Outdoor Education</b>                 |                 |                                        |                     |                                        |                         |
| Teachers & Adult Chaperones                     | 1-Day           | \$60.00                                |                     | \$72.00                                |                         |
| Youth Participants                              | 1-Day           | \$45.00                                |                     | \$54.00                                |                         |
| <b>Work Weekend</b>                             | Weekend         | \$0.00                                 |                     | \$0.00                                 |                         |
| <b>Youth Camp</b>                               |                 |                                        |                     |                                        |                         |
| 5-Day Program                                   | 5-Days          | \$672.00                               |                     | \$806.00                               |                         |
| 6-Day Program                                   | 6-Days          | \$806.00                               |                     | \$967.00                               |                         |
| 7-Day Program                                   | 7-Days          | \$941.00                               |                     | \$1,129.00                             |                         |
| Per Day Fee                                     | 1-Day           | \$134.00                               |                     | \$161.00                               |                         |

| Program Area                                          | Unit of Measure | Resident   | Resident (proposed) | Non-Resident | Non-Resident (proposed) |
|-------------------------------------------------------|-----------------|------------|---------------------|--------------|-------------------------|
| <b>Wedding Rental</b>                                 |                 |            |                     |              |                         |
| Wedding Rental                                        | 4-Hours         | \$750.00   |                     | \$900.00     |                         |
| Wedding Rental - Each Additional Hour (after 4 hours) | Hour            | \$125.00   |                     | \$150.00     |                         |
| <b>C. Tuolumne Camp</b>                               |                 |            |                     |              |                         |
| <b>50 &amp; Better Camp</b>                           |                 |            |                     |              |                         |
| 50 & Better Camp Tent (up to 2 campers)               | 5-Day           | \$1,008.00 |                     | \$1,210.00   |                         |
| 50 & Better Camp Tent (up to 2 campers)               | 4-Day           | \$806.00   |                     | \$967.00     |                         |
| 50 & Better Camp Tent (up to 2 campers)               | Weekend         | \$605.00   |                     | \$726.00     |                         |
| 50 & Better Camp Additional Camper per day            | 1-Day           | \$60.00    |                     | \$72.00      |                         |
| <b>Leaders in Training (LIT)</b>                      | 1-Week          | \$941.00   |                     | \$1,129.00   |                         |
| <b>Counselor-In-Training</b>                          |                 |            |                     |              |                         |
| Counselor-In-Training                                 | 2-Week          | \$465.00   |                     | \$558.00     |                         |
| Counselor-In-Training                                 | 1-Week          | \$308.00   |                     | \$370.00     |                         |
| <b>Family Camp</b>                                    |                 |            |                     |              |                         |
| Full-Week Standard Tent (up to 3 campers)             | 1-Week          | \$2,195.00 |                     | \$2,633.00   |                         |
| Full-Week Low-Occupancy Tent                          | 1-Week          | \$1,887.00 |                     | \$2,264.00   |                         |
| Weekend Standard Tent (up to 3 campers)               | 4-Day           | \$1,664.00 |                     | \$1,997.00   |                         |
| Weekend Low-Occupancy Tent                            | 4-Day           | \$1,459.00 |                     | \$1,751.00   |                         |
| Mid-Week Standard Tent (up to 3 campers)              | 4-Day           | \$1,430.00 |                     | \$1,716.00   |                         |
| Mid-Week Low Occupancy Tent                           | 4-Day           | \$1,210.00 |                     | \$1,452.00   |                         |
| Nightly Rate: Sun, Mon, Tues, or Wed                  | 1-Day           | \$525.00   |                     | \$630.00     |                         |
| <b>Family Camp Day Use Fees</b>                       |                 |            |                     |              |                         |
| Adult (15+) Day Use                                   | 1-Day           | \$135.00   |                     | \$162.00     |                         |
| Youth (7-14) Day Use                                  | 1-Day           | \$90.00    |                     | \$108.00     |                         |
| Child (3-6) Day Use                                   | 1-Day           | \$68.00    |                     | \$81.60      |                         |
| Additional Camper Fee (1-Day)                         | 1-Day           | \$100.00   |                     | \$120.00     |                         |
| Additional Camp Session-Based Daily Rate              | 1-Day           | \$90.00    |                     | \$108.00     |                         |
| <b>Group Rental Rates</b>                             |                 |            |                     |              |                         |
| Adult (15+)                                           | 1-Day           | \$110.00   |                     | \$132.00     |                         |
| Youth (7-14)                                          | 1-Day           | \$93.00    |                     | \$111.60     |                         |
| Child (3-6)                                           | 1-Day           | \$78.00    |                     | \$93.60      |                         |
| Infant (0-3)                                          | 1-Day           | \$0.00     |                     | \$0.00       |                         |
| <b>New Camper Welcome Weekend</b>                     | Weekend         | \$195.00   |                     | \$234.00     |                         |
| <b>School Outdoor Education</b>                       |                 |            |                     |              |                         |
| Adult Chaperones                                      | 1-Day           | \$75.00    |                     | \$90.00      |                         |
| Youth Participants                                    | 1-Day           | \$56.00    |                     | \$67.20      |                         |
| <b>Work Weekend</b>                                   | Weekend         | \$0.00     |                     | \$0.00       |                         |
| <b>Youth Camp</b>                                     |                 |            |                     |              |                         |
| 5-Day Program                                         | 5-Days          | \$840.00   |                     | \$1,008.00   |                         |
| 6-Day Program                                         | 6-Days          | \$1,008.00 |                     | \$1,210.00   |                         |
| 7-Day Program                                         | 7-Days          | \$1,176.00 |                     | \$1,411.00   |                         |



| Program Area                                                                                     | Unit of Measure                               | Resident               | Resident (proposed) | Non-Resident           | Non-Resident (proposed) |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------|---------------------|------------------------|-------------------------|
| Per Day Fee                                                                                      | 1-Day                                         | \$168.00               |                     | \$202.00               |                         |
| <b>Wedding Rental</b>                                                                            |                                               |                        |                     |                        |                         |
| Wedding Rental                                                                                   | 4-Hours                                       | \$1,000.00             |                     | \$1,200.00             |                         |
| Wedding Rental - Each Additional Hour (after 4 hours)                                            | Hour                                          | \$150.00               |                     | \$180.00               |                         |
| <b>D. Resident Camp Surcharges</b>                                                               |                                               |                        |                     |                        |                         |
| Family Camp Program Deposit Payment                                                              |                                               | \$500 per registration |                     | \$500 per registration |                         |
| Late Fee                                                                                         | \$75 if balance is not paid by date specified |                        |                     |                        |                         |
| Cleaning / Damage Deposit                                                                        | Rental                                        | \$2,000.00             |                     | \$2,000.00             |                         |
| Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival) | Reservation                                   | \$100.00               |                     | \$100.00               |                         |
| Cancel Reservation (30 days or more before arrival)                                              | 25% of reservation not to exceed \$150        |                        |                     |                        |                         |
| Cancel Reservation (due to emergency or illness, with Dr's excuse)                               | Reservation                                   | No Charge              |                     | No Charge              |                         |
| <b>4. Waterfront Programs</b>                                                                    |                                               |                        |                     |                        |                         |
| <b>A. Adventure Playground</b>                                                                   |                                               |                        |                     |                        |                         |
| Individual Admission (anyone over 1 year old)                                                    | Day                                           | \$1.00                 |                     | \$1.00                 |                         |
| Group size 5-10                                                                                  | 2-hours                                       | \$75.00                |                     | \$75.00                |                         |
| Group size 11-20                                                                                 | 2-hours                                       | \$105.00               |                     | \$105.00               |                         |
| Group size 21-30                                                                                 | 2-hours                                       | \$150.00               |                     | \$150.00               |                         |
| Group size 31-40                                                                                 | 2-hours                                       | \$180.00               |                     | \$180.00               |                         |
| <b>8. Education Programs</b>                                                                     |                                               |                        |                     |                        |                         |
| Animal                                                                                           | Session                                       | \$200.00               |                     | \$200.00               |                         |
| Low Tide                                                                                         | Session                                       | \$200.00               |                     | \$200.00               |                         |
| Research Boat Trip                                                                               | Session                                       | \$225.00               |                     | \$225.00               |                         |
| Sail Boat Trip                                                                                   | Session                                       | \$255.00               |                     | \$255.00               |                         |
| Docent Training                                                                                  | Session                                       | \$65.00                |                     | \$65.00                |                         |
| Special Program Request                                                                          | Hour                                          | \$65.00                |                     | \$65.00                |                         |
| Marine Biology                                                                                   | 4-Days                                        | \$75.00                |                     | \$75.00                |                         |
| Marine Biology                                                                                   | 8-Days                                        | \$150.00               |                     | \$150.00               |                         |
| Boating                                                                                          | 4-Days                                        | \$150.00               |                     | \$150.00               |                         |
| Canoeing                                                                                         | 3-Days                                        | \$55.00                |                     | \$55.00                |                         |

**ATTACHMENT 2**

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

CHANGES TO SELECTED SPORTS FIELD RENTAL FEES; AND RESCINDING  
RESOLUTION NO. 70,869-N.S

WHEREAS, on May 23, 2023, Council adopted the new Fee Schedule for Recreation Division programs (Resolution No. 70,869- N.S.); and

WHEREAS, the proposed sports field rental fee increases are needed to cover the costs to maintain and operate sports fields at Tom Bates Regional Sports Complex and Harrison Field, and set aside funds for turf replacement per the five-city Joint Powers Agreement between Berkeley, Albany, El Cerrito, Emeryville and Richmond; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the rates and charges set forth in Exhibit A are hereby fixed and established for sports field rentals at Tom Bates Regional Sports Complex and Harrison Field and shall be effective July 1, 2024, unless otherwise noted in Exhibit A.

BE IT FURTHER RESOLVED that Resolution No. 70,869-N.S. and all amendatory resolutions are hereby rescinded effective July 1, 2024.

Exhibit A: Fee Schedule

**Exhibit A:**  
**Recreation Fee Schedule**  
*Effective July 1, 2024 (unless otherwise noted below)*

| Program Area                                                                                                                                                                          | Unit of Measure | Resident     | Non-Resident |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|--------------|--------------|
| <b>I. DIRECTOR'S AUTHORITY TO IMPLEMENT NEW FEES</b>                                                                                                                                  |                 |              |              |
| The Director of Parks Recreation and Waterfront, or his/her designee, reserves the right to establish fees for new Recreation programs based on comparison with other municipalities. |                 |              |              |
| Various                                                                                                                                                                               | Various         | Up to \$350  |              |
| <b>II. FACILITY RENTAL CHARGES</b>                                                                                                                                                    |                 |              |              |
| <b>1. Room Rentals - Regular Hours (1 hour minimum); Non-Regular Hours (2 hour minimum)</b>                                                                                           |                 |              |              |
| James Kenney (JK) Live Oak (LO) Frances Albrier (FA), Martin Luther King (MLK)                                                                                                        |                 |              |              |
| <b>A. Youth, Senior, Disabled</b>                                                                                                                                                     |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$41.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$61.00      |              |
| <b>B. All Other</b>                                                                                                                                                                   |                 |              |              |
| <b>Auditorium (FA) &amp; Social Hall (LO)</b>                                                                                                                                         |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$67.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$82.00      |              |
| <b>Fireside Room (LO), Community Room (JK)</b>                                                                                                                                        |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$52.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$67.00      |              |
| <b>Game Room (FA, MLK) Arts &amp; Crafts Room (FA, JK, LO) Meeting Room (JK, LO, MLK)</b>                                                                                             |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$46.00      |              |
| Non-Regular Hours                                                                                                                                                                     | Hour            | \$62.00      |              |
| <b>C. Multi Room Discount</b>                                                                                                                                                         |                 |              |              |
| 2nd room                                                                                                                                                                              | Rental          | 25% discount |              |
| 3rd room, each additional room                                                                                                                                                        | Rental          | 50% discount |              |
| <b>D. Gym Rentals (JK, MLK)</b>                                                                                                                                                       |                 |              |              |
| Regular Hours                                                                                                                                                                         | Hour            | \$64.00      | \$77.00      |
| Non-Regular Hours                                                                                                                                                                     |                 | \$75.00      | \$90.00      |
| <b>E. Filming Fee</b>                                                                                                                                                                 |                 |              |              |
| Parks and Facilities                                                                                                                                                                  | ½ Day           | \$400.00     | \$400.00     |
|                                                                                                                                                                                       | Full Day        | \$800.00     | \$800.00     |
| <b>F. Surcharges</b>                                                                                                                                                                  |                 |              |              |
| Table & Chair Set-Up                                                                                                                                                                  | Rental          | \$63.00      | \$76.00      |
| Kitchen Use                                                                                                                                                                           | Rental          | \$86.00      | \$103.00     |
| Small Storage Room                                                                                                                                                                    | Month           | \$21.00      | \$25.00      |
| Large Storage Room                                                                                                                                                                    | Month           | \$31.00      | \$37.00      |
| Stage Use w/Room Rental                                                                                                                                                               | Hour            | \$26.00      | \$31.00      |
| P/A system & staff operation                                                                                                                                                          | Hour            | \$42.00      | \$50.00      |
| Cleaning/Damage Deposit All Rentals (Refundable)                                                                                                                                      | Rental          | \$200.00     | \$200.00     |

| Program Area                                                                                                                  | Unit of Measure              | Resident   | Non-Resident |
|-------------------------------------------------------------------------------------------------------------------------------|------------------------------|------------|--------------|
| <b>2. City Athletic Fields</b>                                                                                                |                              |            |              |
| <b>Cedar Rose, Codornices, Glendale - La Loma, Grove, James Kenney, Ohlone, San Pablo, Willard, Rosa Parks, Thousand Oaks</b> |                              |            |              |
| Youth non-profit leagues                                                                                                      | 2-Hours                      | \$36.00    | \$43.00      |
| Adults, for-profits, private schools                                                                                          | 2-Hours                      | \$72.00    | \$86.00      |
| Maintenance Deposit                                                                                                           |                              | 40% of fee | 40% of fee   |
| <b>Gabe's Fields at Harrison Park, Natural Turf</b>                                                                           |                              |            |              |
| Youth non-profit leagues, no lights                                                                                           | 2-Hours                      | \$36.00    | \$43.00      |
| Adults, for-profits, private schools, no lights                                                                               | 2-Hours                      | \$83.00    | \$100.00     |
| Youth non-profit leagues, with lights                                                                                         | 2-Hours                      | \$66.00    | \$80.00      |
| Adults, for-profits, private schools, with lights                                                                             | 2-Hours                      | \$113.00   | \$136.00     |
| <b>Gilman Fields, Natural Turf</b>                                                                                            |                              |            |              |
| Youth non-profit leagues, no lights                                                                                           | 2-Hours                      | \$36.00    | \$43.00      |
| Adults, for-profits, private schools, no lights                                                                               | 2-Hours                      | \$83.00    | \$100.00     |
| Youth non-profit leagues, with lights                                                                                         | 2-Hours                      | \$66.00    | \$80.00      |
| Adults, for-profits, private schools, with lights                                                                             | 2-Hours                      | \$113.00   | \$136.00     |
| <b>Gilman Fields, Synthetic Turf</b>                                                                                          |                              |            |              |
| Youth non-profit leagues, no lights                                                                                           | 2-Hours                      | \$50.00    | \$60.00      |
| Adults, for-profits, private schools, no lights                                                                               | 2-Hours                      | \$104.50   | \$125.50     |
| Youth non-profit leagues, with lights                                                                                         | 2-Hours                      | \$80.00    | \$96.00      |
| Adults, for-profits, private schools, with lights                                                                             | 2-Hours                      | \$134.50   | \$161.50     |
| <b>Sports Field User Fines (Policy Violations: Applicable to All Athletic Fields)</b>                                         |                              |            |              |
| Playing on Closed Grass Fields                                                                                                | 1st Offense                  | \$250.00   | \$250.00     |
|                                                                                                                               | 2nd Offense                  | \$500.00   | \$500.00     |
| Running practices in main goal areas                                                                                          | 1st Offense within 12 months | \$50.00    | \$50.00      |
|                                                                                                                               | 2nd Offense within 12 mo     | \$100.00   | \$100.00     |
|                                                                                                                               | 3rd Offense within 12 mo     | \$200.00   | \$200.00     |
| Dogs, Alcohol, Trash, Wheeled vehicles                                                                                        | Incident                     | \$100.00   | \$100.00     |
| Field Monitor                                                                                                                 | Hourly                       | \$25.00    | \$25.00      |
| <b>Additional Rules (Applicable to all athletic fields)</b>                                                                   |                              |            |              |
| Weekday slots used before 3:30pm throughout the year are discounted 50%                                                       |                              |            |              |
| Weekday slots 5:30pm-7:00pm are charged as full two-hour slot                                                                 |                              |            |              |
| All other slots are pro-rated in 30 minute increments                                                                         |                              |            |              |
| <b>3. Skate Park Rental (only available AM hours)</b>                                                                         |                              |            |              |
| <b>A. Morning Hours (includes 2 staff members)</b>                                                                            | Hour                         | \$250.00   | \$300.00     |
| <b>B. Birthday Party (includes 2 staff members &amp; lesson)</b>                                                              | Hour                         | \$350.00   | \$420.00     |
| Cleaning/Damage Deposit (refundable)                                                                                          | Rental                       | \$200.00   | \$200.00     |
| <b>4. Tennis Courts</b>                                                                                                       |                              |            |              |

| Program Area                                                                                                                            | Unit of Measure | Resident | Non-Resident |
|-----------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|--------------|
| <b>A. Day Use (All Courts): Cedar Rose, Grove, James Kenney, Live Oak, Rose Garden, Roy Oakes, San Pablo, Strawberry Creek, Willard</b> |                 |          |              |
| Adult                                                                                                                                   | Hour            | \$7.00   | \$8.00       |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$5.00   | \$6.00       |
| Program Area                                                                                                                            | Unit of Measure | Resident | Non-Resident |
| <b>B. Night Use/Lighted Courts: Cedar Rose, Grove, James Kenney, Live Oak, San Pablo, Strawberry Creek, Willard</b>                     |                 |          |              |
| Adult                                                                                                                                   | Hour            | \$10.00  | \$12.00      |
| Youth, Senior, Disabled                                                                                                                 | Hour            | \$8.00   | \$10.00      |
| <b>5. Swim Centers (1-hour minimum) King, West Campus</b>                                                                               |                 |          |              |
| 1-35 people                                                                                                                             | Hour            | \$100.00 | \$120.00     |
| 36-70 people                                                                                                                            | Hour            | \$145.00 | \$174.00     |
| 71-100 people                                                                                                                           | Hour            | \$177.00 | \$212.00     |
| 101-150 people                                                                                                                          | Hour            | \$217.00 | \$260.00     |
| Cleaning/Damage Deposit (refundable)                                                                                                    | Rental          | \$200.00 | \$200.00     |
| <b>6. Picnic Areas (4-hour minimum)</b>                                                                                                 |                 |          |              |
| Aquatic Park Area 1                                                                                                                     | 4-hours         | \$50.00  | \$60.00      |
| Aquatic Park Area 2                                                                                                                     | 4-hours         | \$54.00  | \$65.00      |
| Cedar Rose Area 1                                                                                                                       | 4-hours         | \$30.00  | \$40.00      |
| Cedar Rose Area 2                                                                                                                       | 4-hours         | \$36.00  | \$43.00      |
| Cesar Chavez Area 1                                                                                                                     | 4-hours         | \$50.00  | \$50.00      |
| Cesar Chavez Area 2                                                                                                                     | 4-hours         | \$220.00 | \$220.00     |
| Cesar Chavez: Area 3                                                                                                                    | 4-hours         | \$70.00  | \$70.00      |
| Codornices Park Area 1                                                                                                                  | 4-hours         | \$83.00  | \$100.00     |
| Codornices Park Area 2                                                                                                                  | 4-hours         | \$66.00  | \$79.00      |
| Codornices Park Area 4                                                                                                                  | 4-hours         | \$50.00  | \$60.00      |
| Cragmont Area 1                                                                                                                         | 4-hours         | \$50.00  | \$60.00      |
| Glendale La Loma Area 1                                                                                                                 | 4-hours         | \$40.00  | \$48.00      |
| Grove Area 1                                                                                                                            | 4-hours         | \$33.00  | \$40.00      |
| James Kenney Area 1                                                                                                                     | 4-hours         | \$50.00  | \$60.00      |
| James Kenney Area 2                                                                                                                     | 4-hours         | \$50.00  | \$60.00      |
| John Hinkel Area 1                                                                                                                      | 4-hours         | \$40.00  | \$48.00      |
| King School Area 1                                                                                                                      | 4-hours         | \$33.00  | \$40.00      |
| Live Oak Park Areas 1                                                                                                                   | 4-hours         | \$66.00  | \$79.00      |
| Live Oak Park Areas 2                                                                                                                   | 4-hours         | \$66.00  | \$79.00      |
| Ohlone Park @ McGee Area 1                                                                                                              | 4-hours         | \$50.00  | \$60.00      |
| San Pablo Park Area 1                                                                                                                   | 4-hours         | \$33.00  | \$40.00      |
| San Pablo Park Area 2                                                                                                                   | 4-hours         | \$33.00  | \$40.00      |
| San Pablo Park Area 3                                                                                                                   | 4-hours         | \$33.00  | \$40.00      |
| Strawberry Creek Area 1                                                                                                                 | 4-hours         | \$33.00  | \$40.00      |
| Shorebird Park Areas 1                                                                                                                  | 4-hours         | \$75.00  | \$75.00      |
| Shorebird Park Areas 2                                                                                                                  | 4-hours         | \$75.00  | \$75.00      |
| Shorebird Park Area 3                                                                                                                   | 4-hours         | \$45.00  | \$45.00      |
| Bounce House Permit                                                                                                                     | Per Use         | \$30.00  | \$36.00      |

| Program Area                                                                                 | Unit of Measure | Resident   | Non-Resident |
|----------------------------------------------------------------------------------------------|-----------------|------------|--------------|
| <b>7. Parks &amp; Open Space (not athletic fields)</b>                                       |                 |            |              |
| <b>A. Special Events</b>                                                                     |                 |            |              |
| 1-99 Participants                                                                            | Day             | \$180.00   | \$350.00     |
| 100-249 Participants                                                                         | Day             | \$270.00   | \$500.00     |
| 250-499 Participants                                                                         | Day             | \$350.00   | \$700.00     |
| 500+ Participants                                                                            | Day             | \$550.00   | \$1,000.00   |
| Cleaning/Damage Deposit (refundable)                                                         | Day             | \$700.00   | \$700.00     |
| <b>Special Events - Additional Days</b>                                                      |                 |            |              |
| 1-99 Participants                                                                            | Day             | \$170.00   | \$340.00     |
| 100-249 Participants                                                                         | Day             | \$230.00   | \$460.00     |
| 250-499 Participants                                                                         | Day             | \$250.00   | \$600.00     |
| 500+ Participants                                                                            | Day             | \$450.00   | \$900.00     |
| <b>B. John Hinkel Amphitheater</b>                                                           | 4-hours         | \$200      | \$240        |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$75       | \$90         |
| Cleaning/Damage Deposit (refundable)                                                         |                 | \$500      | \$500        |
| <b>Camp Day Use Fee</b>                                                                      |                 |            |              |
| 1-50 Participants                                                                            | Day             | \$50.00    | \$50.00      |
| 51-100 Participants                                                                          | Day             | \$100.00   | \$100.00     |
| 101-150 Participants                                                                         | Day             | \$150.00   | \$150.00     |
| <b>Small Turf Areas in Parks (Ages 8 yrs &amp; under; Mon-Fri only; Max 3 days per week)</b> |                 |            |              |
| Ohlone Park, Aquatic Park, James Kenney Park, Live Oak Park                                  | 2-Hours         | \$25.00    | \$30.00      |
| <b>8. Weddings (4-hour minimum)</b>                                                          |                 |            |              |
| <b>A. Rose Garden</b>                                                                        | 4-Hours         | \$1,000.00 | \$1,200.00   |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00   | \$204.00     |
| <b>8. Cragmont, Live Oak Park, &amp; John Hinkel (outside areas)</b>                         | 4-Hours         | \$450.00   | \$540.00     |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$75.00    | \$90.00      |
| <b>C. Spinnaker Way Vista</b>                                                                | 4-Hours         | \$750.00   | \$750.00     |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00   | \$170.00     |
| <b>D. Yacht Club Point</b>                                                                   | 4-Hours         | \$750.00   | \$750.00     |
| Each Additional Hour (after 4 hours)                                                         | Hour            | \$170.00   | \$170.00     |
| Cleaning/Damage Deposit (refundable)                                                         | Rental          | \$700.00   | \$700.00     |
| <b>9. Mini-Amphitheater/Outdoor Classroom (4-hour minimum)</b>                               |                 |            |              |
| Codornices Park #A1 (Next to Picnic Site #2)                                                 | 4-hours         | \$40.00    | \$48.00      |
| Live Oak Park #A1                                                                            | 4-hours         | \$50.00    | \$60.00      |
| Shorebird Park #A1 (near Nature Center Playground)                                           | 4-hours         | \$50.00    | \$50.00      |
| <b>III. SWIM CENTER FEES</b>                                                                 |                 |            |              |
| <b>1. Admissions (Public &amp; Family Swim, Laps)</b>                                        |                 |            |              |
| Adult (Drop-in)                                                                              | Swim            | \$6.00     | \$6.00       |
| Adult (10-Swim Card)                                                                         | 10-Swims        | \$51.00    | \$51.00      |
| Adult (Monthly)                                                                              | Month           | \$73.00    | \$73.00      |
| Youth, Senior, Disabled (Drop-In)                                                            | Swim            | \$3.00     | \$3.00       |
| Youth Senior Disabled (10-Swim Card)                                                         | 10-Swims        | \$22.00    | \$22.00      |
| Youth Senior Disabled (Monthly Card)                                                         | Month           | \$37.00    | \$37.00      |
| <b>2. Red Cross Swim Sessions</b>                                                            |                 |            |              |
| Adult                                                                                        | Session         | \$75.00    | \$90.00      |

| Program Area                                                                             | Unit of Measure | Resident | Non-Resident |
|------------------------------------------------------------------------------------------|-----------------|----------|--------------|
| Youth, Senior, Disabled                                                                  | Session         | \$72.00  | \$84.00      |
| Organized Youth Groups (Residents only)                                                  |                 |          |              |
| 10-15 participants                                                                       | Session         | \$65.00  | -            |
| 16-21 participants                                                                       | Session         | \$62.00  | -            |
| 22-32 participants                                                                       | Session         | \$54.00  | -            |
| 33-43 participants                                                                       | Session         | \$48.00  | -            |
| 44-54 participants                                                                       | Session         | \$39.00  | -            |
| 55+ participants                                                                         | Session         | \$37.00  | -            |
| <b>3. Premium Classes</b>                                                                |                 |          |              |
| Continuous & Coached Workouts: water aerobics, parent/tot, stroke technique, Master Swim |                 |          |              |
| Adult (Drop-in)                                                                          | Swim            | \$7.00   | \$7.00       |
| Adult (10-Swim Card)                                                                     | 10-Swims        | \$66.00  | \$66.00      |
| Adult (Monthly)                                                                          | Month           | \$82.00  | \$82.00      |
| Youth, Senior, Disabled (Drop-In)                                                        | Swim            | \$5.00   | \$5.00       |
| Youth Senior Disabled (10-Swim Card)                                                     | 10-Swims        | \$40.00  | \$40.00      |
| Youth Senior Disabled (Monthly Card)                                                     | Session         | \$57.00  | \$57.00      |
| <b>4. Private Swim Lessons (1/2 hour session)</b>                                        |                 |          |              |
| Individual (One-on-One)                                                                  | Lesson          | \$30.00  | \$36.00      |
| Semi-Private Lesson (2 or more Participants)                                             | Lesson          | \$50.00  | \$60.00      |
| <b>IV. RECREATION PROGRAMS</b>                                                           |                 |          |              |
| <b>1. Sports</b>                                                                         |                 |          |              |
| <b>A. Adult Softball League</b>                                                          |                 |          |              |
| 4 Game Season                                                                            | Team            | \$320.00 | \$384.00     |
| 8 Game Season                                                                            | Team            | \$640.00 | \$715.00     |
| 10 Game Season                                                                           | Team            | \$800.00 | \$875.00     |
| <b>8. Adult Basketball League</b>                                                        |                 |          |              |
| 8 Game Season                                                                            | Team            | \$560.00 | \$635.00     |
| 10 Game Season                                                                           | Team            | \$700.00 | \$775.00     |
| <b>C. Adult Volleyball League</b>                                                        |                 |          |              |
| 8 Game Season                                                                            | Team            | \$320.00 | \$384.00     |
| 10 Game Season                                                                           | Team            | \$400.00 | \$475.00     |
| 12 Game Season                                                                           | Team            | \$480.00 | \$555.00     |
| 15 Game Season                                                                           | Team            | \$600.00 | \$675.00     |
| <b>D. Open Gym Volleyball</b>                                                            | Drop-In         | \$5.00   | \$5.00       |
| <b>E. Youth Baseball</b>                                                                 |                 |          |              |
| Individual                                                                               | Session         | \$51.00  | \$61.00      |
| <b>F. Youth Hoops League</b>                                                             |                 |          |              |
| Individual                                                                               | Session         | \$30.00  | \$36.00      |
| <b>G. Youth Twilight Basketball</b>                                                      |                 |          |              |
| Individual                                                                               | Session         | \$27.00  | \$32.00      |
| <b>H. Youth Flag Football League</b>                                                     |                 |          |              |
| Individual                                                                               | Session         | \$30.00  | \$36.00      |
| <b>I. Tennis Lessons</b>                                                                 |                 |          |              |
| Youth                                                                                    | Session         | \$73.00  | \$88.00      |
| Adult                                                                                    | Session         | \$107.00 | \$128.00     |
| <b>J. Skate Park Lessons &amp; Classes</b>                                               |                 |          |              |
| Full Day                                                                                 | Session         | \$258.00 | \$310.00     |

| Program Area                                                                    | Unit of Measure | Resident                               | Non-Resident                           |
|---------------------------------------------------------------------------------|-----------------|----------------------------------------|----------------------------------------|
| 1/2 Day Camp                                                                    | Session         | \$195.00                               | \$234.00                               |
| Park Introduction                                                               | Session         | \$11.00                                | \$13.00                                |
| Trick Clinic                                                                    | Session         | \$11.00                                | \$13.00                                |
| Private Lessons                                                                 | Hour            | \$43.00                                | \$52.00                                |
| Group Lessons                                                                   | Session         | \$108.00                               | \$130.00                               |
| <b>2. Programs at Centers</b>                                                   |                 |                                        |                                        |
| <b>A. After School Program Registration Fee (Frances Albrier, James Kenney)</b> |                 |                                        |                                        |
| Individual                                                                      | Week            | \$25.00                                | \$30.00                                |
| <b>B. Community Center Camp Programs (Winter, Spring, Summer)</b>               |                 |                                        |                                        |
| Core                                                                            | 30 hours        | \$101.00                               | \$121.00                               |
| AM Extended Care                                                                | 5 hours         | \$10.00                                | \$12.00                                |
| PM Extended Care                                                                | 15 hours        | \$30.00                                | \$36.00                                |
| <b>3. Camp Programs</b>                                                         |                 |                                        |                                        |
| <b>A. Berkeley Day Camp</b>                                                     |                 |                                        |                                        |
| Youth Core Program                                                              | 5-Days          | \$269.00                               | \$323.00                               |
| AM Extended Care                                                                | 5-Days          | \$57.00                                | \$68.00                                |
| PM Extended Care                                                                | 5-Days          | \$88.00                                | \$106.00                               |
| Counselor-In-Training                                                           | 10-Days         | \$217.00                               | \$260.00                               |
| Cancelled Reservation                                                           | Session         | 25% of reservation not to exceed \$150 | 25% of reservation not to exceed \$150 |
| <b>B. Echo Lake Camp</b>                                                        |                 |                                        |                                        |
| <b>50 &amp; Better Camp</b>                                                     |                 |                                        |                                        |
| 50 & Better Camp Tent (up to 2 campers)                                         | 5-Day           | \$818.00                               | \$981.00                               |
| 50 & Better Camp Tent (up to 2 campers)                                         | 4-Day           | \$650.00                               | \$780.00                               |
| 50 & Better Camp Tent (up to 2 campers)                                         | Weekend         | \$515.00                               | \$618.00                               |
| 50 & Better Camp Additional Camper                                              | 1-Day           | \$55.00                                | \$66.00                                |
| <b>Counselor-In-Training</b>                                                    |                 |                                        |                                        |
| Counselor-In-Training                                                           | 2-Week          | \$448.00                               | \$538.00                               |
| Counselor-In-Training                                                           | 1-Week          | \$308.00                               | \$370.00                               |
| <b>Family Camp</b>                                                              |                 |                                        |                                        |
| Full-Week Standard Tent (up to 3 campers)                                       | 7-Day           | \$1,843.00                             | \$2,212.00                             |
| Full-Week Low-Occupancy Tent                                                    | 7-Day           | \$1,595.00                             | \$1,914.00                             |
| Nightly Rate: Sun, Mon, Tues, or Wed                                            | 1-Day           | \$450.00                               | \$540.00                               |
| Weekend Standard Tent (up to 3 campers)                                         | 4-Day           | \$1,397.00                             | \$1,676.00                             |
| Weekend Low-Occupancy Tent                                                      | 4-Day           | \$1,226.00                             | \$1,471.00                             |
| Mid-Week Standard Tent (up to 3 campers)                                        | 4-Day           | \$1,210.00                             | \$1,452.00                             |
| Mid-Week Low-Occupancy Tent                                                     | 4-Day           | \$1,062.00                             | \$1,274.00                             |
| Additional Camper Fee (1-Day)                                                   | 1-Day           | \$90.00                                | \$108.00                               |
| Additional Camper Fee Session- Based Daily Rate                                 | 1-Day           | \$80.00                                | \$96.00                                |
| <b>Day Use Fees</b>                                                             |                 |                                        |                                        |
| Adult (15+) Day Use                                                             | 1-Day           | \$108.00                               | \$129.60                               |
| Youth (7-14) Day Use                                                            | 1-Day           | \$72.00                                | \$86.40                                |
| Child (3-6) Day Use                                                             | 1-Day           | \$54.00                                | \$64.80                                |
| <b>Group Rental Rates</b>                                                       |                 |                                        |                                        |



| Program Area                                          | Unit of Measure | Resident   | Non-Resident |
|-------------------------------------------------------|-----------------|------------|--------------|
| Adult (15+)                                           | 1-Day           | \$85.00    | \$102.00     |
| Youth (7-14)                                          | 1-Day           | \$71.50    | \$85.80      |
| Child (3-6)                                           | 1-Day           | \$52.80    | \$63.36      |
| Infant (0-3)                                          | 1-Day           | \$0.00     | \$0.00       |
| <b>New Camper Welcome Weekend</b>                     | Weekend         | \$195.00   | \$234.00     |
| <b>School Outdoor Education</b>                       |                 |            |              |
| Teachers & Adult Chaperones                           | 1-Day           | \$60.00    | \$72.00      |
| Youth Participants                                    | 1-Day           | \$45.00    | \$54.00      |
| <b>Work Weekend</b>                                   | Weekend         | \$0.00     | \$0.00       |
| <b>Youth Camp</b>                                     |                 |            |              |
| 5-Day Program                                         | 5-Days          | \$672.00   | \$806.00     |
| 6-Day Program                                         | 6-Days          | \$806.00   | \$967.00     |
| 7-Day Program                                         | 7-Days          | \$941.00   | \$1,129.00   |
| Per Day Fee                                           | 1-Day           | \$134.00   | \$161.00     |
| <b>Wedding Rental</b>                                 |                 |            |              |
| Wedding Rental                                        | 4-Hours         | \$750.00   | \$900.00     |
| Wedding Rental - Each Additional Hour (after 4 hours) | Hour            | \$125.00   | \$150.00     |
| <b>C. Tuolumne Camp</b>                               |                 |            |              |
| <b>50 &amp; Better Camp</b>                           |                 |            |              |
| 50 & Better Camp Tent (up to 2 campers)               | 5-Day           | \$1,008.00 | \$1,210.00   |
| 50 & Better Camp Tent (up to 2 campers)               | 4-Day           | \$806.00   | \$967.00     |
| 50 & Better Camp Tent (up to 2 campers)               | Weekend         | \$605.00   | \$726.00     |
| 50 & Better Camp Additional Camper per day            | 1-Day           | \$60.00    | \$72.00      |
| <b>Leaders in Training (LIT)</b>                      | 1-Week          | \$941.00   | \$1,129.00   |
| <b>Counselor-In-Training</b>                          |                 |            |              |
| Counselor-In-Training                                 | 2-Week          | \$465.00   | \$558.00     |
| Counselor-In-Training                                 | 1-Week          | \$308.00   | \$370.00     |
| <b>Family Camp</b>                                    |                 |            |              |
| Full-Week Standard Tent (up to 3 campers)             | 1-Week          | \$2,195.00 | \$2,633.00   |
| Full-Week Low-Occupancy Tent                          | 1-Week          | \$1,887.00 | \$2,264.00   |
| Weekend Standard Tent (up to 3 campers)               | 4-Day           | \$1,664.00 | \$1,997.00   |
| Weekend Low-Occupancy Tent                            | 4-Day           | \$1,459.00 | \$1,751.00   |
| Mid-Week Standard Tent (up to 3 campers)              | 4-Day           | \$1,430.00 | \$1,716.00   |
| Mid-Week Low Occupancy Tent                           | 4-Day           | \$1,210.00 | \$1,452.00   |
| Nightly Rate: Sun, Mon, Tues, or Wed                  | 1-Day           | \$525.00   | \$630.00     |
| <b>Family Camp Day Use Fees</b>                       |                 |            |              |
| Adult (15+) Day Use                                   | 1-Day           | \$135.00   | \$162.00     |
| Youth (7-14) Day Use                                  | 1-Day           | \$90.00    | \$108.00     |
| Child (3-6) Day Use                                   | 1-Day           | \$68.00    | \$81.60      |
| Additional Camper Fee (1-Day)                         | 1-Day           | \$100.00   | \$120.00     |
| Additional Camp Session-Based Daily Rate              | 1-Day           | \$90.00    | \$108.00     |
| <b>Group Rental Rates</b>                             |                 |            |              |
| Adult (15+)                                           | 1-Day           | \$110.00   | \$132.00     |
| Youth (7-14)                                          | 1-Day           | \$93.00    | \$111.60     |
| Child (3-6)                                           | 1-Day           | \$78.00    | \$93.60      |
| Infant (0-3)                                          | 1-Day           | \$0.00     | \$0.00       |
| <b>New Camper Welcome Weekend</b>                     | Weekend         | \$195.00   | \$234.00     |
| <b>School Outdoor Education</b>                       |                 |            |              |
| Adult Chaperones                                      | 1-Day           | \$75.00    | \$90.00      |

| Program Area                                                                                     | Unit of Measure                               | Resident               | Non-Resident           |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------|------------------------|------------------------|
| Youth Participants                                                                               | 1-Day                                         | \$56.00                | \$67.20                |
| <b>Work Weekend</b>                                                                              | Weekend                                       | \$0.00                 | \$0.00                 |
| <b>Youth Camp</b>                                                                                |                                               |                        |                        |
| 5-Day Program                                                                                    | 5-Days                                        | \$840.00               | \$1,008.00             |
| 6-Day Program                                                                                    | 6-Days                                        | \$1,008.00             | \$1,210.00             |
| 7-Day Program                                                                                    | 7-Days                                        | \$1,176.00             | \$1,411.00             |
| Per Day Fee                                                                                      | 1-Day                                         | \$168.00               | \$202.00               |
| <b>Wedding Rental</b>                                                                            |                                               |                        |                        |
| Wedding Rental                                                                                   | 4-Hours                                       | \$1,000.00             | \$1,200.00             |
| Wedding Rental - Each Additional Hour (after 4 hours)                                            | Hour                                          | \$150.00               | \$180.00               |
| <b>D. Resident Camp Surcharges</b>                                                               |                                               |                        |                        |
| Family Camp Program Deposit Payment                                                              |                                               | \$500 per registration | \$500 per registration |
| Late Fee                                                                                         | \$75 if balance is not paid by date specified |                        |                        |
| Cleaning / Damage Deposit                                                                        | Rental                                        | \$2,000.00             | \$2,000.00             |
| Changes to Reservation resulting in reduction in length of stay (30 days or more before arrival) | Reservation                                   | \$100.00               | \$100.00               |
| Cancel Reservation (30 days or more before arrival)                                              | 25% of reservation not to exceed \$150        |                        |                        |
| Cancel Reservation (due to emergency or illness, with Dr's excuse)                               | Reservation                                   | No Charge              | No Charge              |
| <b>4. Waterfront Programs</b>                                                                    |                                               |                        |                        |
| <b>A. Adventure Playground</b>                                                                   |                                               |                        |                        |
| Individual Admission (anyone over 1 year old)                                                    | Day                                           | \$1.00                 | \$1.00                 |
| Group size 5-10                                                                                  | 2-hours                                       | \$75.00                | \$75.00                |
| Group size 11-20                                                                                 | 2-hours                                       | \$105.00               | \$105.00               |
| Group size 21-30                                                                                 | 2-hours                                       | \$150.00               | \$150.00               |
| Group size 31-40                                                                                 | 2-hours                                       | \$180.00               | \$180.00               |
| <b>8. Education Programs</b>                                                                     |                                               |                        |                        |
| Animal                                                                                           | Session                                       | \$200.00               | \$200.00               |
| Low Tide                                                                                         | Session                                       | \$200.00               | \$200.00               |
| Research Boat Trip                                                                               | Session                                       | \$225.00               | \$225.00               |
| Sail Boat Trip                                                                                   | Session                                       | \$255.00               | \$255.00               |
| Docent Training                                                                                  | Session                                       | \$65.00                | \$65.00                |
| Special Program Request                                                                          | Hour                                          | \$65.00                | \$65.00                |
| Marine Biology                                                                                   | 4-Days                                        | \$75.00                | \$75.00                |
| Marine Biology                                                                                   | 8-Days                                        | \$150.00               | \$150.00               |
| Boating                                                                                          | 4-Days                                        | \$150.00               | \$150.00               |
| Canoeing                                                                                         | 3-Days                                        | \$55.00                | \$55.00                |

## NOTICE OF PUBLIC HEARING

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**Parks and Recreation Facility Rental Fee Increases**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Parks, Recreation & Waterfront is proposing to increase selected fees, as contained in the attached Recreation Fee Schedule and excerpted below:

| <b>Program Area</b>                                 | <b>Unit of Measure</b> | <b>Resident</b> | <b>Resident (proposed)</b> | <b>Non-Resident</b> | <b>Non-Resident (proposed)</b> |
|-----------------------------------------------------|------------------------|-----------------|----------------------------|---------------------|--------------------------------|
| <b>Gabe's Fields at Harrison Park, Natural Turf</b> |                        |                 |                            |                     |                                |
| Youth non-profit leagues, no lights                 | 2-Hours                | \$29.00         | \$36.00                    | \$35.00             | \$43.00                        |
| Adults, for-profits, private schools, no lights     | 2-Hours                | \$72.00         | \$83.00                    | \$86.00             | \$100.00                       |
| Youth non-profit leagues, with lights               | 2-Hours                |                 | \$66.00                    |                     | \$80.00                        |
| Adults, for-profits, private schools, with lights   | 2-Hours                |                 | \$113.00                   |                     | \$136.00                       |
| <b>Gilman Fields, Natural Turf</b>                  |                        |                 |                            |                     |                                |
| Youth non-profit leagues, no lights                 | 2-Hours                | \$29.00         | \$36.00                    | \$35.00             | \$43.00                        |
| Adults, for-profits, private schools, no lights     | 2-Hours                | \$72.00         | \$83.00                    | \$96.00             | \$100.00                       |
| Youth non-profit leagues, with lights               | 2-Hours                |                 | \$66.00                    |                     | \$80.00                        |
| Adults, for-profits, private schools, with lights   | 2-Hours                |                 | \$113.00                   |                     | \$136.00                       |
| <b>Gilman Fields, Synthetic Turf</b>                |                        |                 |                            |                     |                                |
| Youth non-profit leagues, no lights                 | 2-Hours                | \$40.00         | \$50.00                    | \$48.00             | \$60.00                        |
| Adults, for-profits, private schools, no lights     | 2-Hours                | \$91.00         | \$104.50                   | \$109.00            | \$125.50                       |
| Youth non-profit leagues, with lights               | 2-Hours                |                 | \$80.00                    |                     | \$96.00                        |
| Adults, for-profits, private schools, with lights   | 2-Hours                |                 | \$134.50                   |                     | \$161.50                       |

The hearing will be held on May 21, 2024, at 6:00 p.m. in the School District Board Room, 1231 Addison Street, Berkeley CA 94702.

For further information, please contact **Steph Chu at 510-981-6707.**

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of May 9, 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](mailto: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 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** May 10 and May 17, 2024 – The Berkeley Voice  
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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 May 9, 2024.

Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING

May 21, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

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

Subject: Changes to the Planning Department Fee Schedule

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt a Resolution:

1. Approving revisions to the fee schedule for the Planning and Development Department effective July 1, 2024, to increase the hourly rate for staff time in all divisions of the department to \$250 per hour, to set fees for the new Building and Safety Division permits and processes, to create a new Land Use Planning application fee and offset those costs through reductions in discretionary permit fees, to increase the annual fees of the Rental Housing Safety Program, and to update various other fee rates and make minor clarifications to the existing fee schedule; and
2. Rescinding Resolution No. 67,985-N.S.

SUMMARY

The proposed Resolution includes fee changes and increases in these areas, discussed in more detail below. See **Attachment 2** for the complete proposed new Planning Fee Schedule, with all rates and text changes tracked:

1. Hourly staff time rate: Many Planning fees are based on the hourly costs of staff to deliver services. These rates have been updated on a piecemeal basis by each Planning Division, in some cases not since 2017, and they are currently set at rates between \$200 and \$230 per hour. The proposed Resolution would set all hourly Planning staff time rates to \$250 per hour, and update all fees which are based on hourly rates and multiples thereof.
2. Building and Safety Division: Updates permit filing fee to \$62.50 and permit extension fee to \$75, last changed in 2015. Creates fees for new Undocumented Accessory Dwelling Unit Amnesty permit, to help legalize existing housing units which may have been created without proper permits. Creates fees for Exterior Elevated Elements (E3) program for safety certification of balconies, staircases and other raised building appurtenances.

3. Land Use Planning: Creates a new initial application fee of \$500, based on two hours of staff time, for all discretionary Zoning applications such as Administrative Use Permits and Variances, and in turn reduces the fees for each kind of discretionary permit by the same \$500 / two hours amount. Updates fee amounts for an applicant's required ZAB public hearing to cover administrative costs, last changed in 2010. Updates certain other fees by 10% which are not based on hourly staff time and were last changed in 2022.
4. Toxics Management Division: Updates all fees by 15% across-the-board, last changed in 2014.
5. Rental Housing Safety Program (RHSP): Updates per-unit and per-room annual RHSP fees to \$60 and \$30, respectively, to cover regular proactive safety inspections. Fees last updated in 2021.

FISCAL IMPACTS OF RECOMMENDATION

The recommended increases to fees and hourly staff time rates will generate funds to cover costs which the City incurs for services, for review of development and building permits and related tasks, for RHSP and other resilient building activities, and for safety inspections and oversight from the Toxics Management Division. Collected fees will be deposited into the funds which cover these services, including Fund 621 Permit Service Center, Fund 129 Rental Housing Safety Program, and Fund 622 Unified Program (CUPA).

CURRENT SITUATION AND ITS EFFECTS

Best practice for Planning and Building departments is to maintain a fund balance equivalent to one year's expenses, to mitigate against the effects of cyclical construction industry trends. Construction goes through upturns and downturns based on national and international economic factors; maintaining a fund balance in reserve helps to cushion the severity of these swings. At current City costs, a full year of Planning and Development Department expenses is roughly \$37.4 million in all funds, with \$27.6 million of that paid with enterprise funds. As of April 2024, the current cumulative fund balances of Planning's enterprise funds (largely but not exclusively the Permit Service Center Fund) is about \$43 million. While that is a healthy figure, it's important to note that it includes fees paid for projects whose building plan reviews and inspections will extend for years to come. In other words, the City has already received all the fees it will ever get to cover the future costs of projects that have already broken ground.

While the City of Berkeley has benefited from a particularly long positive construction cycle, since 2017, there are indications that a down cycle has begun. The total valuation of "large" projects (\$1 million and up) which submitted for Berkeley building permits in calendar year 2023 was down 30% from 2022. The total valuation of "very large"

projects (\$4 million and up) submitted in 2023 was down 27% from 2022. In both cases, the cumulative totals of submitted projects with valuations of \$1+ million and \$4+ million were the lowest Berkeley has seen since 2015, excluding the pandemic-affected 2020 calendar year. 2023 also marked the third straight year of declines of this indicator (again excluding 2020). Planning’s Fiscal Manager is projecting a deficit at the end of FYE24 of \$4.4 million in the PSC Fund (\$3.7 million for the department as a whole).

At the same time, City costs have increased substantially in the past several years. Non-personal costs are subject to inflationary pressures, which in the U.S. since 2021 are estimated at 20.1%. City personnel cost increases have even outpaced those inflation levels, led particularly by increased health care expenses. Planning’s budget preparation analysis predicts an operating deficit of \$22 million in the two-year FYE25-26 budget cycle if no fee increases are adopted.

Staff are proposing the following areas of fee increases to be effective July 1, 2024, to help ensure that the cost to deliver Planning’s services is covered by the fees charged.

HOURLY STAFF TIME RATE

The costs of many of the services provided by the Planning and Development Department are based on the amount of time staff spend to provide those services. This ensures that customers are covering the costs of the City to provide these services, while also making sure that the fees do not exceed those City costs. The hourly calculations factor in staff salaries and health care costs, as well as administrative overhead and non-personal expenses, then divide them by the hours of staff service provided, to arrive at a maximum rate each Division could charge to recoup costs.

Hourly rates charged by the different Divisions of the Department have changed at different times, when individual Division costs were no longer being covered by the fees. The following table shows the current hourly rates for each Division and the last time those rates were updated:

Division	Current Hourly Rate	Last Updated
Building and Safety	\$200	7/1/2017
Land Use Planning	\$230	7/1/2022
Toxics Management	\$210	7/1/2014
Office of Energy and Sustainable Development	n/a	n/a
Department-Wide / Office of the Director	\$200	7/1/2017

Planning's Fiscal Manager analyzed current and project future hourly costs for each full-time equivalent (FTE) staff position and concluded that each division could justify an hourly rate much higher than the proposed \$250/hour, based on formulas which account for all 107.64 FTE positions and their respective salary ranges, fringe benefits, and proportional shares of non-personnel expenses and intra-department overhead. Then those costs are divided by annual hours of service delivery by staff, by division. Planning staff believe that the \$250/hour rate will be sufficient to cover actual service delivery expenses while not imposing an undue burden on project applicants and other customers who receive these services.

The proposed \$250 hourly staff time rate in Berkeley is comparable with rates in other nearby jurisdictions. For example, Albany charges \$246 per hour, Richmond charges between \$230 and \$410 per hour, and Oakland charges between \$228 and \$284 per hour (variations based on types of service, e.g. plan checks, inspections, building counter services).

BUILDING AND SAFETY DIVISION

Besides the hourly rate change, Building and Safety is proposing modest changes to its trade-specific Permit Filing fees (charged on all applications) and Permit Extension fee (upon request from applicants whose Mechanical, Electrical, or Plumbing-only permits would otherwise expire). The Filing fee is currently \$22 and was last changed in July 2015. This fee covers the basic cost of administering a new application—taking it in, inputting/uploading documents as needed, and ensuring its routing through the review system. The new rate of \$62.50 was set at an estimated one-quarter hour of staff time. This new rate remains significantly lower than many neighboring jurisdictions including Oakland (\$79), Albany (\$82), and Richmond (\$135). The trade-specific Permit Extension fees have also not changed since July 2015, and are proposed to go from \$57 to \$75. In both cases, staff believe higher fee rates could be justified, but prefer to keep these at the lowest level possible while still covering City costs, since they apply to every permit applicant regardless of project size. See Attachment 2 for full details.

The Building and Safety fee schedule also establishes fees for two permit types which previously have not been included:

- The Undocumented Accessory Dwelling Unit Amnesty permit will begin in January, 2025 (about which staff will communicate to Council in more detail later). In brief, this new permit will provide a path to legalization of existing ADU dwelling units which were created without proper permits at an earlier time. This will fulfill a previous Council referral, aiming to retain existing units of housing while helping ensure they are safe and legal. The fees for this new permit will include an application fee of \$250, an initial inspection fee of \$250 (to ensure safe conditions), and if needed subsequent re-inspection fees of \$250 each, until safe and legal conditions can be confirmed. The Building and Safety Division's hourly Administrative Services Fee of

\$250/hour will cover staff time for notarizing and recording Certificates of Compliance when requested by property owners.

- The City created its Exterior Elevated Elements (E3) program quickly after the Berkeley balcony collapse tragedy in 2015, and the program has become a model statewide. To date, the City has not charged the owners of properties with three or more units, who must comply every six years (rental buildings) or nine years (condos). In effect, the City has been subsidizing the program costs in the interest of immediate improvements to safety, but this is not sustainable. The proposed fees for \$375 every six years for multifamily rental buildings, and \$750 every nine years for condominium buildings, will cover program costs for notifying owners of the requirements, tracking compliance, and following up with notices and (when necessary) citations for non-compliant owners. The condominium fee is higher to cover the greater administrative costs of communicating with multiple building owner.

LAND USE PLANNING DIVISION

Most Land Use fees are based on hourly staff time rates, which are discussed above. Beyond those, staff are proposing a number of other changes to the Land Use part of the Planning Fee Schedule:

- Application fee: To date, Land Use has not had a basic application fee, instead including the costs of initial intake and review with the larger time-based costs for each kind of discretionary application: Use Permits and Modifications, Administrative Use Permits, Variances, Condominium Conversion, etc. Most Zoning applications are now received by email, and City practice has been to not charge any fees for an application until the initial 30-day completeness review is completed, and then to charge fees based on the application type. State law, however, now imposes tight initial completeness review timelines on staff for most such applications. As a result, the City has been incurring significant costs under strict state-imposed timeframes, prior to having the ability to recoup any of those expenses. The proposed \$500 application fee (set at two hours of staff time) would be assessed as part of initial application submittal. Then, the subsequent fee for each specific application type (Use Permits, AUPs, etc.) is being *reduced* by the same \$500 (two hours) amount, so that this change has no net effect on applicants, but does allow the city to cover its costs for the initial application review. Note: The new application fee does not apply to lower-level application types, such as Zoning Certificates.
- ZAB Public Hearings: Many discretionary applications are required by the Zoning Ordinance to be heard by the Zoning Adjustments Board prior to permit issuance. While some of these costs are included within the permit application fee (notably, the staff time of the assigned project planner), the administrative logistics of a ZAB hearing are not. The current ZAB Public Hearing fee of \$1,025 was last updated in 2010. Staff are proposing a new rate of \$1,250 to cover administrative

staff time for site posting and mailing, meeting materials preparation and distribution, and the costs of the meeting site.

- A handful of fees in the Land Use section are not based on hourly staff time rates. These include certain Design Review functions, Mills Act applications, and the Coordinated Sign Design program. These fees were last updated effective July 2022; staff propose an across-the-board 10% increase to keep pace with inflation since then.
- Changes with no monetary effect: Staff have also taken this opportunity to refine and clarify elements of the Land Use fee schedule for transparency and ease of application. These changes are also highlighted in red in Attachment 2, and include:
 - Renaming the different “Tiers” of AUP applications to mirror the hierarchy commonly used for other Planning Department applications, with Tier 1 the most complex and Tier 3 the least complex.
 - Streamlining the Use Permit and Variance application types.
 - Better defining types of Zoning Certificate reviews to acknowledge the greater number of application types which now qualify for simpler and/or ministerial reviews, including many ADU projects.
 - Removing the Landmarks Preservation Commission Public Hearing fee, which was incorrectly added in a prior fee schedule update (no such fee is authorized, and none has ever been charged).
 - Relocating the fee for new State-mandated Preliminary Development Applications under SB35 and SB330. This fee was also significantly reduced to reflect actual practice.

TOXICS MANAGEMENT DIVISION

TMD regulates, monitors and inspects a range of activities in Berkeley which involve storage or handling of hazardous materials. In addition to its hourly staff time rate, TMD has non-hourly based fees to cover permits for underground and above-ground storage tanks, hazardous materials response planning, hazardous waste generation and treatment, and site remediation, among other activities. Those fees have not been raised in 10 years, and are proposed here to increase by 15% across-the-board, much lower than the cumulative inflation rate since the last increase. These increases would bring fees in line with the costs incurred by the City to administer the respective services.

RENTAL HOUSING SAFETY PROGRAM

RHSP proactively inspects all rental housing units in the City, and reactively inspects in response to complaints. In addition, owners of every rental unit must self-inspect their units each year and complete a checklist documenting the inspection. RHSP bills rental property owners annually for the costs of these services. Staff proposed increasing the annual fees from \$56 to \$60 per unit, or from \$28 to \$30 per room for residential hotels and boarding houses. This proposed 7% fee increase is less than the estimated 20%

inflation increase since July 1, 2020, when the current fee was set. The new fee rate will help cover staff costs and other rising program costs.

The work of the Planning and Development Department supports a number of City Strategic Plan goals, including creating affordable housing and housing support services for our most vulnerable community members; creating a resilient, safe, connected, and prepared city; being a global leader in addressing climate change, advancing environmental justice, and protecting the environment; and being a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

BACKGROUND

The costs of most of the work of the Planning and Development Department is covered through fees collected for services and deposited into dedicated enterprise funds, such as the Rental Housing Safety Program (Fund 129), the Consolidated Unified Program Agency (CUPA, Fund 622), and the largest of these, the Permit Service Center Fund (621), which takes in all Building and Zoning fees. While RHSP and CUPA have always been self-sustaining, through fees charged directly to customers each year, the Permit Service Center Fund balance has varied widely, and has been negative in 12 of the 28 individual years since its creation in 1997, reflective of the cyclical nature of construction. Between 1997 and 2005, the City Council subsidized the PSC fund with General Fund dollars to make up for annual permit revenue shortfalls as needed, but since 2005 the PSC fund has been wholly self-sustaining. The fund maintained a strong positive balance during the upcycle construction activity since 2017, but projects shortfalls in the current two-year budget cycle, for which fee increases are being requested.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Many activities administered and services provided through the Planning and Development Department support City sustainability goals, including green building codes, re-use of building materials and waste diversion, and a broad array of programs to encourage use of building materials with less embodied carbon and cleaner electric building systems.

RATIONALE FOR RECOMMENDATION

Increasing hourly rate fees for services provided by staff will allow the City to recoup its actual costs spent on staff-intensive services, including permit application reviews and building inspections. Increasing the non-hourly fees described in this report will cover the City costs for those services without reducing the timeliness or efficiency of the service delivery.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Jordan Klein, Director, Planning and Development Department, (510) 981-7534
Jim Bondi, Associate Management Analyst, Planning and Development Department,
(510) 981-7428

Attachments:

- 1: Resolution
 Exhibit A: New Planning Fee Schedule, clean
- 2: Proposed New Planning Fee schedule, changes tracked
- 3: Public Hearing Notice

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

FEES: SERVICES PROVIDED BY THE PLANNING AND DEVELOPMENT
DEPARTMENT

WHEREAS, on May 16, 2017, Resolution No. 67,985-N.S. established fees for development-related services provided by the Planning and Development Department; and

WHEREAS, certain specific fee rates were amended on May 28, 2019 in Resolution No. 68,940-N.S., July 27, 2021 in Resolution No. 69,989-N.S., May 24, 2022 in Resolution No., 70,371-N.S., and November 29, 2022 in Resolution No. 70,621-N.S.; and

WHEREAS, the hourly base rate for staff services provided by the Department's Building and Safety Division has not been increased since 2017, the hourly base rate for staff services provided by the Land Use Planning Division has not been increased since 2022, the hourly base rate for staff services provided by the Toxics Management Division has not been increased since 2014, and the hourly base rate for staff services provided by the Office of the Planning Director and other non-division staff has not been increased since 2017; and

WHEREAS, the current staff time rates for all Planning staff services have not kept up with City costs incurred to deliver services since the previous rate adjustments; and

WHEREAS, certain other fees throughout the Planning Department fee schedule which are not based on hourly staff time increments have not kept up with City costs since last adjusted, including building permit application and extension fees, Land Use Planning application fees, Toxics Management Division hazardous materials regulation and oversight fees, and Rental Housing Safety Program per-unit and per-room annual fees; and

WHEREAS, fees have not previously been established for certain permit programs to ensure building safety through Exterior Elevated Elements inspections, and for safe legalization of existing housing units under the Undocumented Accessory Dwelling Unit Amnesty permits; and

WHEREAS, the Council of the City of Berkeley held a public hearing on May 21, 2024 to review the proposed changes to the fee schedule, attached hereto as Exhibit A to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that fees for all services provided by the Planning and Development Department shall be as set forth in Exhibit A, attached hereto and incorporated herein, with an effective date of July 1, 2024.

BE IT FURTHER RESOLVED that portions of Resolution No. 67,985-N.S. and all subsequent amendments are hereby rescinded, effective July 1, 2024.

Exhibits:

A: Fee Schedule

Exhibit A			
CITY OF BERKELEY			
PLANNING AND DEVELOPMENT DEPARTMENT FEE SCHEDULE			
CHAPTER A - BUILDING & SAFETY			
	FEE TYPE / DESCRIPTION	FEE	REMARKS
I.	FILING FEE - ALL PERMITS	\$ 62.50	Including revisions and deferred submittals,
II.	BUILDING PERMITS:		
	Minimum Permit Fee	\$ 100.00	for value of improvements up to \$3,000
	Building Permit Fee	\$ 2.20	per \$100 value of improvements over \$3,000
	Regular Plan Check Fee (includes over-counter building, mechanical, electrical, and plumbing permits)	65%	of Building, mechanical, electrical, and plumbing Permit Fee
	Plan check revision to plans already plan checked	\$ 250.00	per hour with a minimum of one hour (Hourly plan check does not include review of major re-design)
	Special Accelerated Plan Check Fee		Additional 80% of Regular Plan Check Fee
	Plan check revisions to plans already plan checked under accelerated procedure	\$ 375.00	per hour with a minimum of one hour (Hourly plan check does not include review of major re-design)
	Fourth and subsequent plan check submittal	\$ 250.00	per hour with a minimum of one hour
	Title 24: Disabled Access	12%	of Building Permit Fee
	Title 24: Energy Compliance	12%	of Building Permit Fee
	Fire Plan Check	7%	of Building Permit Fee
	Community planning fee for General Plan and Zoning Ordinance Maintenance	5%	of Building Permit Fee
	Sustainable development/green building	6%	of Building Permit Fee
	Permit extensions:		
	1st extension	\$ 250.00	
	Each additional extension	\$ 500.00	
	Application extensions:		
	1st extension	\$ 250.00	
	2nd and 3rd extension	\$ 500.00	
	Re-Inspections	\$ 250.00	per hour with minimum of one hour.
	Strong Motion Instrumentation (per State)	\$ 0.13	per \$1,000 value of improvements for residential properties (Or, as set forth by the State of California).
	Strong Motion Instrumentation (per State)	\$ 0.28	per \$1,000 value of improvements for apartments and commercial properties (Or, as set forth by the State of California).
	Building Standards, SB 1473	\$ 4.00	per \$100,000 value of improvements for apartments and commercial properties (or, as set forth by the State of California), with appropriate fractions thereof.
III	SIGN PERMITS		
	Minimum Permit Fee	\$ 100.00	up to \$3,000 value of improvements (signs)
	Sign Permit Fee	\$ 2.20	per \$100 value of improvement over \$3,000
	Sign Plan Check Fee	65%	of Sign Permit fee

FEE TYPE / DESCRIPTION		FEE	REMARKS
IV.	HOUSE MOVE PERMITS:		
	House Move	\$ 250.00	per hour of staff time with a minimum of one hour
V.	ELECTRICAL PERMITS:		
	Minimum Permit Fee	\$ 100.00	
	Permit Extension	\$ 75.00	
	A. New Residential Buildings and Additions	\$ 15.00	per each 100 square feet
	B. Industrial/Commercial Electrical Permit - Large Projects (above \$100,000 Value of Electrical Work) Permit Fee	1%	of the Value of Electrical Work
NOTE: At applicant's option, all electrical permit fees may be itemized as follows:			
	C. Itemized Fees:		
	Service (new or changed)	\$ 11.90	per each 100 Amps
	Subpanel (new or changed)	\$ 11.90	per each 100 Amps
	Electrical Meters (new or changed)	\$ 7.20	each
	Altering/Changing Wiring	\$ 26.10	each change
	Solar/Photovoltaic Panels System	\$ 26.10	per system
	Branch Circuits	\$ 4.80	each
	Fixed Appliance Outlets	\$ 11.10	each
	Device Outlets (Receptacle, Switch, Light, Etc.)	\$ 2.70	each
	Motors	\$ 7.10	up to 10 horsepower (HP) total
	Each additional HP	\$ 1.90	
	Generators	\$ 7.20	up to 10 kilovolt (KV) total
	Each additional KV	\$ 1.90	
	Transformers	\$ 4.80	up to 10 KV total
	Each additional KV	\$ 1.90	
	Signs and Outline Lighting	\$ 26.50	per KV
	X-ray Capacitors	\$ 26.50	each
	Temporary Power Pole	\$ 26.50	per each 100 Amps
	Festoon Lighting	\$ 10.00	each
	Electric Vehicle Charging Station	\$15.90	each
	PG&E Service Recheck	\$11.90	Per each inspection of existing service for release to PG&E
VI.	MECHANICAL PERMITS:		
	Minimum Permit Fee	\$ 100.00	
	Permit Extension	\$ 75.00	
	Gas Appliances		
	Up to two mechanical appliances	\$ 13.00	per appliance
	Each additional appliance	\$ 12.00	
	Heating - Furnace/AC (Combination Unit, Central Heat, Central AC, or Heat Pumps)		
	Up to 100,000 BTU	\$ 39.70	per unit
	101,000 to 500,000 BTU	\$ 54.00	per unit
	Over 500,000 BTU	\$ 129.00	per unit
	Gas Piping Extension/Alteration/Repair	\$ 12.20	
	Gas Meter (new or changed)	\$ 13.10	
	Each Additional Gas Meter	\$ 9.10	
	Gas Pipe Outlets	\$ 5.60	each
	Gas Pressure Test only	\$ 14.10	per system
	Seismic Gas Shutoff Valve	\$ 10.00	each
NOTE: Gas items may be charged on mechanical or plumbing permits, but not both.			

FEE TYPE / DESCRIPTION		FEE	REMARKS
	Hoods		
	Residential	\$ 11.80	each
	Commercial - Type I	\$ 129.00	each
	Commercial - Type II	\$ 79.70	each
	Vent, Flue or Chimney	\$ 13.10	each
	Pre-fabricated Fireplace	\$ 79.70	each
	Ducts, Fans, Registers, Dampers	\$ 11.90	each
	Air Handling Equipment (including powerheads)		
	up to 10,000 cfm	\$ 26.80	per unit
	over 10,000 cfm	\$ 39.90	per unit
	Boilers and Equipment		
	up to 100,000 BTU	\$ 39.90	per unit
	100,000 - 500,000 BTU	\$ 54.00	per unit
	over 500,000 BTU	\$ 129.00	per unit
VII.	PLUMBING PERMITS:		
	Minimum Permit Fee	\$ 100.00	
	Permit Extension	\$ 75.00	
	A. New Residential Buildings and Additions	\$ 15.00	per each 100 S.F.
	NOTE: At applicant's option, all electrical permit fees may be itemized as follows:		
	B. Itemized Fees:		
	Water Heater	\$ 12.20	each
	Solar Water Heater	\$ 12.20	each
	Fixtures (including-sanitary drainage and piping)	\$ 12.20	each
	Sanitary Sewer Lateral	\$ 34.00	each
	Subsoil Storm Drainage Piping	\$ 34.00	per system
	Removal of Illicit Connections	\$ 12.20	per system
	Water or Air Pressure Test	\$ 14.10	per system
	Stand Pipe System	\$ 129.10	per system
	Water Main, up to 25 Outlets	\$ 24.90	
	Each Additional Outlet	\$ 2.70	
	Water Meter	\$ 14.40	
	Each additional meter	\$ 8.40	
	Backflow Preventer	\$ 12.20	each
	Water Line, up to 25 Outlets	\$ 24.90	
	Each additional outlet	\$ 2.70	
	Hydronic Water Piping	\$ 24.90	per system
	Lawn Sprinklers System:		
	One or Two Family Dwellings	\$ 39.90	per system
	All other Occupancies	\$ 105.70	per system
	Swimming Pool Filtration System	\$ 129.10	per system
	Inside Rain Leader - per System	\$ 27.40	per system
	Gas Piping Extension/Alteration/Repair	\$ 12.20	per system
	Gas Meter (new or changed)	\$ 13.10	
	Each additional Gas Meter	\$ 9.10	
	Gas Pipe Outlets	\$ 5.60	each
	Gas Pressure Test Only	\$ 14.10	per system
	Seismic Gas Shutoff Valve	\$ 10.00	each
	NOTE: Gas items may be charged on mechanical permits, but not both.		
	Gray Water System:		
	One or Two Family Dwellings	\$ 39.90	per system
	All other Occupancies	\$ 105.70	per system
	Nonpotable Rainwater Catchment System:		
	One or Two Family Dwellings	\$ 39.90	per system
	All other Occupancies	\$ 105.70	per system

FEE TYPE / DESCRIPTION		FEE	REMARKS
VIII.	SEISMIC GAS SHUT-OFF VALVE GROUP INSTALLATION	\$ 50.00	flat rate per residence. This is a group rate for two or more residences on a block for coordinated inspection
IX.	SOLAR INSTALLATION PERMITS:		
	Solar Installation Permits		Fee covered under electrical, plumbing, mechanical and/or building permit fees
X.	INVESTIGATION FEE:		
	Investigation Fee		Equal to and in addition to the permit fee for scope of work performed without a permit and/or inspections
XI.	CODE COMPLIANCE INSPECTIONS (SPECIAL INSPECTION):		
	Business License Inspections (change of use or building vacant more than 6 months)	\$ 250.00	per hour of staff time, with minimum of one hour
XII.	CODE VIOLATION INSPECTIONS (VIOLATION OF CITY AND STATE CODES INCLUDING ANTI-BLIGHT ORDINANCE):		
	Initial Investigation of a complaint	No Fee	
	First Re-inspection of Violations	\$ 250.00	
	Second Re-inspection of Violations	\$ 375.00	
	Third Re-inspection of Violations	\$ 500.00	
	Additional Re-inspections	\$ 625.00	
	Administrative review fee	\$ 250.00	per hour of staff time, with minimum of one hour
XIII.	OTHER INSPECTIONS		
	Weekend Inspection	\$ 250.00	per hour, with a minimum of 4 hours
	Evening Inspection	\$ 250.00	per hour, with a minimum of 2 hours
	Certified Access Specialist (CASp) Inspection	\$ 250.00	per hour, with a minimum of one hour
XIV.	TECHNOLOGY ENHANCEMENT FEE	5%	of Building, Electrical, Mechanical, Plumbing, Fire, and Public Works Permit Fees, and other applications such as ADU Amnesty and E3 programs
XV.	UNDOCUMENTED ACCESSORY DWELLING UNIT AMNESTY PERMIT		Filing fee also applies
	Amnesty Application Fee	\$250.00	
	Initial Inspection Fee	\$250.00	
	Amnesty Reinspection Fee	\$250.00	per hour with minimum of one hour.
XVI.	EXTERIOR ELEVATED ELEMENTS (E3)		Filing fee also applies
	E3 Multi-Family	\$375.00	per multifamily rental building with E3 and three or more units. Billed every six years at time property owners receive notice of the required periodic inspection.
	E3 Condominium	\$750.00	per condo building with E3 and three or more units. Billed every nine years at time property owners receive notice of the required periodic inspection.

FEE TYPE / DESCRIPTION		FEE	REMARKS
XVII.	MISCELLANEOUS		
	Duplication Fees		Amount specified in A.R. 3.8
	Pre-submittal Review/Consultation	\$ 250.00	per hour, with a minimum of one hour
	City Staff Review (For items that require review and which are not otherwise explicitly covered in Fee Schedule, such as Alternate Method Applications, Requests for Unreasonable Hardship Exceptions, Requests for Determinations, BORP Submittals, etc)	\$ 250.00	per hour, with a minimum of one hour
	Staff time required to follow-up on non-compliance	\$ 250.00	per hour, with a minimum of one hour
	Address Assignment	\$ 250.00	per hour, with a minimum of one hour
	Inspections for which no fee is specifically indicated	\$ 250.00	per hour, with a minimum of one hour
	Processing fee for refunds	Per BMC 7.20.050	or hourly charges based on time spent, with a minimum of one hour at staff time rate of \$250
	Seismic Evaluation Report: Report Review (includes 1 recheck)	\$612.00	
	Administrative Services Fee	\$250.00	For services provided by administrative staff outside of plan check or permitting services charged elsewhere; e.g. processing documents, recording notices, researching records

CHAPTER B - LAND USE PLANNING					
FEE TYPE / DESCRIPTION				FEE	REMARKS
I. Application Fee: AUP, UP, VAR, MOD, DR, LM, Condo Conversion				\$ 500	Application fee to cover intake and initial completeness review: Assumes 2 hours.
II. Administrative Use Permit (AUP)					
	1.	Tier 1 - Most complex projects		\$ 4,500	Base fee deposit assumes 18 hours. Add \$250 per each additional hour of staff time.
	2.	Tier 2 - Intermediately complex projects		\$ 3,500	Assumes 14 hours
	3.	Tier 3 - Least complex projects		\$ 1,500	Assumes 6 hours
	4.	Each Additional AUP required in addition to primary application		\$ 500	Assumes 2 hours
III. Use Permit (UP) with public hearing					
	1.	Use Permit		\$ 5,500	Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time.
	2.	ZAB Public Hearing (per hearing, in addition to permit fees).		\$ 1,250	Assumes 5 hours; includes materials
IV. Variance					
	1.	Tier 1 - All Variances except inadvertent demolitions		\$ 5,500	Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time.
	2.	Tier 2 - Inadvertent Demolition of Residential Structure		\$ 9,500	Base fee deposit assumes 38 hours. Add \$250 per each additional hour of staff time.
	3.	Each Additional AUP, UP or Variance in addition to primary application		\$ 500	Assumes 2 hours
	4.	ZAB Public Hearing (per project in addition to permit fees)		\$ 1,250	Assumes 5 hours including materials
V. Zoning Certificate (ministerial permits)					
	A.	All Zoning Certificate (ZC) reviews (e.g. ZCs for Business License, Home Occupations, and Short-Term Rentals), EXCEPT as noted below:		\$ 250	Assumes 1 hour
	1.	Business License review - continuation of lawful existing use		\$ -	No fee for continuation of existing legal use
	2.	Accessory Dwelling Unit Neighborhood Notice		\$ 500	Assumes 2 hours for neighborhood notices and documentation (Plan check is billed separately, with Building Permit)
	3.	Accessory Dwelling Unit Plan Check		\$ 250	Assumes 1 hour for review.
	4.	Additional staff time (work performed beyond the time covered by the fees above)		\$ 250	Per hour of staff time
	B.	Building Permit review			
	1.	Project with Administrative Use Permit (including new main buildings)		\$ 500	Assumes 2 hours
	2.	New main buildings (no Administrative Use Permit)		\$ 1,000	Assumes 4 hours
	a	1--19 residential units (Residential and/or Mixed-Use)		\$ 500	Assumes 2 hours
	b	20+ residential units (Residential and/or Mixed-Use)		\$ 1,000	Assumes 4 hours
	c	Nonresidential building (no residential uses)		\$ 1,000	Assumes 4 hours
	3.	Additions, Tenant Improvements, projects not listed above		\$ 500	Assumes 2 hours
	4.	Accessory Dwelling Unit Plan Check		\$ 250	Assumes 1 hour
	5.	Landmark review		\$ 250	Assumes 1 hour
	6.	In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)		\$ 125	Assumes half hour
	7.	Fourth and subsequent plan check submittal		\$ 250	per hour of staff time

FEE TYPE / DESCRIPTION			FEE	REMARKS
VI. Modification / Transfer				
	1.	Administrative Use Permit Modification (to existing AUP, or modification to UP allowed with an AUP)	\$ 1,500	Assumes 6 hours
	2.	Use Permit Modification (ZAB Review - Permit not exercised)	\$ 3,000	Base fee deposit assumes 12 hours. Add \$250 per additional hour of staff time.
	3.	Use Permit Modification (ZAB Review - Exercised Permit)	\$ 5,500	Base fee deposit assumes 22 hours. Add \$250 per additional hour of staff time.
	4.	Transfer of Administrative Use Permit / Use Permit	\$ 250	Per hour of staff time
	5.	Public Hearing (per hearing, in addition to permit fees)	\$ 1,250	Assumes 5 hours incl materials
VII. Environmental Review				
A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)				
	1.	Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants
	2.	Environmental Impact Report (EIR)	\$ 10,000	Base fee Deposit assumes 40 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants
	B. Mitigation Monitoring		\$ 4,000	Base fee Deposit assumes 16 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants
	C. Notices - NOE, NOD, etc.		\$ 1,000	Assumes 4 hours. Fee applies when notices are filed by the City on behalf of the applicant / City after all appeals are heard
VIII. Design Review				
A. Administrative Design Review				
	1.	Project valued under \$50,000	\$ 2,000	Assumes 8 hours
	2.	Project valued at \$50,000 to \$2,000,000	\$ 3,000	Assumes 12 hours
	3.	Project valued over \$2,000,000	\$ 4,000	Base fee deposit assumes 16 hours. Add \$250 per hour for staff time beyond 16 hours.
	4.	Signs/Awnings	\$ 500	Assumes 2 hours
B. Design Review Committee				
	1.	Project valued under \$50,000	\$ 3,000	Assumes 12 hours
	2.	Project valued at \$50,000 to \$2,000,000	\$ 4,000	Assumes 16 hours
	3.	Project valued over \$2,000,000	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.
C. Final Review with the DRC				
	1.	Project valued under \$50,000	\$ 1,375	
	2.	Project valued at \$50,000 - \$150,000	\$ 1,650	
	3.	Project valued over \$150,000	\$ 4,675	
	D. Additional Preview (existing fee, relocated from Sec. VII.B above)		\$ 550	
	E. Modifications - DRC Projects		\$ 1,000	
	F. DRC Public Hearing (per hearing, in addition to permit fees)		\$ 1,250	Assumes 5 hours, includes materials

FEE TYPE / DESCRIPTION		FEE	REMARKS
IX.	Landmarks Preservation Commission Review		
	A. Initiation		
	1. Structure	\$ 50	As set by the Landmarks Preservation Ordinance. BMC 3.24.340.A
	2. District	\$ 100	As set by the Landmarks Preservation Ordinance, BMC 3.24.340.B
	B. Design Review - Structural Alteration (non-residential only)		
	1. Project valued under \$50,000	\$ 2,200	
	2. Project valued between \$50,001 and \$1,999,999	\$ 3,300	
	3. Project valued at \$2,000,000 or more	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.
	C. Design Review - Signs and Awnings	\$ 1,100	
	D. Demolition Review (non-residential structures 40 or more years old as required under Section 23C.08.050C of the Zoning Ordinance)	\$ 1,320	
	E. Mills Act Historical Contract Processing - payable upon application (one-time payment)	\$ 4,620	
	F. Mills Act Historical Contract Monitoring		
	1. Payable upon application to cover 5 contract years	\$ 2,750	
	2. Assessed at the beginning of each subsequent 5 years	\$ 2,750	
	X. Appeals		
	A. Non-Applicant Appeal of AUP	\$ 500	
	B. Reduced Non-Applicant Appeal of AUP: Fee reduced if signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less	\$ 200	
	C. Non-Applicant Appeals of ZAB or LPC	\$ 1,500	
	D. Reduced Non-Applicant Appeals of ZAB or LPC: Fee reduced if 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	\$ 500	
	E. Appeal of AUP by Applicants	\$ 4,000	Assumes 16 hours
	F. Appeal of ZAB or LPC by Applicants	\$ 6,000	Assumes 24 hours
	G. Appeal of DRSL or DRC by Non-Applicant	\$ 500	
	H. Appeal of DRSL or DRC by Applicant	\$ 4,000	Assumes 16 hours
	I. Non-Applicant Appeals of all affordable housing projects (defined as projects which provide 50% or more affordable units for households at 80% or less of Area Median Income)	\$ 500	
	J. Appeal to address processing error by staff	Fee Waived	
	XI. Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits*		
	A. General Plan Amendment	\$ 10,000	
	B. Specific Plan Amendment	\$ 10,000	Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time, plus direct cost for consultants
	C. Rezoning / Reclassification Request	\$ 10,000	
	D. Waterfront Master Development Plan Permit	\$ 10,000	
	XII. CONDOMINIUM		
	A. Rent Board Review	\$ 125	per unit
	B. Notice of Local Law Compliance	\$ 4,000	Assumes 16 hours
	C. Conversion to Condominiums - <u>one to four units</u>	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.
	D. Conversion to Condominiums - <u>five or more units</u>	\$ 10,000	Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time.
	E. Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by an Applicant	\$ 4,000	Assumes 16 hours
	F. Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant	\$ 6,000	Assumes 24 hours
	G. Appeal of Planning Commission Determination on Conversion to the City Council by a Non-Applicant	\$ 4,000	Assumes 16 hours

FEE TYPE / DESCRIPTION		FEE	REMARKS
XIII.	Miscellaneous Fees		
A.	Penalty for Late Filing (When Zoning Permit, Use Permit or Variance is required for work already performed)	100%	of applicable fee(s)
B.	Zoning Complaint Re-inspection		
	1. First Re-inspection	\$ 250	
	2. Second Re-inspection	\$ 375	
	3. Third Re-inspection and all inspections thereafter	\$ 500	
C.	Agenda Subscriptions and Mailing Fees	Amount specified per A. R. 3.8	
D.	Publications and Duplication of Records	Amount specified per A. R. 3.8	
E.	Maps - large, color	\$ 36.00	
F.	Duplication of Zoning Adjustments Board, Landmarks Preservation Commission, and Design Review Commission meeting recordings	Amount specified per A. R. 3.8	
G.	Microfilm Duplication Fee	Amount specified per A.R. 3.8	
H.	Records Management Fee	\$ 55	per application
I.	Letters Regarding Status of Properties	\$ 250	per hour, 2 hour min.
J.	Housing Density Bonus Analysis - if separate from other permits	\$ 250	per hour of staff time
K.	Zoning Research	\$ 250	per hour, 2 hour min.
L.	Oak Tree Review	\$ 250	per hour, 1 hour min., plus consultant costs
M.	Use Permit Monitoring	\$ 250	per hour of staff time
N.	Pre-application Reviews		
	1. Staff level review	\$ 1,000	Assumes 4 hours
	2. Zoning Adjustments Board / Design Review Committee / Landmarks Preservation Commission / Planning Commission Review (at staff discretion in consultation with the applicant)	\$ 4,000	Assumes 16 hours
	3. SB35, SB330, other Preliminary Development application reviews as required by State law	\$ 1,000	Base fee Deposit assumes 4 hours. Add \$250 per additional hour for staff time, plus other cost recovery as expended
O.	Dedicated Project Review: In addition to all required fees, applicants may request (or the City may require) dedicated project review in which the applicant pays the City for staff overtime or to contract with a consulting firm with particular relevant expertise to review the application. In such instances, the applicant shall remit a deposit equal to the total amount of the contract, based on the bids received by the City pursuant to its purchasing procedures. Progress billings will be made if charges are expected to exceed deposit; prompt payment of bills will assure continued project review. Failure to remit a progress payment within an appropriate time frame, as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal.	At cost	
P.	Community Planning Fee for General Plan and Zoning Ordinance Maintenance	15%	Surcharge on all Applications for AUP, UP, Modification and/or Variance.
Q	Coordinated Sign Design Program Fee	\$ 2,217	Sign program to cover multiple signs in one building or development

NOTE: The minimum deposits listed are intended to reflect typical project costs. Progress billings will be made during review of a project if charges exceed the deposit: prompt payment of bills will assure continued project review. Failure to remit a progress payment within the appropriate time frame as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal. All fees are required to be paid prior to scheduling the item for Council consideration.

Chapter C - TOXICS MANAGEMENT DIVISION
Certified Unified Program Agency (CUPA)

Description	FEE
SECTION 1: Underground Storage Tanks (USTs) Fees	
1) Annual Operating Permit	
a. First Tank Per Facility	\$1,811
b. Each Additional Tank	\$604
2) Miscellaneous Fees	
a. New Installation	
Base Fee (includes one tank)	\$4,830
Each Additional Tank	\$604
Additional Reviews/Inspections	\$250/hour
b. Closure/Removal - Business	
Base Fee (includes one tank)	\$1,811
Each Additional Tank	\$845
Additional Reviews/Inspections	\$250/hour
c. Closure/Removal – Residential – Per Tank	\$725
d. Inspection or Repair/Replacement/Modification	\$250/hour
SECTION 2: Aboveground Petroleum Storage Act (APSA)	
1) APSA Annual Fee Per Regulated Facility (<10,000 gal.)	\$242
2) APSA Annual Fee Per Regulated Facility (≥10,000 gal.)	\$362
3) Additional Inspection/Review	\$250/hour
SECTION 3: Hazardous Materials Business Plan (HMBP) Fees	
<p>1) Annual Fees - Hazardous Materials Release Response Plans (HMRRP) and Inventory Registration. Fees are based on total number of hazardous materials present (Table 1) and aggregate quantity of hazardous materials (Table 2). NOTE: All solids are measured in pounds, liquids in gallons, and gases in cubic feet at Standard Temperature and Pressure (STP).</p>	FEEs
	A-1 \$362
	A-2 \$725
	A-3 \$1,389
	A-4 \$2,053
	A-5 \$3,381
	B-1 \$483
	B-2 \$906
	B-3 \$1,811
	B-4 \$2,717
	B-5 \$3,864
	C-1 \$544
	C-2 \$1,087
	C-3 \$2,234
	C-4 \$3,381
	C-5 \$4,347
	D-1 \$665
	D-2 \$1,328
	D-3 \$2,717
	D-4 \$4,046
	D-5 \$5,072

Table 1. TOTAL NUMBER OF HAZARDOUS MATERIALS ON SITE

Type	Range
A	1 - 10
B	11 - 25
C	26 - 50
D	>50

Table 2. AGGREGATE MAXIMUM QUANTITY OF HAZARDOUS MATERIALS ON SITE

	Gallons	Cu. Ft.	Lbs.
1	55 - 275	200 - 999	500 - 999
2	276 - 549	1,000 - 4,999	1,000 - 9,999
3	550 - 999	5,000 - 24,999	10,000 - 24,999
4	1,000 - 10,000	25,000 - 100,000	25,000 - 100,000
5	>10,000	>100,000	>100,000

b. Etiological Agent Registration Fee	\$242
c. Radiological Materials Registration Fee	\$242
d. Limited hazardous materials registration for businesses handling hazardous materials under the <u>BMC Title 15</u> threshold but must report under Chapter 50 of the California Fire Code	\$242
e. Facilities subject to HMBP disclosure under BMC Title 15 due to the handling of gases that are classified as a hazard for purposes of Section 5194 of Title 8 of the California Code of Regulations only for hazards due to simple asphyxiation or release of pressure, in aggregate quantities <1,000 cubic feet	\$242
SECTION 4: Hazardous Waste Generator and Treater Permit and Registration Fees	
1) Annual Fees	
a. < 55 Gallons per year	\$242
b. >= 55 Gallons and <2Tons	\$299
c. >= 2 Tons and <5 Tons	\$362
d. >= 5 Tons and <12 Tons	\$1,087
e. >= 12 Tons and <25 Tons	\$2,294
f. >= 25 Tons and <50 Tons	\$4,830
g. >= 50 Tons and <125 Tons	\$7,004
h. >= 125 Tons to < 250 Tons	\$8,211
i. >= 250 Tons to < 500 Tons	\$15,215
j. >= 500 Tons and < 1,000	\$24,633
k. >= 1,000 Tons to <2,000 Tons	\$35,501
l. >= 2,000 Tons to < 4,000 Tons	\$47,817
m. >= 4,000 Tons	\$62,790
n. Acutely Hazardous Waste (>1 kg./month) Registration fee	\$483
o. Hazardous Waste Contingency Plan Review for Treatment, Storage, Disposal Permitted Waste Facilities	\$250/hour
p. Conditionally Exempted Permit Fee	\$483
q. Conditionally Authorized Permit Fee	\$845
r. Permit by Rule	\$2,053
SECTION 5: Site Remediation and Investigation Fees	
1) Report Reviews/Site Visits/Plan Checks	\$250/hour
2) Third Party Professional Reviews	Actual Cost plus handling
3) Additional Reviews/Inspections	\$250/hour
4) Subsurface Investigation Permits:	
a. Monitoring Wells Installation/Destruction	
First Well	\$483
Each Additional Well	\$173
b. Soil Borings (Three (3) feet or greater depth, per BMC 15.12.070.B)	
First Boring	\$242
Each Additional Boring	\$173
SECTION 6: Risk Management Plan Fees	
1) Third Party Professional Review	Actual Cost plus handling
2) Staff Participation in Hazardous Operability Study/Review/Oversight/Audit (1-hour min)	\$250/hour
3) Regulated Substance Registration fee (Extremely Hazardous)	
Program 1	\$5,796
Program 2	\$11,592
Program 3	\$16,181

SECTION 7: Miscellaneous Fees		
1)	Miscellaneous hourly billing (all others)	\$250/hour
2)	Copies of Documents	A.R. 3.8
3)	Clerical Staff	\$140/hour
4)	Permit Service Center Review Fee (1/2 hour minimum)	\$250/hour
5)	Special Accelerated Review Fee, per customer request	Additional 80% of Regular Review Fee
6)	Emergency Response and Oversight of Clean-up Activities from Spills and Releases (3-hour minimum)	\$250/hour
7)	Emergency Response Contractor	Actual Cost plus handling
8)	Emergency Response Materials	Actual Cost plus handling
9)	Penalty for Late Filing of Annual HMBP (charged for every month after deadline)	10% or \$50 min. per month
10)	Penalty for Late Filing of Annual HWG Report (charged for every month after deadline)	10% or \$50 min. per month
11)	Penalty for nonpayment of fees:	
	After 60 days of initial billing date, assess a 10% penalty of the billed amount.	10% penalty of the billed amount
	After 120 days of initial billing date, assess an additional 15% penalty of the original billed amount.	An additional 15% penalty of the original billed amount
12)	Penalty for businesses operating without a valid permit	Double the Fee
13)	Penalty for unpermitted UST installation/removal/modification; well construction, installation, destruction and/or modification	Double the Fee
14)	Administrative fee for lien processing	\$250/hour
15)	Universal Waste (relocated from Section 4, above)	\$250/hour
SECTION 8: State Surcharge		
All applicable state surcharges determined by the State are required to be billed and collected from regulated facilities and remitted to CalEPA quarterly.		

CHAPTER D - ENGINEERING

FEE TYPE / DESCRIPTION	FEE	REMARKS
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I. Engineering Fees

- | | | | | |
|----|--|----|----------|----------|
| 1. | Engineering work required for review or preparation of sewer plans and specifications | \$ | 190.00 | per hour |
| 2. | Engineering work required in abandonment of easement | \$ | 5,202.00 | |
| 3. | Engineering work required in abandonment of streets, paths, walks, steps and similar public ways | \$ | 8,918.00 | |
| 4. | Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following: | | | |
| a. | Review of plans and specifications other than for sewer. | \$ | 190.00 | per hour |
| b. | Engineering work and inspection required for grading or regarding streets. | \$ | 190.00 | per hour |
| c. | Engineering work and inspection required for concrete sidewalks, curbs and gutter. | \$ | 190.00 | per hour |
| d. | Engineering work and inspection required for pavement in area of roadway. | \$ | 190.00 | per hour |
| e. | Engineering work and inspection required for culverts and drainage. | \$ | 190.00 | per hour |
| f. | Engineering work and inspection required for sewers. | \$ | 190.00 | per hour |
| g. | Engineering work and inspection required for structures of masonry construction of either brick or concrete. | \$ | 190.00 | per hour |
| h. | Engineering work and inspection required for construction storm water best management practices. | \$ | 190.00 | per hour |
| i. | Engineering work and inspection required for post -construction storm water best management practices | \$ | 190.00 | per hour |

(BMC 2.72.050)

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|----|--|----|--------|----------|
| 5. | Moving and replacing street monuments, the charge will be the actual cost to the City. | | | |
| 6. | All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged. | \$ | 190.00 | per hour |
| 7. | Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged. | \$ | 190.00 | per hour |
| 8 | Field survey: | | | |

FEE TYPE / DESCRIPTION	FEE	REMARKS
One-person party	\$ 190.00	per hour/person (4 hours minimum)
Two-person party	\$ 190.00	per hour/person (4 hours minimum)
Three-person party	\$ 190.00	per hour/person (4 hours minimum)
9. Public consultations or assistance rendered in records examination.	No fee	
10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays.	Double the fee	

(BMC 2.72.050)

II. SIDEWALK CONSTRUCTION AND REPAIR

A. Fees - Streets, Sidewalks and Other Public Property

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.

2. Field Inspection: The charge for field inspection shall be as follows:

a. Curbing	\$ 28.00	for each ten L.F. or fraction thereof
b. Curb and Gutter	\$ 28.00	for each ten L.F. or fraction thereof
c. Sidewalks	\$ 28.00	for each 100 sq. ft or fraction thereof
d. Driveway approach: Same charge as for sidewalks.	\$ 28.00	per 100 sq. ft or fraction thereof

(BMC 16.04.110)

B. Permit - Cash Deposit or Bond in Lieu Required - Conditions

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.

FEE TYPE / DESCRIPTION	FEE	REMARKS
<p>3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.</p> <p>4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)</p>		

III. SANITARY AND STORM DRAIN SEWERS

A. Sewer and Storm Drain Construction Fees

1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:
 - a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement \$127.
 - b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main \$206 for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.
 - c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main \$190 per hour.
 - d. For engineering work and inspection required in establishing backline easements and re-use connections - \$190 per hour, two-hour minimum.
 - e. For sewer lateral capping, \$190 per hour, two-hour minimum.
 - f. For engineering work and inspection involved with mainlines and maintenance holes, \$190 per hour, two-hour
2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.

(BMC 17.16.050)

B. Sewer Construction, Cash Deposit or Bond in Lieu of

1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of \$1,376 for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,306 may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

(BMC 17.16.050)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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C. Private Sewer Lateral Certification (BMC 17.24.160)	\$ 150.00	Reso 63,262, July 2006
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IV. EXCAVATIONS

A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes

Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.

The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of \$127 and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of \$190 per hour shall be charged for all inspections. (BMC 16.12.030)

B. Compliance with Regulations Required

The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When

For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

<u>Type of Excavation</u>	<u>In -lieu Fee</u>
Trench (excluding new service connections)	\$4.20 per square foot of street area required to be resurfaced by the regulations
Bell hole/new service connection	\$676 /bell hole or new service connection

V. STREET AND SIDEWALK USE PERMIT

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.
 - a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.
 - b. House moving.
 - c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.
 - d. Debris boxes by contractors.
 - e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$190 per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overheight, overweight or overwidth vehicle or any overheight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

C. Increased Fees for Work Performed or Operation of Vehicle Without Permit

For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)

D. Deposit - To Guarantee Removal of Materials or Equipment Required

As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of \$1,376 for each permit issued under the provisions of this chapter. (BMC 16.16.070)

E. Deposit - Surety Bond in Lieu When - Conditions

In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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F. Waiver - Deposit and Bond
 In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)

VI. NO PARKING SIGNS

No parking signs will be required in conjunction with all street use permits.

If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of \$34 and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of \$79 per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.

Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.

Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign

VII. ENCROACHMENT PERMITS

The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:

1. A non-refundable application fee in the amount of \$454 for each permit below.

a. Minor encroachment permit: \$1,228 paid upon approval of permit.

b. Major encroachment permit: \$1,774 paid upon approval of permit.

2. Decorative non-commercial installation in a public right-of-way: a permit fee of \$127

3. Above ground planter: \$153

4. Inspection when required by the Director of Public Works or his/her designee: \$190 per hour.

5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep	\$	2,100.00	per tieback or soil nail
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6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep	\$	1,050.00	per tieback or soil nail
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7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep	\$	525.00	per tieback or soil nail
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(BMC 16.18.025)

FEE TYPE / DESCRIPTION	FEE	REMARKS
VIII. SUBDIVISION FEES		
A. Processing and Review		
The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:		
1. Lot line adjustmenst filing fee (BMC 21.32.040)	\$ 1,743.00	
2. Reversion to acreage filing fee (BMC 21.48.040)	\$ 1,743.00	
3. Parcel mergers (BMC 21.52.060)		
Filing fee	\$ 1,743.00	
Public hearing fee	\$ 633.00	
4. Correction and amendment of a recorded map filing fee (BMC 21.56.050)	\$ 1,445.00	
5. Certificate of compliance filing fee (BMC 21.60.050)	\$ 1,743.00	
6. Tentative tract maps (BMC 21.16.043)		
Filing fee	\$ 4,820.00	
Public hearing fee	\$ 633.00	
7. Vesting tentative parcel maps filing fee (BMC 21.18.070)	\$ 5,316.00	
8. Vesting tentative tract maps (BMC 21.18.070)		
Filing fee	\$ 5,316.00	
Public hearing fee	\$ 633.00	
9. Minor amendment to approve tentative map (BMC 21.16.080)		
Filing fee	\$ 323.00	
Records Management fee	\$ 50.00	
10. Major amendment to approved tentative map (BMC 21.16.080)		
Filing fee	\$ 1,003.00	
Public Hearing fee	\$ 633.00	
Records Management fee	\$ 50.00	
11. Final tract maps (BMC 21.20.020)		
Filing fee	\$ 376.00	
Map Checking fee	\$ 181.00	/lot, parcel or unit
12. Parcel maps filing fee (BMC 21.24.040)	\$ 4,820.00	
13. Office engineering fee (BMC 21.04.070)	\$ 190.00	per hour

B. Deposit - Refundable

A deposit in the amount of \$588 shall be paid at the time of filing and, in addition to the filing fees, for the following:

Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.

NOTE: Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.

IX. CREEK FEES

FEE TYPE / DESCRIPTION	FEE	REMARKS
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CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.

All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.

A. Creeks identification fee	\$ 495.00	
B. Creek permit base fee	\$ 988.00	
C. CEQA review fee for open creeks	\$ 741.00	
D. Public Works Commision hearing fee	\$ 741.00	
E. Additional fees: \$153 per hour x hours required	\$ 190.00	/hour
F. Records Management fee	\$ 50.00	

CHAPTER E - TRAFFIC ENGINEERING

A. Applications for residential, commercial, industrial and institutional projects (up to two rounds of plan checks)

Project Valuation	Per 100 value over \$3000
Up to \$200,000	\$90 flat fee
\$200,001 - \$300,000	\$0.18 + \$90
\$300,001 - \$400,000	\$0.30 + \$90
\$400,001 - \$500,000	\$0.42 + \$90
\$500,001 - \$2,000,000	\$0.55 + \$90
\$2,000,001 - \$5,000,000	\$0.60 + \$90
Over \$5,000,000	\$0.65 + \$90

B. Miscellaneous Fees

FEE TYPE/DESCRIPTION		FEE	REMARKS
1.	Pre-application consultation or walk-in requests for advice	\$ 200.00	/hour (\$40 minimum under 15 minutes or each additional 15 minutes or fraction thereof)
2.	Peer review of traffic impact studies and EIRs submitted by traffic engineering consultants for large development projects	\$ 200.00	per staff hour
3.	Construction traffic plan monitoring	\$ 200.00	per staff hour
4.	Post-construction traffic monitoring	\$ 200.00	per staff hour
5.	Administrative Use Permits (when Traffic Engineering review is required)	\$ 400.00	base fee for up to two staff hours
		\$ 200.00	per hour in excess of first two staff hours
6.	Use Permits (when Traffic Engineering review is required)	\$ 800.00	base fee for up to four hours
		\$ 200.00	per hour in excess of first four staff hours
7.	Plan checking in excess of two rounds	\$ 200.00	per staff hour

CHAPTER F - RESIDENTIAL HOUSING SAFETY PROGRAM (RHSP)
 The following represents the fee schedule for habitability inspections performed by Housing Code Enforcement and the administration of the Rental Housing Safety Program (RHSP).

REINSPECTION FEES

TYPE OF INSPECTION	HOUSING CODE STATUS	FEE
Initial Inspection	With or Without Cited Code Violations	None
1st Reinspection	All Cited Violations Corrected	None
	All Cited Violations Not Corrected	\$400
2nd Reinspection	Whether or Not All Cited Code Violations Corrected	\$600
All Other Reinspections	Whether or Not All Cited Code Violations Corrected	\$800

This fee schedule applies to each case being inspected. (Individual units, exterior/common areas in buildings and individual rooms in hotels are considered "cases" for the purposes of this resolution.)

PLEASE NOTE: It is the owner's responsibility to inform the tenant(s) of the scheduled inspection and arrange access to each unit to be inspected. The owner is charged whether or not he/she is present at the site during the scheduled inspection. However, owners may not be charged if the tenant refuses the inspector entry to the unit.

PENALTY FEES

TYPE OF INSPECTION	HOUSING CODE STATUS	AMOUNT OF FEE
Late payment Fee	Penalty fees will be assessed for every reinspection or annual flat fee delinquent 1-30 days.	10% of the delinquent amount when 1-30 days late
	Additional penalty fees will be assessed for every reinspection or annual flat fee delinquent 31+ days.	40% of the delinquent amount when 31+ days late
Notice of Termination processing Fee	Cost recovery for City title report expenses paid place a Notice of Violation on a property title with Alameda County. Once the Violations are corrected, the property owner reimburses the City this expense, in addition to any outstanding fees/penalties due..	\$100 per Notice of Termination processed
Administration Lien Fee	Accounts which remain outstanding after 60 days from the initial billing date shall be filed with the County of Alameda as a lien on the property. The lien amount shall include an administrative processing fee in addition to the initial billing amount and applicable late payment fees.	\$250 per account

ANNUAL FLAT PER UNIT/ROOM FEES

FEE TYPE	RESIDENTIAL STRUCTURE	FEE
Annual Per Unit Fee	Residential rental buildings	\$60 Per Unit
Annual Per Room Fee	Residential hotels and boarding house (with five or more rooms)	\$30 Per Room

CHAPTER G- OFFICE OF ENERGY AND SUSTAINABLE DEVELOPMENT				
FEE TYPE / DESCRIPTION			FEE	REMARKS
I.	Building Emissions Saving Ordinance (BESO): Fees due with compliance filing at intervals shown			
	<u>Building size/type:</u>	<u>Filing frequency:</u>		
A.	Large Buildings, ≥ 25,000 square feet	Every 5 years	\$ 240.00	
B.	Medium Buildings, between 5,000 and 24,999 square feet	At point-of-listing	\$ 152.00	
C.	Small Buildings, < 5,000 square feet, excluding 1-4 unit residential buildings	At point-of-listing	\$ 79.00	
D.	Residential Buildings of 1-4 units	At point-of-listing	\$ 79.00	
E.	Deferral of BESO compliance to buyer	At point-of-listing	\$ 110.00	
F.	Administrative Late Fee	N/A	\$ 85.00	

CHAPTER H - Planning and Development Department administration			
Department-wide fees for services not otherwise listed in this schedule			
FEE TYPE / DESCRIPTION		FEE	REMARKS
I. HOURLY RATE			
	For staff services not otherwise specified in the Divisional sections of this fee schedule:	\$ 250.00	per hour; minimum one hour charged
II. PUBLIC RECORDS			
A.	Copying of documents in response to public records requests:		As specified in A.R. 3.8
B.	Copying of compact discs (CDs)	\$ 10.00	Per CD copied
C.	Customized computer programming/operations to extract electronic records	Actual Cost	City IT department will provide estimated expense prior to data extraction. Deposit of funds against City costs may be required

Exhibit A				
CITY OF BERKELEY				
PLANNING AND DEVELOPMENT DEPARTMENT FEE SCHEDULE				
Proposed FYE25 revisions				
CHAPTER A - BUILDING & SAFETY				
	FEE TYPE / DESCRIPTION	CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
I.	FILING FEE - ALL PERMITS	\$ 22.00	\$ 62.50	Including revisions and deferred submittals,
II.	BUILDING PERMITS:			
	Minimum Permit Fee	\$ 100.00		for value of improvements up to \$3,000
	Building Permit Fee	\$ 2.20		per \$100 value of improvements over \$3,000
	Regular Plan Check Fee (includes over-counter building, mechanical, electrical, and plumbing permits)	65%		of Building, mechanical, electrical, and plumbing Permit Fee
	Plan check revision to plans already plan checked	\$ 200.00	\$ 250.00	per hour with a minimum of one hour (Hourly plan check does not include review of major re-design)
	Special Accelerated Plan Check Fee			Additional 80% of Regular Plan Check Fee
	Plan check revisions to plans already plan checked under accelerated procedure	\$ 300.00	\$ 375.00	per hour with a minimum of one hour (Hourly plan check does not include review of major re-design)
	Fourth and subsequent plan check submittal	\$ 200.00	\$ 250.00	per hour with a minimum of one hour
	Title 24: Disabled Access	12%		of Building Permit Fee
	Title 24: Energy Compliance	12%		of Building Permit Fee
	Fire Plan Check	7%		of Building Permit Fee
	Community planning fee for General Plan and Zoning Ordinance Maintenance	5%		of Building Permit Fee
	Sustainable development/green building	6%		of Building Permit Fee
	Permit extensions:			
	1st extension	\$ 200.00	\$ 250.00	
	Each additional extension	\$ 400.00	\$ 500.00	
	Application extensions:			
	1st extension	\$ 200.00	\$ 250.00	
	2nd and 3rd extension	\$ 400.00	\$ 500.00	
	Re-Inspections	\$ 200.00	\$ 250.00	per hour with minimum of one hour.
	Strong Motion Instrumentation (per State)	\$ 0.13		per \$1,000 value of improvements for residential properties (Or, as set forth by the State of California).
	Strong Motion Instrumentation (per State)	\$ 0.28		per \$1,000 value of improvements for apartments and commercial properties (Or, as set forth by the State of California).
	Building Standards, SB 1473	\$ 4.00		per \$100,000 value of improvements for apartments and commercial properties (or, as set forth by the State of California), with appropriate fractions thereof.
III.	SIGN PERMITS			
	Minimum Permit Fee	\$ 100.00		up to \$3,000 value of improvements (signs)
	Sign Permit Fee	\$ 2.20		per \$100 value of improvement over \$3,000
	Sign Plan Check Fee	\$ 0.65	65%	of Sign Permit fee (corrects typo, no rate chang
IV.	HOUSE MOVE PERMITS:			
	House Move	\$ 200.00	\$ 250.00	per hour of staff time with a minimum of one hour

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
V.	ELECTRICAL PERMITS:			
	Minimum Permit Fee	\$ 100.00		
	Permit Extension	\$ 57.00	\$ 75.00	
	A. New Residential Buildings and Additions	\$ 15.00		per each 100 square feet
	B. Industrial/Commercial Electrical Permit - Large Projects (above \$100,000 Value of Electrical Work) Permit Fee	1%		of the Value of Electrical Work
	NOTE: At applicant's option, all electrical permit fees may be itemized as follows:			
	C. Itemized Fees:			
	Service (new or changed)	\$ 11.90		per each 100 Amps
	Subpanel (new or changed)	\$ 11.90		per each 100 Amps
	Electrical Meters (new or changed)	\$ 7.20		each
	Altering/Changing Wiring	\$ 26.10		each change
	Solar/Photovoltaic Panels System	\$ 26.10		per system
	Branch Circuits	\$ 4.80		each
	Fixed Appliance Outlets	\$ 11.10		each
	Device Outlets (Receptacle, Switch, Light, Etc.)	\$ 2.70		each
	Motors	\$ 7.10		up to 10 horsepower (HP) total
	Each additional HP	\$ 1.90		
	Generators	\$ 7.20		up to 10 kilovolt (KV) total
	Each additional KV	\$ 1.90		
	Transformers	\$ 4.80		up to 10 KV total
	Each additional KV	\$ 1.90		
	Signs and Outline Lighting	\$ 26.50		per KV
	X-ray Capacitors	\$ 26.50		each
	Temporary Power Pole	\$ 26.50		per each 100 Amps
	Festoon Lighting	\$ 10.00		each
	Electric Vehicle Charging Station	\$15.90		each
	PG&E Service Recheck	\$11.90		Per each inspection of existing service for release to PG&E
VI.	MECHANICAL PERMITS:			
	Minimum Permit Fee	\$ 100.00		
	Permit Extension	\$ 57.00	\$ 75.00	
	Gas Appliances			
	Up to two mechanical appliances	\$ 13.00		per appliance
	Each additional appliance	\$ 12.00		
	Central Heating - Furnace/AC (Combination Unit, Central Heat alone, or Central AC alone, or Heat Pumps)			
	Up to 100,000 BTU	\$ 39.70		per unit
	101,000 to 500,000 BTU	\$ 54.00		per unit
	Over 500,000 BTU	\$ 129.00		per unit
	Gas Piping Extension/Alteration/Repair	\$ 12.20		
	Gas Meter (new or changed)	\$ 13.10		
	Each Additional Gas Meter	\$ 9.10		
	Gas Pipe Outlets	\$ 5.60		each
	Gas Pressure Test only	\$ 14.10		per system
	Seismic Gas Shutoff Valve	\$ 10.00		each
	NOTE: Gas items may be charged on mechanical or plumbing permits, but not both.			
	Hoods			
	Residential	\$ 11.80		each
	Commercial - Type I	\$ 129.00		each
	Commercial - Type II	\$ 79.70		each
	Vent, Flue or Chimney	\$ 13.10		each

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
	Pre-fabricated Fireplace	\$ 79.70		each
	Ducts, Fans, Registers, Dampers	\$ 11.90		each
	Air Handling Equipment (including powerheads)			
	up to 10,000 cfm	\$ 26.80		per unit
	over 10,000 cfm	\$ 39.90		per unit
	Boilers and Equipment			
	up to 100,000 BTU	\$ 39.90		per unit
	100,000 - 500,000 BTU	\$ 54.00		per unit
	over 500,000 BTU	\$ 129.00		per unit
VII.	PLUMBING PERMITS:			
	Minimum Permit Fee	\$ 100.00		
	Permit Extension	\$ 57.00	\$ 75.00	
	A. New Residential Buildings and Additions	\$ 15.00		per each 100 S.F.
	NOTE: At applicant's option, all electrical permit fees may be itemized as follows:			
	B. Itemized Fees:			
	Water Heater	\$ 12.20		each
	Solar Water Heater	\$ 12.20		each
	Fixtures (including-sanitary drainage and piping)	\$ 12.20		each
	Sanitary Sewer Lateral	\$ 34.00		each
	Subsoil Storm Drainage Piping	\$ 34.00		per system
	Removal of Illicit Connections	\$ 12.20		per system
	Water or Air Pressure Test	\$ 14.10		per system
	Stand Pipe System	\$ 129.10		per system
	Water Main, up to 25 Outlets	\$ 24.90		
	Each Additional Outlet	\$ 2.70		
	Water Meter	\$ 14.40		
	Each additional meter	\$ 8.40		
	Backflow Preventer	\$ 12.20		each
	Water Line, up to 25 Outlets	\$ 24.90		
	Each additional outlet	\$ 2.70		
	Hydronic Water Piping	\$ 24.90		per system
	Lawn Sprinklers System:			
	One or Two Family Dwellings	\$ 39.90		per system
	All other Occupancies	\$ 105.70		per system
	Swimming Pool Filtration System	\$ 129.10		per system
	Inside Rain Leader - per System	\$ 27.40		per system
	Gas Piping Extension/Alteration/Repair	\$ 12.20		per system
	Gas Meter (new or changed)	\$ 13.10		
	Each additional Gas Meter	\$ 9.10		
	Gas Pipe Outlets	\$ 5.60		each
	Gas Pressure Test Only	\$ 14.10		per system
	Seismic Gas Shutoff Valve	\$ 10.00		each
	NOTE: Gas items may be charged on mechanical permits, but not both.			
	Gray Water System:			
	One or Two Family Dwellings	\$ 39.90		per system
	All other Occupancies	\$ 105.70		per system
	Nonpotable Rainwater Catchment System:			
	One or Two Family Dwellings	\$ 39.90		per system
	All other Occupancies	\$ 105.70		per system

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
VIII.	SEISMIC GAS SHUT-OFF VALVE GROUP INSTALLATION	\$ 50.00		flat rate per residence. This is a group rate for two or more residences on a block for coordinated inspection
IX.	SOLAR INSTALLATION PERMITS:			
	Solar Installation Permits			Fee covered under electrical, plumbing, mechanical and/or building permit fees
X.	INVESTIGATION FEE:			
	Investigation Fee			Equal to and in addition to the permit fee for scope of work performed without a permit and/or inspections
XI.	CODE COMPLIANCE INSPECTIONS (SPECIAL INSPECTION):			
	Business License Inspections (change of use or building vacant more than 6 months)	\$ 200.00	\$ 250.00	per hour of staff time, with minimum of one hour
XII.	CODE VIOLATION INSPECTIONS (VIOLATION OF CITY AND STATE CODES INCLUDING ANTI-BLIGHT ORDINANCE):			
	Initial Investigation of a complaint	No Fee		
	First Re-inspection of Violations	\$ 200.00	\$ 250.00	
	Second Re-inspection of Violations	\$ 300.00	\$ 375.00	
	Third Re-inspection of Violations	\$ 400.00	\$ 500.00	
	Additional Re-inspections	\$ 500.00	\$ 625.00	
	Administrative review fee	\$ 200.00	\$ 250.00	per hour of staff time, with minimum of one hour
XIII.	OTHER INSPECTIONS			
	Weekend Inspection	\$ 200.00	\$ 250.00	per hour, with a minimum of 4 hours
	Evening Inspection	\$ 200.00	\$ 250.00	per hour, with a minimum of 2 hours
	Certified Access Specialist (CAsp) Inspection	\$ 200.00	\$ 250.00	per hour, with a minimum of one hour
XIV.	TECHNOLOGY ENHANCEMENT FEE	5%		of Building, Electrical, Mechanical, Plumbing, Fire, and Public Works Permit Fees, and other applications such as ADU Amnesty and E3 programs
XV.	UNDOCUMENTED ACCESSORY DWELLING UNIT AMNESTY PERMIT			Filing fee also applies
	Amnesty Application Fee		\$250.00	
	Initial Inspection Fee		\$250.00	
	Amnesty Reinspection Fee		\$250.00	per hour with minimum of one hour.
XVI.	EXTERIOR ELEVATED ELEMENTS (E3)			Filing fee also applies
	E3 Multi-Family		\$375.00	per multifamily rental building with E3 and three or more units. Billed every six years at time property owners receive notice of the required periodic inspection.
	E3 Condominium		\$750.00	per condo building with E3 and three or more units. Billed every nine years at time property owners receive notice of the required periodic inspection.

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
XVII				
XV.	MISCELLANEOUS			
	Duplication Fees			Amount specified in A.R. 3.8
	Pre-submittal Review/Consultation	\$ 200.00	\$250.00	per hour, with a minimum of one hour
	City Staff Review (For items that require review and which are not otherwise explicitly covered in Fee Schedule, such as Alternate Method Applications, Requests for Unreasonable Hardship Exceptions, Requests for Determinations, BORP Submittals, etc)	\$ 200.00	\$250.00	per hour, with a minimum of one hour
	Staff time required to follow-up on non-compliance	\$ 200.00	\$250.00	per hour, with a minimum of one hour
	Address Assignment	\$ 200.00	\$250.00	per hour, with a minimum of one hour
	Inspections for which no fee is specifically indicated	\$ 200.00	\$250.00	per hour, with a minimum of one hour
	Processing fee for refunds	Per BMC 7.20.050		or hourly charges based on time spent, with a minimum of one hour at staff time rate of \$250
	Seismic Evaluation Report: Report Review (includes 1 recheck)	\$612.00		
	Administrative Services Fee		\$250.00	For services provided by administrative staff outside of plan check or permitting services charged elsewhere; e.g. processing documents, recording notices, researching records

CHAPTER B - LAND USE PLANNING						
FEE TYPE / DESCRIPTION				CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
I. Application Fee: AUP, UP, VAR, MOD, DR, LM, Condo Conversion				n/a	\$ 500	Application fee to cover intake and initial completeness review. Assumes 2 hours.
I. II. Administrative Use Permit (AUP)						
	1.	Tier 1 - Most complex projects in or adjacent to a Residential district		\$ 3,680		-Assumes 16 hours-
	2.	Tier 2 - Intermediately complex projects in or adjacent to a Residential district		\$ 2,760		-Assumes 12 hours-
	3.	Tier 3 - Least complex projects in or adjacent to a Residential district including Class II Home-Occupation Permits		\$ 1,840		-Assumes 8 hours-
	4.	Tier 4 - Other activities (residential or commercial) NOT in or adjacent to a Residential district		\$ 5,520		-Assumes 24 hours-
	1.	Tier 1 - Most complex projects			\$ 4,500	Base fee deposit assumes 18 hours. Add \$250 per each additional hour of staff time.
	2.	Tier 2 - Intermediately complex projects			\$ 3,500	Assumes 14 hours
	3.	Tier 3 - Least complex projects			\$ 1,500	Assumes 6 hours
	4.	Each Additional AUP required in addition to primary application			\$ 500	Assumes 2 hours
II. III. Use Permit (UP) with public hearing						
	1.	Level 1 - Use Permit (projects not listed below)		\$ 5,520	\$ 5,500	Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time.
	2.	Level 2 - Include the following: —		\$ 5,520		Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
		a.	Non-residential projects in a Residential district			
		b.	Mixed-use buildings creating more than 20,000 gross sq. feet			
		c.	New construction or "major" renovation of a Landmarked building or site or Structure of Merit			
		d.	Any new main building			
		e.	Master Use Permit or Development Permit required by a Specific Plan			
		f.	Class III Home Occupation Permits			
	3. 2.	ZAB Public Hearing (per hearing, in addition to permit fees). Fee already exists; copied here from Section III below		\$ 1,025	\$ 1,250	Assumes 5 hours; includes materials
III. IV. Variance						
	1.	Tier 1 - Yard or Height, Useable Open Space, Lot Coverage, Parking All Variances except inadvertent demolitions		\$ 3,680	\$ 5,500	Base fee deposit assumes 22 hours. Add \$250 per each additional hour of staff time.
	2.	Tier 2 - Inadvertent Demolition of Residential Structure		\$ 9,200	\$ 9,500	Base fee deposit assumes 38 hours. Add \$250 per each additional hour of staff time.
	3.	Tier 3 - All others not in Tier 1 or 2		\$ 5,520		Base fee Deposit assumes 24 hours. Add \$230 per hour for staff time beyond 24 hours.
	4. 3.	Each Additional AUP, UP or Variance in addition to primary application		\$ 460	\$ 500	Assumes 2 hours
	5. 4.	ZAB Public Hearing (per project in addition to permit fees)		\$ 1,025	\$ 1,250	Assumes 5 hours including materials
IV. V. Zoning Certificate (ministerial permits)						
	A.	All Zoning Certificate (ZC) reviews (e.g. ZCs for Business License, Home Occupations, and Short-Term Rentals), EXCEPT as noted below:		\$ 230	\$ 250	Assumes 1 hour
	1.	Business License review - continuation of lawful existing use		\$ 115	0	No fee for continuation of existing legal use
	2.	Accessory Dwelling Unit review- Neighborhood Notice		\$ 460	\$ 500	Assumes 2 hours for neighborhood notices and documentation (Plan check is billed separately, with Building Permit)
	3	Accessory Dwelling Unit Plan Check		n/a	\$ 250	Assumes 1 hour for review. Not a new fee, added as separate new line for clarity
	3.	SB35, SB330, other pre-application review		\$ 5,520		Fee relocated to Section XI. below
	4.	Additional staff time (work performed beyond the time covered by the fees above)		\$ 230	\$ 250	Per hour of staff time

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
B. Building Permit review				
1.	Project with Administrative Use Permit	\$ 230		Assumes 1 hour
2.	Project with Use Permit and/or Variance	\$ 460		Assumes 2 hours
3.	In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)	\$ 115		Assumes half hour
4.	Fourth and subsequent plan check submittal	\$ 230		per hour of staff time
1.	Project with Administrative Use Permit (including new main buildings)		\$ 500	Assumes 2 hours
2.	New main buildings (no Administrative Use Permit)		\$ 1,000	Assumes 4 hours
a	1--19 residential units (Residential and/or Mixed-Use)		\$ 500	Assumes 2 hours
b	20+ residential units (Residential and/or Mixed-Use)		\$ 1,000	Assumes 4 hours
c	Nonresidential building (no residential uses)		\$ 1,000	Assumes 4 hours
3.	Additions, Tenant Improvements, projects not listed above		\$ 500	Assumes 2 hours
4.	Accessory Dwelling Unit Plan Check		\$ 250	Assumes 1 hour
5.	Landmark review		\$ 250	Assumes 1 hour
6.	In-kind Repair/Replacement (e.g. window replacement, dry rot repair, etc.)		\$ 125	Assumes half hour
7.	Fourth and subsequent plan check submittal		\$ 250	per hour of staff time
V. VI. Modification / Transfer				
1.	Administrative Use Permit Modification (to existing AUP, or modification to UP allowed with an AUP)	\$ 1,840	\$ 1,500	Assumes 6 hours
2.	Use Permit Modification (ZAB Review - Permit not exercised No Public Hearing)	\$ 3,680	\$ 3,000	Base fee deposit assumes 12 hours. Add \$250 per additional hour of staff time.
3.	Use Permit Modification (ZAB Review - Exercised Permit Public Hearing Required)	\$ 5,520	\$ 5,500	Base fee deposit assumes 22 hours. Add \$250 per additional hour of staff time.
4.	Transfer of Administrative Use Permit / Use Permit	\$ 230	\$ 250	Per hour of staff time
5.	Public Hearing (per hearing, in addition to permit fees)	\$ 1,025	\$ 1,250	Assumes 5 hours incl materials
VI. VII. Environmental Review				
A. California Environmental Quality Act (CEQA) or National Environmental Policy Act (NEPA)				
1.	Initial Study resulting in a Negative Declaration or Mitigated Negative Declaration	\$ 5,520	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants
2.	Environmental Impact Report (EIR)	\$ 9,200	\$ 10,000	Base fee Deposit assumes 40 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants
B. Mitigation Monitoring		\$ 3,680	\$ 4,000	Base fee Deposit assumes 16 hours. Add \$250 per additional hour of staff time, plus direct cost for consultants
C. Notices - NOE, NOD, etc.		\$ 920	\$ 1,000	Assumes 4 hours. Fee applies when notices are filed by the City on behalf of the applicant / City after all appeals are heard
VII. VIII. Design Review				
A. Administrative Design Review				
1.	Project valued under \$50,000	\$ 1,840	\$ 2,000	Assumes 8 hours
2.	Project valued at \$50,000 to \$2,000,000	\$ 2,760	\$ 3,000	Assumes 12 hours
3.	Project valued over \$2,000,000	\$ 3,680	\$ 4,000	Base fee deposit assumes 16 hours. Add \$250 per hour for staff time beyond 16 hours.
4.	Signs/Awnings	\$ 460	\$ 500	Assumes 2 hours
B. Design Review Committee				
1.	Project valued under \$50,000	\$ 2,760	\$ 3,000	Assumes 12 hours
2.	Project valued at \$50,000 to \$2,000,000	\$ 3,680	\$ 4,000	Assumes 16 hours
3.	Project valued over \$2,000,000	\$ 5,520	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.
C. Final Review with the DRC				
1.	Project valued under \$50,000	\$ 1,250	\$ 1,375	
2.	Project valued at \$50,000 - \$150,000	\$ 1,500	\$ 1,650	
3.	Project valued over \$150,000	\$ 4,250	\$ 4,675	
D. Additional Preview (existing fee, relocated from Sec. VII.B above)		\$ 500	\$ 550	
E. Modifications - DRC Projects		\$ 750	\$ 1,000	

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS	
	F. DRC Public Hearing (per hearing, in addition to permit fees)	\$ 1,025	\$ 1,250	Assumes 5 hours incl materials	
VIII. IX. Landmarks Preservation Commission Review					
A. Initiation					
	1. Structure	\$ 50		As set by the Landmarks Preservation Ordinance. BMC 3.24.340.A	
	2. District	\$ 100		As set by the Landmarks Preservation Ordinance, BMC 3.24.340.B	
B. Design Review - Structural Alteration (non-residential only)					
	1. Project valued under \$50,000	\$ 2,000	\$ 2,200		
	2. Project valued between \$50,001 and \$1,999,999	\$ 3,000	\$ 3,300		
	3. Project valued at \$2,000,000 or more	\$ 5,520	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.	
C. Design Review - Signs and Awnings					
	D. Demolition Review (non-residential structures 40 or more years old as required under Section 23C.08.050C of the Zoning Ordinance)	\$ 1,200	\$ 1,320		
E. Mills Act Historical Contract Processing - payable upon application (one-time payment)					
	F. Mills Act Historical Contract Monitoring				
	1. Payable upon application to cover 5 contract years	\$ 2,500	\$ 2,750		
	2. Assessed at the beginning of each subsequent 5 years	\$ 2,500	\$ 2,750		
	G. LPC Public Hearing (per hearing, in addition to permit fees)	\$ 1,025	0	No applicant fees for LPC hearings / fee added in error in 2022	
IX. X. Appeals					
A. Non-Applicant Appeal of AUP					
	B. Reduced Non-Applicant Appeal of AUP: Fee reduced if signed by persons who lease or own at least 35 percent of the parcels or dwelling units within 300 feet of the project site, or at least 20 such persons (not including dependent children), whichever is less	\$ 200			
C. Non-Applicant Appeals of ZAB or LPC					
	D. Reduced Non-Applicant Appeals of ZAB or LPC: Fee reduced if 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	\$ 500			
E. Appeal of AUP by Applicants					
F. Appeal of ZAB or LPC by Applicants					
G. Appeal of DRSL or DRC by Non-Applicant					
H. Appeal of DRSL or DRC by Applicant					
	I. Non-Applicant Appeals of all affordable housing projects (defined as projects which provide 50% or more affordable units for households at 80% or less of Area Median Income)	\$ 500			
J. Appeal to address processing error by staff					
		Fee Waived	Fee Waived		
X. XI. Plan Amendments, Reclassification Requests, and Waterfront Master Development Plan permits*					
A. General Plan Amendment					
	B. Specific Plan Amendment	\$ 9,200	\$ 10,000	Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time, plus direct cost for consultants	
C. Rezoning / Reclassification Request					
	D. Waterfront Master Development Plan Permit	\$ 9,200	\$ 10,000		
XII. CONDOMINIUM					
A. Rent Board Review					
	B. Notice of Local Law Compliance	\$ 3,680	\$ 4,000	per unit	
C. Conversion to Condominiums - one to four units					
	D. Conversion to Condominiums - five or more units	\$ 5,520	\$ 6,000	Base fee Deposit assumes 24 hours. Add \$250 per additional hour for staff time.	
	E. Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by an Applicant	\$ 9,200	\$ 10,000	Base fee Deposit assumes 40 hours. Add \$250 per additional hour for staff time.	
F. Appeal of an Administrative Determination on Conversion of a TIC to the Planning Commission by a Non-Applicant					
	G. Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant	\$ 3,680	\$ 4,000	Assumes 16 hours	
	F. Appeal of Planning Commission Determination on Conversion to the City Council by an Applicant	\$ 5,520	\$ 6,000	Assumes 24 hours	
	G. Appeal of Planning Commission Determination on Conversion to the City Council by a Non-Applicant	\$ 3,680	\$ 4,000	Assumes 16 hours	

FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
XI. XIII.	Miscellaneous Fees			
A.	Penalty for Late Filing (When Zoning Permit, Use Permit or Variance is required for work already performed)	100%		of applicable fee(s)
B.	Zoning Complaint Re-inspection			
	1. First Re-inspection	\$ 230	\$ 250	
	2. Second Re-inspection	\$ 345	\$ 375	
	3. Third Re-inspection and all inspections thereafter	\$ 460	\$ 500	
C.	Agenda Subscriptions and Mailing Fees	Amount specified per A. R. 3.8		
D.	Publications and Duplication of Records	Amount specified per A. R. 3.8		
E.	Maps - large, color	\$ 36.00		
F.	Duplication of Zoning Adjustments Board, Landmarks Preservation Commission, and Design Review Commission meeting recordings	Amount specified per A. R. 3.8		
G.	Microfilm Duplication Fee	Amount specified per A.R. 3.8		
H.	Records Management Fee	\$ 50	\$ 55	per application
I.	Letters Regarding Status of Properties	\$ 230	\$ 250	per hour, 2 hour min.
J.	Housing Density Bonus Analysis - if separate from other permits	\$ 230	\$ 250	per hour of staff time
K.	Zoning Research	\$ 230	\$ 250	per hour, 2 hour min.
L.	Oak Tree Review	\$ 230	\$ 250	per hour, 1 hour min., plus consultant costs
M.	Use Permit Monitoring	\$ 230	\$ 250	per hour of staff time
N.	Pre-application Reviews			
	1. Staff level review	\$ 920	\$ 1,000	Assumes 4 hours
	2. Zoning Adjustments Board / Design Review Committee / Landmarks Preservation Commission / Planning Commission Review (at staff discretion in consultation with the applicant)	\$ 3,680	\$ 4,000	Assumes 16 hours
	3. SB35, SB330, other Preliminary Development application reviews as required by State law	\$ 5,520	\$ 1,000	Base fee Deposit assumes 4 hours. Add \$250 per additional hour for staff time, plus other cost recovery as expended
O.	Dedicated Project Review: In addition to all required fees, applicants may request (or the City may require) dedicated project review in which the applicant pays the City for staff overtime or to contract with a consulting firm with particular relevant expertise to review the application. In such instances, the applicant shall remit a deposit equal to the total amount of the contract, based on the bids received by the City pursuant to its purchasing procedures. Progress billings will be made if charges are expected to exceed deposit; prompt payment of bills will assure continued project review. Failure to remit a progress payment within an appropriate time frame, as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal.	At cost		
P.	Community Planning Fee for General Plan and Zoning Ordinance Maintenance	15%		Surcharge on all Applications for AUP, UP, Modification and/or Variance.
Q.	Coordinated Sign Design Program Fee	\$ 2,015	\$ 2,217	Sign program to cover multiple signs in one building or development

NOTE: The minimum deposits listed are intended to reflect typical project costs. Progress billings will be made during review of a project if charges exceed the deposit: prompt payment of bills will assure continued project review. Failure to remit a progress payment within the appropriate time frame as determined by the Director of Planning and Development or his/her designee, will be treated as a withdrawal without prejudice to the underlying proposal. All fees are required to be paid prior to scheduling the item for Council consideration.

Chapter C - TOXICS MANAGEMENT DIVISION
Certified Unified Program Agency (CUPA)

Description	CURRENT FEE	PROPOSED FEE CHANGE	
SECTION 1: Underground Storage Tanks (USTs) Fees			
1) Annual Operating Permit			
a. First Tank Per Facility	\$1,575	\$1,811	
b. Each Additional Tank	\$525	\$604	
2) Miscellaneous Fees			
a. New Installation			
Base Fee (includes one tank)	\$4,200	\$4,830	
Each Additional Tank	\$525	\$604	
Additional Reviews/Inspections	\$210/hour	\$250/hour	
b. Closure/Removal - Business			
Base Fee (includes one tank)	\$1,575	\$1,811	
Each Additional Tank	\$735	\$845	
Additional Reviews/Inspections	\$210/hour	\$250/hour	
c. Closure/Removal – Residential – Per Tank	\$630	\$725	
d. Inspection or Repair/Replacement/Modification	\$210/hour	\$250/hour	
SECTION 2: Aboveground Petroleum Storage Act (APSA)			
1) APSA Annual Fee Per Regulated Facility (<10,000 gal.)	\$210	\$242	
2) APSA Annual Fee Per Regulated Facility (≥10,000 gal.)	\$315	\$362	
3) Additional Inspection/Review	\$210/hour	\$250/hour	
SECTION 3: Hazardous Materials Business Plan (HMBP) Fees			
1) Annual Fees - Hazardous Materials Release Response Plans (HMRRP) and Inventory Registration. Fees are based on total number of hazardous materials present (Table 1) and aggregate quantity of hazardous materials (Table 2). NOTE: All solids are measured in pounds, liquids in gallons, and gases in cubic feet at Standard Temperature and Pressure (STP).	FEE		
	A-1	\$315	\$362
	A-2	\$630	\$725
	A-3	\$1,208	\$1,389
	A-4	\$1,785	\$2,053
	A-5	\$2,940	\$3,381
	B-1	\$420	\$483
	B-2	\$788	\$906
	B-3	\$1,575	\$1,811
	B-4	\$2,363	\$2,717
	B-5	\$3,360	\$3,864
	C-1	\$473	\$544
	C-2	\$945	\$1,087
	C-3	\$1,943	\$2,234
	C-4	\$2,940	\$3,381
C-5	\$3,780	\$4,347	
D-1	\$578	\$665	
D-2	\$1,155	\$1,328	
D-3	\$2,363	\$2,717	
D-4	\$3,518	\$4,046	
D-5	\$4,410	\$5,072	

Table 1. TOTAL NUMBER OF HAZARDOUS MATERIALS ON SITE

Type	Range
A	1 - 10
B	11 - 25
C	26 - 50
D	>50

Table 2. AGGREGATE MAXIMUM QUANTITY OF HAZARDOUS MATERIALS ON SITE

	Gallons	Cu. Ft.	Lbs.
1	55 - 275	200 - 999	500 - 999
2	276 - 549	1,000 - 4,999	1,000 - 9,999
3	550 - 999	5,000 - 24,999	10,000 - 24,999
4	1,000 - 10,000	25,000 - 100,000	25,000 - 100,000
5	>10,000	>100,000	>100,000

b. Etiological Agent Registration Fee	\$210	\$242
c. Radiological Materials Registration Fee	\$210	\$242
d. Limited hazardous materials registration for businesses handling hazardous materials under the <u>BMC Title 15</u> threshold but must report under Chapter 50 of the California Fire Code	\$210	\$242
e. Facilities subject to HMBP disclosure under BMC Title 15 due to the handling of gases that are classified as a hazard for purposes of Section 5194 of Title 8 of the California Code of Regulations only for hazards due to simple asphyxiation or release of pressure, in aggregate quantities <1,000 cubic feet	\$210	\$242
SECTION 4: Hazardous Waste Generator and Treater Permit and Registration Fees		
1) Annual Fees		
a. < 55 Gallons per year	\$210	\$242
b. >= 55 Gallons and <2Tons	\$260	\$299
c. >= 2 Tons and <5 Tons	\$315	\$362
d. >= 5 Tons and <12 Tons	\$945	\$1,087
e. >= 12 Tons and <25 Tons	\$1,995	\$2,294
f. >= 25 Tons and <50 Tons	\$4,200	\$4,830
g. >= 50 Tons and <125 Tons	\$6,090	\$7,004
h. >= 125 Tons to < 250 Tons	\$7,140	\$8,211
i. >= 250 Tons to < 500 Tons	\$13,230	\$15,215
j. >= 500 Tons and < 1,000	\$21,420	\$24,633
k. >= 1,000 Tons to <2,000 Tons	\$30,870	\$35,501
l. >= 2,000 Tons to < 4,000 Tons	\$41,580	\$47,817
m. >= 4,000 Tons	\$54,600	\$62,790
n. Acutely Hazardous Waste (>1 kg./month) Registration fee	\$420	\$483
o. Hazardous Waste Contingency Plan Review for Treatment, Storage, Disposal Permitted Waste Facilities	\$210/hour	\$250/hour
p. Conditionally Exempted Permit Fee	\$420	\$483
q. Conditionally Authorized Permit Fee	\$735	\$845
r. Permit by Rule	\$1,785	\$2,053
SECTION 5: Site Remediation and Investigation Fees		
1) Report Reviews/Site Visits/Plan Checks	\$210/hour	\$250/hour
2) Third Party Professional Reviews	Actual Cost plus handling	
3) Additional Reviews/Inspections	\$210/hour	\$250/hour
4) Subsurface Investigation Permits:		
a. Monitoring Wells Installation/Destruction		
First Well	\$420	\$483
Each Additional Well	\$150	\$173
b. Soil Borings (Three (3) feet or greater depth, per BMC 15.12.070.B)		
First Boring	\$210	\$242
Each Additional Boring	\$150	\$173
SECTION 6: Risk Management Plan Fees		
1) Third Party Professional Review	Actual Cost plus handling	
2) Staff Participation in Hazardous Operability Study/Review/Oversight/Audit (1-hour min)	\$210/hour	\$250/hour
3) Regulated Substance Registration fee (Extremely Hazardous)		
Program 1	\$5,040	\$5,796

Program 2	\$10,080	\$11,592
Program 3	\$14,070	\$16,181
SECTION 7: Miscellaneous Fees		
1) Miscellaneous hourly billing (all others)	\$210/hour	\$250/hour
2) Copies of Documents	A.R. 3.8	
3) Clerical Staff	\$120/hour	\$140/hour
4) Permit Service Center Review Fee (1/2 hour minimum)	\$210/hour	\$250/hour
5) Special Accelerated Review Fee, per customer request	Additional 80% of Regular Review Fee	
6) Emergency Response and Oversight of Clean-up Activities from Spills and Releases (3-hour minimum)	\$210/hour	\$250/hour
7) Emergency Response Contractor	Actual Cost plus handling	
8) Emergency Response Materials	Actual Cost plus handling	
9) Penalty for Late Filing of Annual HMBP (charged for every month after deadline)	10% or \$50 min. per month	
10) Penalty for Late Filing of Annual HWG Report (charged for every month after deadline)	10% or \$50 min. per month	
11) Penalty for nonpayment of fees:		
After 60 days of initial billing date, assess a 10% penalty of the billed amount.	10% penalty of the billed amount	10% penalty of the billed amount
After 120 days of initial billing date, assess an additional 15% penalty of the original billed amount.	An additional 15% penalty of the original billed amount	An additional 15% penalty of the original billed amount
12) Penalty for businesses operating without a valid permit	Double the Fee	Double the Fee
13) Penalty for unpermitted UST installation/removal/modification; well construction, installation, destruction and/or modification	Double the Fee	Double the Fee
14) Administrative fee for lien processing	\$210/hour	\$250/hour
15) Universal Waste (relocated from Section 4, above)	\$210/hour	\$250/hour
SECTION 8: State Surcharge		
All applicable state surcharges determined by the State are required to be billed and collected from regulated facilities and remitted to CalEPA quarterly.		

CHAPTER D - ENGINEERING

FEE TYPE / DESCRIPTION	FEE	REMARKS
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I. Engineering Fees

- | | | | |
|---|----|----------|----------|
| 1. Engineering work required for review or preparation of sewer plans and specifications | \$ | 190.00 | per hour |
| 2. Engineering work required in abandonment of easement | \$ | 5,202.00 | |
| 3. Engineering work required in abandonment of streets, paths, walks, steps and similar public ways | \$ | 8,918.00 | |
| 4. Whenever work is caused to be done under Federal, State or local law, whether such work is done under assessment district or improvement plan, public proceedings or private contract, a fee for engineering work and field inspection shall be charged for the following: | | | |
| a. Review of plans and specifications other than for sewer. | \$ | 190.00 | per hour |
| b. Engineering work and inspection required for grading or regarding streets. | \$ | 190.00 | per hour |
| c. Engineering work and inspection required for concrete sidewalks, curbs and gutter. | \$ | 190.00 | per hour |
| d. Engineering work and inspection required for pavement in area of roadway. | \$ | 190.00 | per hour |
| e. Engineering work and inspection required for culverts and drainage. | \$ | 190.00 | per hour |
| f. Engineering work and inspection required for sewers. | \$ | 190.00 | per hour |
| g. Engineering work and inspection required for structures of masonry construction of either brick or concrete. | \$ | 190.00 | per hour |
| h. Engineering work and inspection required for construction storm water best management practices. | \$ | 190.00 | per hour |
| i. Engineering work and inspection required for post -construction storm water best management practices | \$ | 190.00 | per hour |

(BMC 2.72.050)

- | | | | |
|---|----|--------|----------|
| 5. Moving and replacing street monuments, the charge will be the actual cost to the City. | | | |
| 6. All engineering services in connection with work ordered or authorized by the Council or other work not specifically provided for herein, an hourly fee for office engineering and field inspection will be charged. | \$ | 190.00 | per hour |
| 7. Whenever engineering or inspection services are to be performed and fees paid therefore, as herein above provided in subsections 1, 4 and 5, a minimum fee corresponding to one hour of engineering work shall be charged. | \$ | 190.00 | per hour |
| 8 Field survey: | | | |

FEE TYPE / DESCRIPTION	FEE	REMARKS
One-person party	\$ 190.00	per hour/person (4 hours minimum)
Two-person party	\$ 190.00	per hour/person (4 hours minimum)
Three-person party	\$ 190.00	per hour/person (4 hours minimum)
9. Public consultations or assistance rendered in records examination.	No fee	
10. Fees and charges provided herein for work performed on Saturdays, Sundays and holidays.	Double the fee	

(BMC 2.72.050)

II. SIDEWALK CONSTRUCTION AND REPAIR

A. Fees - Streets, Sidewalks and Other Public Property

For permits and field inspection, the following fees or charges shall be paid in advance to the Planning and Development Department of the City:

1. Permits: All permits shall be \$127 for each such permit issued. All permits issued hereunder shall expire ninety days after issuance and there shall be no refund of the permit charge. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the permit and inspection fees for sidewalk work which is necessitated by the root damage from City owned trees.

2. Field Inspection: The charge for field inspection shall be as follows:

a. Curbing	\$ 28.00	for each ten L.F. or fraction thereof
b. Curb and Gutter	\$ 28.00	for each ten L.F. or fraction thereof
c. Sidewalks	\$ 28.00	for each 100 sq. ft or fraction thereof
d. Driveway approach: Same charge as for sidewalks.	\$ 28.00	per 100 sq. ft or fraction thereof

(BMC 16.04.110)

B. Permit - Cash Deposit or Bond in Lieu Required - Conditions

1. When construction is to be performed pursuant to the provisions of this chapter, the sum of \$1,376 for each permit shall be deposited with the Department of Planning and Development as a guaranty that all work, including excavation, stockpiling materials, protection and repair of property in the public right-of-way including shrubs, maintenance of pedestrian and vehicular safety and convenience, and cleanup, will be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,305 may be filed with the Planning and Development Department. Such bond shall be conditioned that all construction of sidewalks, parking steps, driveway approaches, curbs or curbs and gutters shall be done in a proper and workmanlike manner, and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. The form of such bond shall be approved by the City Attorney.

FEE TYPE / DESCRIPTION	FEE	REMARKS
3. In the event the work is not done in a proper and workmanlike manner, or not done in accordance with the requirements of this chapter or any other ordinance or requirements of the City, or not done to the satisfaction of the Director of Public Works or his/her designee, the City may perform or cause to have performed the necessary construction work, repair work or cleanup work and deduct the cost thereof from said deposit or require the cost thereof to be paid by said surety company on its bond.		
4. In the exercise of his reasonable discretion and for good cause shown, the Director of Public Works or his/her designee may waive or reduce the deposit or bond required by this section in order to encourage property owners to do or cause to have done the work provided for hereunder; provided, that if such work is not being performed in a satisfactory and timely manner, the Director of Public Works or his/her designee may order that the deposit or bond required by this section be filed and the work stopped until such filing is made. (BMC 16.04.130)		

III. SANITARY AND STORM DRAIN SEWERS

A. Sewer and Storm Drain Construction Fees

1. The following fees shall be paid to the Planning and Development Department for sewer and storm drain construction:
 - a. For each permit for lateral sewer or storm drain construction within the public right-of-way or other public easement \$127.
 - b. For inspection of lateral sewer or storm drain construction within the public street area and connection to the existing sewer or storm drain main \$206 for each month or fraction thereof between issuance of the permit and final inspection and approval by a City Inspector.
 - c. For inspection of construction of sewer or storm drain mains in the public right-of-way or other public easement, and for inspection of lateral sewer or storm drain construction in the public street area, without connection to main \$190 per hour.
 - d. For engineering work and inspection required in establishing backline easements and re-use connections - \$190 per hour, two-hour minimum.
 - e. For sewer lateral capping, \$190 per hour, two-hour minimum.
 - f. For engineering work and inspection involved with mainlines and maintenance holes, \$190 per hour, two-hour
2. For any work performed, wholly or in part, without first secured the permit required by provisions of this section, the person firm or corporation having performed such work shall pay a permit fee which shall be five times the permit fee provided by this section, and five times the inspection charge for any month, or any fraction thereof, that the work has been in progress without a permit. All inspection fees shall be doubled for such inspection performed on Saturdays, Sundays and holidays.

(BMC 17.16.050)

B. Sewer Construction, Cash Deposit or Bond in Lieu of

1. When a sewer or storm drain is to be installed in the public right-of-way or other public easement, the sum of \$1,376 for each permit shall be deposited with the Planning and Development Department as a guaranty that all sewer or storm drain work, including backfill, street paving and cleanup, will be done in a proper and workmanlike manner.
2. In lieu of such deposit for each permit, a surety company faithful performance bond in the amount of \$11,306 may be filed with the Planning and Development Department. Such bond shall be conditioned that all sewer or storm drain work, including backfill, street paving and cleanup shall be done in a proper and workmanlike manner and in accordance with all City requirements and to the satisfaction of the Director of Public Works or his/her designee.

(BMC 17.16.050)

FEE TYPE / DESCRIPTION	FEE	REMARKS
C. Private Sewer Lateral Certification (BMC 17.24.160)	\$ 150.00	Reso 63,262, July 2006

IV. EXCAVATIONS

A. Permit - Required - Application Time and Contents for Mains or Lateral Pipes

Whenever any person, firm or corporation desires to open trenches in the public streets or thoroughfares for the purpose of placing therein main or lateral pipes or conduits, other than lateral sewers, such person, firm or corporation shall make application in writing and obtain a permit from the Planning and Development Department not less than forty-eight hours in advance of his/her or its desire to so open trenches in said streets and thoroughfares, except in case of accident or emergency, in which case written notice shall be given within twenty-four hours after any such opening; provided however, that if said notice cannot be given because the office is closed, then written notice shall be given within eight hours after the office which issues said permits is open for business.

The application for the permit shall give the names of the streets in which trenches are to be opened and names of the cross streets between which said trenches are to be made. A permit fee of \$127 and shall be paid for each permit issued hereunder; except, however, that such fee shall not be charged against any entity exempt by law from the payment of such fees. An inspection fee of \$190 per hour shall be charged for all inspections. (BMC 16.12.030)

B. Compliance with Regulations Required

The permittee shall conduct all operations in accordance with the Excavations Ordinance (BMC Chapter 16.12) and the "Trench Excavation and Surface Restoration in the Public Right-of-Way -Regulations and Requirements," promulgated pursuant to said Ordinance (hereafter "Regulations.").

C. In-lieu Fees - Required When

For excavations in streets less than five (5) years from the date of application for a permit to excavate, permittee shall resurface the trenched area as provided by the Regulations. At the discretion of the Director of Public Works or his/her designee, such resurfacing requirements may be waived and the permittee shall pay an in-lieu fee as follows:

<u>Type of Excavation</u>	<u>In -lieu Fee</u>
Trench (excluding new service connections)	\$4.20 per square foot of street area required to be resurfaced by the regulations
Bell hole/new service connection	\$676 /bell hole or new service connection

V. STREET AND SIDEWALK USE PERMIT

A. Permit Fees

1. A permit fee of \$127 shall be charged for each street use permit issued below. In addition there shall be paid for the use of street area, curb or sidewalk in areas classified as commercial, R-3, R-4 and R-5 in the zoning ordinance, during construction for which a building permit or public works permit has been issued, or for which such permit is required, including all University of California construction projects located in City streets, a fee of \$7.50 per linear curb foot per month.
 - a. Construction where storage of materials, debris or equipment is involved within the public right-of-way.
 - b. House moving.
 - c. Demolition where storage of materials, debris or equipment is involved within the public right-of-way.
 - d. Debris boxes by contractors.
 - e. Sidewalk seating, Benches and Planters (BMC 14.48.200)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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2. In the case of debris boxes used by homeowners, a fee of \$100 shall be charged, the inspection fees shall be waived.

(BMC 16.16.030)

3. In the case of Sidewalk Seating Tables and Chairs, a curb fee of \$7.50 per lineal foot per calendar year (no curb fee shall be charged for planters or benches)

B. Inspection Charges

Field inspections for the items in A1 above will be made by the City to insure that the permittee is maintaining a right-of-way for public, both in the sidewalk and street areas, provided, however, that inspection fees shall not be charged in the case of debris boxes used by homeowners. A charge of \$190 per hour for the first hour shall be made for such inspection service. If such inspection service exceeds one hour there shall be an additional charge of \$221 for each thirty days, or fraction thereof, that the permittee uses the streets or sidewalks pursuant to the permit issued hereunder. The hourly inspection charge for the first hour shall be doubled for inspections on Saturdays, Sundays and holidays. The hourly inspection charge shall be paid at the time the permit is issued and shall be based on the City's estimate of the time required for inspection service and the permittee's estimate of time for completion of all work, including cleanup and clearing the public right-of-way. If the work is unfinished at the expiration of the time estimated by the permittee, the permittee shall then deposit additional inspection fees based on estimate for completion of work

Such charge, if not paid, shall be deducted the surety company on its bond, if a surety bond has been filed in lieu of the required deposit.

A permit fee of \$17 for a single trip, or an annual fee of \$79 per year for a repetitive permit shall be charged for any overheight, overweight or overwidth vehicle or any overheight, or overwidth load being operated on any public street as defined in the State Vehicle Code. (BMC 16.16.130)

C. Increased Fees for Work Performed or Operation of Vehicle Without Permit

For any work performed, wholly or in part, or for the operation on any public street of an overheight, overweight or overwidth vehicle or any vehicle with an overheight, overweight or overwidth load as defined the State Vehicle Code, without first having secured the permit required by the provisions of this of this chapter, the person, firm or corporation having performed such work or operated such vehicle shall pay a permit fee which shall be five times the permit fee provided by this section, and an inspection charge fives times the inspection charge provided by this chapter. (BMC 16.16.040)

D. Deposit - To Guarantee Removal of Materials or Equipment Required

As a guaranty to the City that such materials, appliances or other equipment so placed or stored on any street or sidewalk will be cleaned of all dirt, sand and debris of any kind to the satisfaction of the Public Works Director or his/her designee, and will be removed there from immediately upon the completion of such work, or at such time prior thereto when, in the judgment of said Public Works Director or his/her designee, the public interest or convenience will be best subserved thereby, said person, firm or corporation shall deposit with the Planning and Development Department the sum of \$1,376 for each permit issued under the provisions of this chapter. (BMC 16.16.070)

E. Deposit - Surety Bond in Lieu When - Conditions

In lieu of the deposit required by this chapter, a surety bond in the amount of \$11,306 may be filed with the Planning and Development Department, conditioned as a guaranty to the City that all costs for which any person, firm or corporation-shall be liable, as in this section provided, will be paid upon demand therefore by the Public Works Director or his/her designee. Any such bond may be conditioned as a continuing bond and not be limited to any particular location in the City. Such bond shall be approved as to form by the City Attorney. (BMC 16.16.080)

FEE TYPE / DESCRIPTION	FEE	REMARKS
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F. Waiver - Deposit and Bond
 In the exercise of his reasonable discretion and for good cause shown, the Public Works Director or his/her designee may waive or reduce the deposit or bond required by this chapter, in order to encourage home owners to do or cause to be done the work herein. (BMC 16.16.050 and 16.16.080)

VI. NO PARKING SIGNS

No parking signs will be required in conjunction with all street use permits.

If it is determined by the Planning and Development Department that the use of the signs applied for will not be detrimental to public safety or general welfare, a permit will be issued for the use of such signs upon payment of a permit fee of \$34 and upon receiving the signed statement of the applicant agreeing to be bound by the conditions of the permit and these rules and regulations; provided, however, that an additional permit fee equal to the cost of a meter in the amount of \$79 per week shall be charged for each 20 feet of time limit zone and each meter for work requiring a time period of one month or more. In addition, a processing fee of \$15 shall be made for each sign posted.

Should an applicant need to replace previously issued No Parking signs which have been lost, stolen or damaged, a processing fee of \$5 shall be paid for each re-issued sign.

Seasonal Ground Signs (in the Public right-of-way) - \$83 for the first three signs and \$15 for each additional sign

VII. ENCROACHMENT PERMITS

The following fees for encroachment permits shall be paid in advance to the Planning and Development Department of the City:

1. A non-refundable application fee in the amount of \$454 for each permit below.

a. Minor encroachment permit: \$1,228 paid upon approval of permit.

b. Major encroachment permit: \$1,774 paid upon approval of permit.

2. Decorative non-commercial installation in a public right-of-way: a permit fee of \$127

3. Above ground planter: \$153

4. Inspection when required by the Director of Public Works or his/her designee: \$190 per hour.

5. Tieback and soil nail fee for tie backs soil nails less than or equal to 12 feet deep	\$	2,100.00	per tieback or soil nail
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6. Tieback and soil nail fee for tie backs soil nails less than or equal to 24 feet deep but more than 12 feet deep	\$	1,050.00	per tieback or soil nail
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7. Tieback and soil nail fee for tie backs soil nails greater than 24 feet deep	\$	525.00	per tieback or soil nail
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(BMC 16.18.025)

FEE TYPE / DESCRIPTION	FEE	REMARKS
VIII. SUBDIVISION FEES		
A. Processing and Review		
The following fees or charges for processing and review of subdivision maps and certificates shall be paid in advance to the Planning and Development Department of the City:		
1. Lot line adjustmenst filing fee (BMC 21.32.040)	\$ 1,743.00	
2. Reversion to acreage filing fee (BMC 21.48.040)	\$ 1,743.00	
3. Parcel mergers (BMC 21.52.060)		
Filing fee	\$ 1,743.00	
Public hearing fee	\$ 633.00	
4. Correction and amendment of a recorded map filing fee (BMC 21.56.050)	\$ 1,445.00	
5. Certificate of compliance filing fee (BMC 21.60.050)	\$ 1,743.00	
6. Tentative tract maps (BMC 21.16.043)		
Filing fee	\$ 4,820.00	
Public hearing fee	\$ 633.00	
7. Vesting tentative parcel maps filing fee (BMC 21.18.070)	\$ 5,316.00	
8. Vesting tentative tract maps (BMC 21.18.070)		
Filing fee	\$ 5,316.00	
Public hearing fee	\$ 633.00	
9. Minor amendment to approve tentative map (BMC 21.16.080)		
Filing fee	\$ 323.00	
Records Management fee	\$ 50.00	
10. Major amendment to approved tentative map (BMC 21.16.080)		
Filing fee	\$ 1,003.00	
Public Hearing fee	\$ 633.00	
Records Management fee	\$ 50.00	
11. Final tract maps (BMC 21.20.020)		
Filing fee	\$ 376.00	
Map Checking fee	\$ 181.00	/lot, parcel or unit
12. Parcel maps filing fee (BMC 21.24.040)	\$ 4,820.00	
13. Office engineering fee (BMC 21.04.070)	\$ 190.00	per hour

B. Deposit - Refundable

A deposit in the amount of \$588 shall be paid at the time of filing and, in addition to the filing fees, for the following:

Final maps; parcel maps; lot line adjustments; reversions to acreage; parcel mergers; corrections and amendments to recorded maps; and certificates of compliance.

NOTE: Such deposit shall be refunded upon the receipt by the City of a duplicate original of the recorded subdivision map, made upon a mylar material. If receipt of said mylar map is not made within six (6) months following the date the map was recorded, the City will permanently retain all of the deposit to defray the cost of obtaining a mylar copy of the recorded map for its records.

IX. CREEK FEES

FEE TYPE / DESCRIPTION	FEE	REMARKS
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CEQA compliance certification, Fish and Game approval, and Section 401 Army Core of Engineer's permit must be completed prior to acceptance of the application by Public Works for approval.

All horizontal distances are measured on the level and all vertical distances shall be measured perpendicular to the level horizontal.

A. Creeks identification fee	\$ 495.00	
B. Creek permit base fee	\$ 988.00	
C. CEQA review fee for open creeks	\$ 741.00	
D. Public Works Commision hearing fee	\$ 741.00	
E. Additional fees: \$153 per hour x hours required	\$ 190.00	/hour
F. Records Management fee	\$ 50.00	

CHAPTER E - TRAFFIC ENGINEERING

A. Applications for residential, commercial, industrial and institutional projects (up to two rounds of plan checks)

Project Valuation	Per 100 value over \$3000
Up to \$200,000	\$90 flat fee
\$200,001 - \$300,000	\$0.18 + \$90
\$300,001 - \$400,000	\$0.30 + \$90
\$400,001 - \$500,000	\$0.42 + \$90
\$500,001 - \$2,000,000	\$0.55 + \$90
\$2,000,001 - \$5,000,000	\$0.60 + \$90
Over \$5,000,000	\$0.65 + \$90

B. Miscellaneous Fees

FEE TYPE/DESCRIPTION		FEE	REMARKS
1.	Pre-application consultation or walk-in requests for advice	\$ 200.00	/hour (\$40 minimum under 15 minutes or each additional 15 minutes or fraction thereof)
2.	Peer review of traffic impact studies and EIRs submitted by traffic engineering consultants for large development projects	\$ 200.00	per staff hour
3.	Construction traffic plan monitoring	\$ 200.00	per staff hour
4.	Post-construction traffic monitoring	\$ 200.00	per staff hour
5.	Administrative Use Permits (when Traffic Engineering review is required)	\$ 400.00	base fee for up to two staff hours
		\$ 200.00	per hour in excess of first two staff hours
6.	Use Permits (when Traffic Engineering review is required)	\$ 800.00	base fee for up to four hours
		\$ 200.00	per hour in excess of first four staff hours
7.	Plan checking in excess of two rounds	\$ 200.00	per staff hour

CHAPTER F - RESIDENTIAL HOUSING SAFETY PROGRAM (RHSP)

The following represents the fee schedule for habitability inspections performed by Housing Code Enforcement and the administration of the Rental Housing Safety Program (RHSP).

REINSPECTION FEES			
TYPE OF INSPECTION	HOUSING CODE STATUS	CURRENT FEE	
Initial Inspection	With or Without Cited Code Violations	None	
1st Reinspection	All Cited Violations Corrected	None	
	All Cited Violations Not Corrected	\$400	
2nd Reinspection	Whether or Not All Cited Code Violations Corrected	\$600	
All Other Reinspections	Whether or Not All Cited Code Violations Corrected	\$800	

This fee schedule applies to each case being inspected. (Individual units, exterior/common areas in buildings and individual rooms in hotels are considered "cases" for the purposes of this resolution.)

PLEASE NOTE: It is the owner's responsibility to inform the tenant(s) of the scheduled inspection and arrange access to each unit to be inspected. The owner is charged whether or not he/she is present at the site during the scheduled inspection. However, owners may not be charged if the tenant refuses the inspector entry to the unit.

PENALTY FEES		
TYPE OF INSPECTION	HOUSING CODE STATUS	AMOUNT OF FEE
Late payment Fee	Penalty fees will be assessed for every reinspection or annual flat fee delinquent 1-30 days.	10% of the delinquent amount when 1-30 days late
	Additional penalty fees will be assessed for every reinspection or annual flat fee delinquent 31+ days.	40% of the delinquent amount when 31+ days late
Notice of Termination processing Fee	Cost recovery for City title report expenses paid place a Notice of Violation on a property title with Alameda County. Once the Violations are corrected, the property owner reimburses the City this expense, in addition to any outstanding fees/penalties due..	\$100 per Notice of Termination processed
Administration Lien Fee	Accounts which remain outstanding after 60 days from the initial billing date shall be filed with the County of Alameda as a lien on the property. The lien amount shall include an administrative processing fee in addition to the initial billing amount and applicable late payment fees.	\$250 per account

ANNUAL FLAT PER UNIT/ROOM FEES			
FEE TYPE	RESIDENTIAL STRUCTURE	CURRENT FEE	PROPOSED FEE CHANGE
Annual Per Unit Fee	Residential rental buildings	\$56 Per Unit	\$60 Per Unit
Annual Per Room Fee	Residential hotels and boarding house (with five or more rooms)	\$28 Per Room	\$30 Per Room

CHAPTER G- OFFICE OF ENERGY AND SUSTAINABLE DEVELOPMENT				
FEE TYPE / DESCRIPTION			FEE	REMARKS
I.	Building Emissions Saving Ordinance (BESO): Fees due with compliance filing at intervals shown			
	<u>Building size/type:</u>	<u>Filing frequency:</u>		
A.	Large Buildings, ≥ 25,000 square feet	Every 5 years	\$ 240.00	
B.	Medium Buildings, between 5,000 and 24,999 square feet	At point-of-listing	\$ 152.00	
C.	Small Buildings, < 5,000 square feet, excluding 1-4 unit residential buildings	At point-of-listing	\$ 79.00	
D.	Residential Buildings of 1-4 units	At point-of-listing	\$ 79.00	
E.	Deferral of BESO compliance to buyer	At point-of-listing	\$ 110.00	
F.	Administrative Late Fee	N/A	\$ 85.00	

CHAPTER H - Planning and Development Department administration				
Department-wide fees for services not otherwise listed in this schedule				
FEE TYPE / DESCRIPTION		CURRENT FEE	PROPOSED FEE CHANGE	REMARKS
I.	HOURLY RATE			
	For staff services not otherwise specified in the Divisional sections of this fee schedule:	\$ 200.00	\$ 250.00	per hour; minimum one hour charged
II.	PUBLIC RECORDS			
A.	Copying of documents in response to public records requests:			As specified in A.R. 3.8
B.	Copying of compact discs (CDs)	\$ 10.00		Per CD copied
C.	Customized computer programming/operations to extract electronic records	Actual Cost		City IT department will provide estimated expense prior to data extraction. Deposit of funds against City costs may be required

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
REVISIONS TO PLANNING DEPARTMENT FEE SCHEDULE**

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 Planning and Development Department is proposing revisions to its fee schedule July 1, 2024, to increase the hourly rate for staff time in all divisions of the department to \$250 per hour, to set fees for the new Building and Safety Division permits and processes, to create a new Land Use Planning application fee and offset those costs through reductions in discretionary permit fees, to increase the annual fees of the Rental Housing Safety Program, and to update various other fee rates and make minor clarifications to the existing fee schedule; and

The hearing will be held on May 21, 2024 at 6:00 PM in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Jim Bondi, Associate Management Analyst, at (510) 981-7428.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of May 9, 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@cityofberkeley.info for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written

correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

Published: May 10 and May 17, 2024 – The Berkeley Voice
Published pursuant to Government Code Section 6062a

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on May 9, 2024.

\_\_\_\_\_  
Mark Numainville, City Clerk





Berkeley Police Department

INFORMATION CALENDAR  
May 21, 2024

To: Honorable Mayor and Members of the City Council  
 From: Dee Williams-Ridley, City Manager  
 Submitted by: Jennifer Louis, Chief of Police  
 Subject: Audit Recommendation Status - Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities

CURRENT SITUATION AND ITS EFFECTS

The City Auditor's report included 12 recommendations. 10 of the recommendations have been implemented and 2 of the recommendations are in progress. We anticipate the next status update report to be in November 2024.

Included in this item is a status update for;

*Recommendation 1.2 - Fill vacancies deemed necessary and/or reallocate staff pending the reimagining process and a determination of appropriate staffing levels.*

The selected consultant, Citygate, is on track and on budget with this project. Citygate provided a mid-project summary to Police Command Staff in mid-April and is on schedule to deliver a final report by June 2024. As part of their report, Citygate will make recommendations about patrol staffing levels based on their assessment of calls and public safety service delivery expectations.

*Recommendation 2.3 - Document the results of staffing assessments along with the assessment criteria. Incorporate results into staffing projections for budgetary decision making, including establishing a sufficient and appropriate overtime budget.*

Citygate has completed its assessment of call volumes and staffing levels and has made some preliminary recommendations regarding staffing levels in patrol operations as well as several other areas of the department. Some of these

recommendations have driven budget priorities for this budget cycle. Delivery of the final report is expected in June 2024.

### BACKGROUND

On March 3, 2022, the City Auditor's Office issued its audit, *Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities*<sup>1</sup>. This audit report included 12 recommendations. The purpose of this report is to update the City Council on the Police Department's progress on implementing the City Auditor's recommendations. This is the fourth status report for this audit, the first being in November 2022, the second in May 2023 and the third in November 2023.

### ENVIRONMENTAL SUSTAINABILITY

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

### FISCAL IMPLICATIONS

Staff time in addition to the contract costs. The contract for CareWare, approved in 2022 is \$191,740 (5-year contract). This software is being utilized throughout the whole Police Department.

### CONTACT PERSON

Captain Kevin Schofield, Police Department, (510) 981-5815

### ATTACHMENTS

1. Police Overtime Recommendation Table

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<sup>1</sup> City Auditor's Office Overtime Audit (3/3/2022)

<https://berkeleyca.gov/sites/default/files/2022-04/Berkeley%20Police%20-%20Improvements%20Needed%20to%20Manage%20Overtime%20and%20Security%20Work%20for%20Outside%20Entities.pdf>

| <b>Audit Title: Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities</b> |                                                                                                                                                                                                                                                                                                                                                                                                                                                |                   |                                               |                                                                                                                                                                                                                                                                                                                                                                                                                         |                            |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>Finding</b>                                                                                                     | <b>Recommendation</b>                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Department</b> | <b>Expected or Actual Implementation Date</b> | <b>Status of Audit Recommendations, Corrective Plan, and Progress Summary</b>                                                                                                                                                                                                                                                                                                                                           | <b>Last Period: Status</b> |
| Overtime is used to maintain minimum patrol staffing set by BPD.                                                   | 1.1 Collect and monitor data on how often compensatory time leads to additional backfill overtime and develop a plan to monitor it.                                                                                                                                                                                                                                                                                                            | Police            | 9/29/2023                                     | Implemented                                                                                                                                                                                                                                                                                                                                                                                                             | Implemented                |
| Overtime is used to maintain minimum patrol staffing set by BPD.                                                   | 1.2 Fill vacancies deemed necessary and/or reallocate staff pending the reimagining process and a determination of appropriate staffing levels.                                                                                                                                                                                                                                                                                                | Police            | 11/1/2024                                     | <u>Started:</u><br>The selected consultant, Citygate, is on track and on budget with this project. Citygate provided a mid-project summary to Police Command Staff in mid-April and is on schedule to deliver a final report by June 2024. As part of their report, Citygate will make recommendations about patrol staffing levels based on their assessment of calls and public safety service delivery expectations. | Started                    |
| Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated.            | 2.1 Establish a procedure to regularly assess minimum staffing and overall staffing needs of the department. This process should document and incorporate criteria to assess staffing levels, such as calls for service, other workload, community input, and other relevant factors. As BPD prepares for the rollout of a new software system, BPD should consider how to best align the program's capabilities with this assessment process. | Police            | 9/29/2023                                     | Implemented                                                                                                                                                                                                                                                                                                                                                                                                             | Implemented                |

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| Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated. | 2.2 | Document and define the Patrol Unit's minimum staffing levels in a publicly assessable format.                                                                                                                                                                                                                                            | Police | 9/2/2022  | Implemented                                                                                                                                                                                                                                                                                                                                                                                                        | Implemented |
| Minimum staffing levels in BPD's Patrol Unit could cause unnecessary overtime if not regularly updated. | 2.3 | Document the results of staffing assessments along with the assessment criteria. Incorporate results into staffing projections for budgetary decision making, including establishing a sufficient and appropriate overtime budget.                                                                                                        | Police | 11/1/2024 | <u>Started:</u><br>The vendor for the staffing assessment, Citygate, has completed its assessment of call volumes and staffing levels and has made preliminary recommendations regarding staffing levels in patrol operations and several other areas of the department. Some of these recommendations have driven budget priorities for this budget cycle. Delivery of the final report is expected in June 2024. | Started     |
| Officers work excessive overtime, increasing health and safety risks.                                   | 3.1 | Update the department overtime policy to address the fact that there currently is no limit to the number of consecutive days worked and determine the appropriate limit for overtime that is enforceable with the goal of avoiding officer fatigue. The department may examine other jurisdictions' overtime limits as possible criteria. | Police | 8/23/2023 | Implemented                                                                                                                                                                                                                                                                                                                                                                                                        | Implemented |

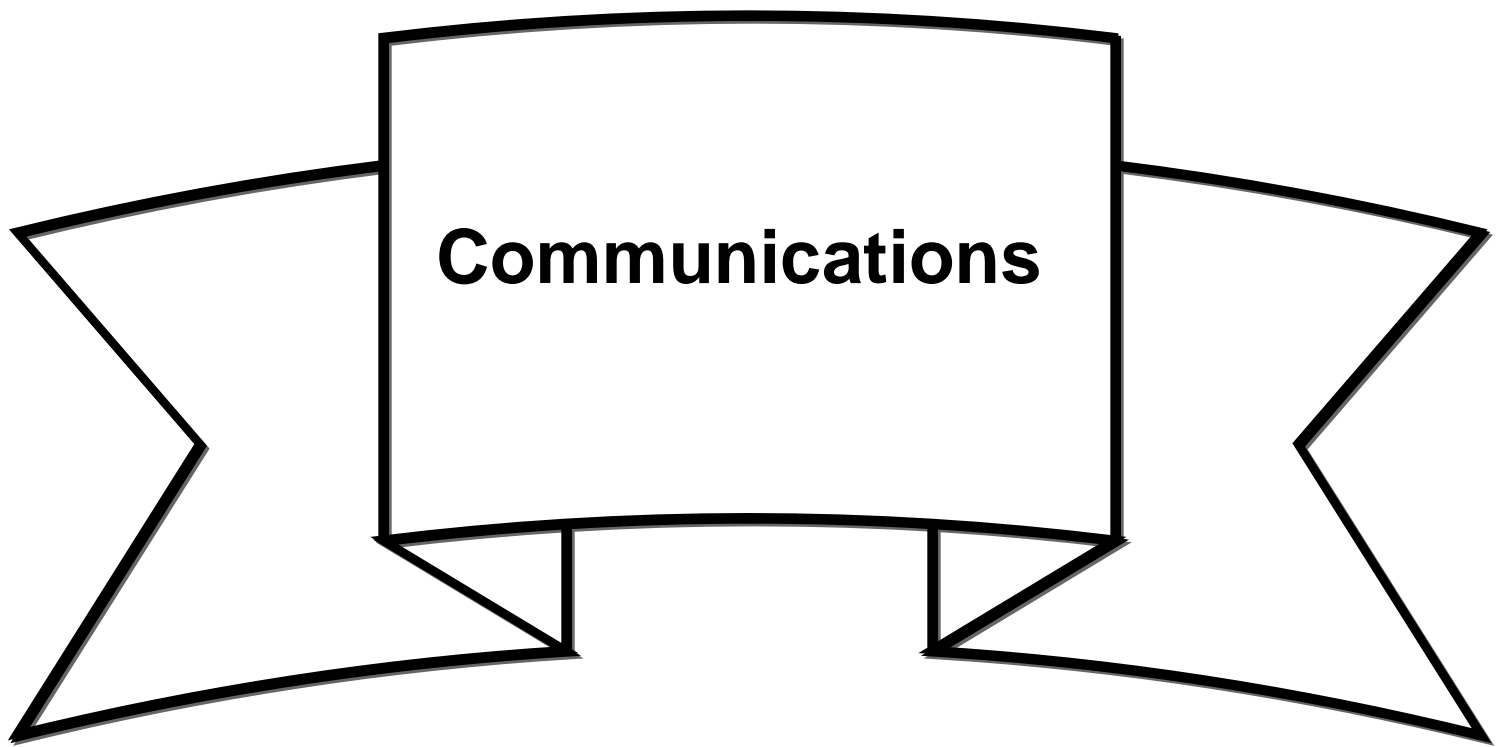
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| <p>Officers work excessive overtime, increasing health and safety risks.</p> | <p>3.2</p> | <p>Work to implement a staffing software solution that integrates overtime management and scheduling software. Develop management reports that provide timely, accurate, and complete information on overtime usage. Develop a process for filling overtime shifts on a voluntary and mandatory basis, including supervisor approval. Build in warnings for when an individual is approaching overtime limits and an approval process for allowing individuals to exceed limits when deemed necessary according to the policy.</p> | <p>Police</p> | <p>3/8/2023</p> | <p>Implemented</p> | <p>Implemented</p> |
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| <p>BPD has no contracts for overtime security with outside entities.</p> | <p>4.1</p> | <p>Update A.R. 2.10 and other department policies to explicitly include guidance around department agreements for work for outside entities, which is paid for by reimbursements to the City from the outside entities. Internal procedures should include appropriate criteria to identify and document the benefit to the City gained by work for outside entity agreements, and to allocate resources in a way that does not negatively impact City operations. Additionally, BPD should document their criteria for when officers are not available or eligible for work for outside entities.</p> | <p>Police</p> | <p>5/4/2023</p>  | <p>Implemented</p> | <p>Implemented</p> |
| <p>BPD has no contracts for overtime security with outside entities.</p> | <p>4.2</p> | <p>In consultation with the City Attorney, create contracts with outside entities in compliance with City policies and applicable laws.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <p>Police</p> | <p>8/31/2023</p> | <p>Implemented</p> | <p>Implemented</p> |

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| BPD has no contracts for overtime security with outside entities. | 4.3 | Develop an application for BPD's services that is publicly available and accessible online to any interested party. Set pay uniformly according to rank and hourly rate and include a reasonable fee that covers the expenses of administering work for outside entities including workers compensation, fuel, use of equipment, and any other actual or potential costs to the City. | Police | 4/19/2023 | Implemented | Implemented |
| BPD has no contracts for overtime security with outside entities. | 4.4 | BPD should reconcile invoices with the amounts received for work with outside entities at regular intervals. BPD should also implement procedures to check invoices for errors prior to billing outside entities.                                                                                                                                                                     | Police | 3/29/2023 | Implemented | Implemented |
| BPD has no contracts for overtime security with outside entities. | 4.5 | Explore ways to clearly account for different funds to track revenues and expenses.                                                                                                                                                                                                                                                                                                   | Police | 9/29/2023 | Implemented | Implemented |







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**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<https://records.cityofberkeley.info/>

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