



TRANSPORTATION COMMISSION

REGULAR MEETING

AGENDA

November 21, 2013

North Berkeley Senior Center
MULTI-PURPOSE ROOM
1901 Hearst Ave. (at MLK)
Berkeley, CA 94709

Thursday
November 21, 2013
7:00 PM

A. PRELIMINARY BUSINESS

1. Call to Order
2. Roll Call
3. Public Comment on items not on the Agenda
4. Approval of Draft Action Minutes of **October 17, 2013***; Approval of Revised Minutes of **September 19, 2013*** (to record the vote on 15 mph School Zone).
5. Approval and Order of Agenda
6. Update on Administration/Staff
7. Announcements
 - a. Consideration of consolidation of Public Works and Transportation Commissions has been postponed indefinitely.

B. DISCUSSION/ACTION ITEMS

* Written material included in packet

** Written material to be delivered at meeting

*** Written material previously mailed

The public may speak at the beginning of any item.

1. **AC Transit Line 51 Corridor Delay Reduction and Sustainability Project****
Continuation of October 17 presentation by AC Transit staff

2. **Ashby/Highway 13 Improvement Projects on Tunnel Road**
Verbal Update for Discussion by Farid Javandel

3. **Safe Routes to Schools - Presentation**

Discussion of program resources and process

Rachel Davidman, Education Program Manager, Safe Routes to Schools Alameda County

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

Information items can be moved to Discussion or Action by majority vote of the TC.

1. Subcommittee Reports (Verbal reports from Bicycle, Parking TDM, Pedestrian, Traffic Calming, Transit, Subcommittees and Public Works Liaison)
2. Council Summary Actions 2013*
3. Link to Council and Agenda Committee Agendas and Minutes
<http://www.ci.berkeley.ca.us/citycouncil/>
4. Draft Local Hazard Mitigation Plan <http://www.cityofberkeley.info/Mitigation/>
5. Invitation to Downtown Berkeley BART Station Plaza 12/10/13 Public Meeting

D. COMMUNICATIONS

Supplemental Communications distributed to TC at 10/17/13 Meeting:

AC Transit Line 51 CDRS project:

1. Sean Marciniak

Transportation Commission Agenda
Thursday, November 21, 2013

2. Michael Katz

Line 51 and Tunnel Road Bike Lane:

3. Steve Gere

Ashby/Hwy 13 Improvement Projects:

4. 10/15/13 Draft of Tunnel Road Bike Lane Improvements from Geoff Rubendall

Communications received by staff at 10/17 Meeting (published in TC web packet).

5. Maulin Chokshi, University Avenue Association - Copy of petition to Mayor, Council, and AC Transit with approximately 495 signatures re AC Transit Line 51 CDRS Project

Communications received since 10/17/13:

6. Taylor Bennett re Bike Lane on Tunnel Road*

7. David Cooke email and attachments re Tunnel Road Class 2 Bike Lane*

E. FUTURE AGENDA ITEMS

Adopt 2013 Meeting Schedule - Jan

Adopt 2013 Work Plan – Jan or Feb

Ashby/Hwy 13 Corridor Projects

Election of Officers - Feb

Electric Vehicle On-Street Charging-

Traffic Calming Implementation Policy- Jan

Traffic Calming Program-2013 Applications Update- Jan

F. ADJOURNMENT

Agenda Posted: November 15, 2013

A complete agenda packet is available for public review at the Main Branch Library and at the Transportation Division front desk.

ADA Disclaimer



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Commission Secretary: Farid Javandel, Transportation Division Manager, 1947 Center St., 3rd Floor, Berkeley, CA, 94704, Telephone (510) 981-7061, Fax: (510) 981-7060 TDD: (510) 981-6345 email: Fjavandel@ci.berkeley.ca.us



DRAFT ACTION MINUTES

Transportation Commission

Regular Meeting

October 17, 2013

North Berkeley Senior Center
1901 Hearst Avenue (at MLK)
Berkeley, CA

A. PRELIMINARY BUSINESS

1. Call to Order

Chair Roberts called the meeting to order at 7:04 PM

2. Roll Call

Commissioners Present: Donald Lathbury, Eric McCaughrin, Terry Roberts, Nicole Schneider (Lv 9:50), Ann Smulka, Ghanya Thomas, Darby Watson (Arr 7:20), Sofia Zander (Arr 7:12)

Commissioners Absent: Benjamin Bartlett

Staff Present: Farid Javandel, Fatema Crane, Tamlyn Bright

AC Transit Staff: Wil Buller, Robert Del Rosario, Sean DiestLorgion, David Fyfe, Khoi Lee

3. Public Comment on items not on the Agenda:

Speakers: None

4. Approval of Draft Action Minutes:

It was moved, seconded, carried (Smulka/Schneider) Unanimous to approve the Minutes of September 19, 2013. Ayes: Lathbury, McCaughrin, Roberts, Schneider, Smulka, Thomas Noes: None Abstain: None Absent: Bartlett, Watson, Zander
 Motion passed (6-0-0-3).

5. Approval and Order of Agenda - *No change*

6. Update on Administration

7. Announcements

B. DISCUSSION/ACTION ITEMS

1. AC Transit Line 51 Corridor Delay Reduction and Sustainability Project Update

AC Transit staff presented highlights of the Line 51 CDRS project and responded to questions.

Speakers: 8

Discussion only. No action. AC Transit staff will attend November 21 TC meeting with additional information.

2. Ashby/Highway 13 Improvement Projects on Tunnel Road

Speakers: 8

Action: It was moved, seconded (Smulka/Schneider) to support a phase A & B concept to Council with the goal of constructing Phase A in February or March 2014, and recommend staff return to Council in Feb/March with plans and cost estimates for implementation of a Phase B design, to show full bike lanes with parking bays.

Ayes: Lathbury, McCaughrin, Roberts, Schneider, Smulka, Thomas, Watson, Zander. Noes: None Abstain: None Absent: Bartlett Motion passed (8-0-0-1)

3. Council Referral: Residential Curbside Electric Vehicle Parking

Speakers: 1

Action: It was Moved/Seconded (Lathbury/Thomas) to 1) establish an Electric Vehicle Subcommittee that will liaise with the Public Works Commission to evaluate the issues embodied in the Council Referral on Curbside Electric Vehicle Parking, and make recommendations for consideration by the Transportation Commission, and 2) to approve the appointment of Commissioners Roberts, Lathbury, Thomas, and Zander to the new Subcommittee.

Ayes: Lathbury, McCaughrin, Roberts, Schneider, Smulka, Thomas, Watson, Zander

Noes: None Abstain: None Absent: Bartlett Motion passed (8-0-0-1)

4. Subcommittee Appointments/Assignments

Speakers: 0

See action on Item 3. No further action.

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

1. Subcommittee Reports (Verbal reports from Bicycle, Parking TDM, Pedestrian, Traffic Calming, Transit, Subcommittees and Public Works Liaison)

2. Council Summary Actions 2013

3. Link to Council and Agenda Committee Agendas and Minutes

<http://www.ci.berkeley.ca.us/citycouncil/>

4. 2014 Update to City's Local Hazard Mitigation Plan Public Comment Process

5. Bayer-City of Berkeley 20th Anniversary Report on Development Agreement *

(Complete report in web agenda packet:

http://www.ci.berkeley.ca.us/Clerk/Commissions/Commissions_Transportation_Commission_Homepage.aspx

6. Emeryville-Berkeley-Oakland Transit Study (EBOTS) Project

D. COMMUNICATIONS All received.

Supplemental Communications distributed to TC at 9/19/13 Meeting:

1. Traffic Circle designs, Planting policy, Draft Standard Detail, and Landscaping Guidelines*

2. 9/19/13 Letter from Meryl Siegal re Cedar Street bus Line 52*

Communications received since 9/19/13:

3. Adeline Street Bikeway Project Mailer* <http://www2.oaklandnet.com/n/OAK043208>

October 9 CENA Tunnel Road Community Meeting Announcement

E. FUTURE AGENDA ITEMS

Ashby/Hwy 13 Corridor Projects

Safe Routes to School Speaker/ Discussion - Nov

Council Referral: Signage Clarity

2014 LHMP Comments - Nov

Annual Update -Traffic Calming Program -Jan

Traffic Calming Program – Implementation policies

F. ADJOURNMENT

It was MSC (Smulka/Zander) to adjourn the meeting at 10:25 PM.

Ayes: Lathbury, McCaughrin, Roberts, Smulka, Thomas, Watson, Zander Noes: Abstain:

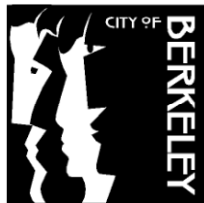
Absent: Schneider, Bartlett Motion passed (7-0-0-2).

Public Present: 51

Speakers: 17

Commission Secretary: Farid Javandel, Public Works/Transportation Division, 1947 Center St., 3rd Floor, Berkeley, CA, 94704, Telephone (510) 981-7061, email: fjavandel@ci.berkeley.ca.us, Fax: (510) 981-7060

Minutes on the web: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13086>



ACTION MINUTES - Revised Transportation Commission Regular Meeting September 19, 2013

**North Berkeley Senior Center
1901 Hearst Avenue (at MLK)
Berkeley, CA**

A. PRELIMINARY BUSINESS

1. Call to Order

Chair Roberts called the meeting to order at 7:09 PM

2. Roll Call

Commissioners Present: Donald Lathbury, Eric McCaughrin, Terry Roberts, Nicole Schneider (Arr 7:13; Lv 10:37), Ann Smulka, Ghanya Thomas, Sofia Zander

Commissioners Absent: Benjamin Bartlett (L/A), Darby Watson

Staff Present: Farid Javandel, Tamlyn Bright

3. Public Comment on items not on the Agenda: 2 speakers

4. Approval of Draft Action Minutes:

It was moved, seconded, (Zander/Schneider) Unanimous to approve the Minutes of July 18, 2013. Ayes: Lathbury, McCaughrin, Roberts, Schneider, Thomas, Zander Noes: None Abstain: Smulka Absent: Watson
Motion carried (6-0-1-1).

5. Approval and Order of Agenda- No change

6. Update on Administration

7. Announcements: Oct 9 –Walk to School Day; Oct 13 – Sunday Streets

B. DISCUSSION/ACTION ITEMS

1. Referral from Public Works Commission - Measure M Final Report

Speakers: 1

Action: It was moved and seconded (Lathbury/Zander) that the Transportation Commission approve the Measure M Final Report, as proposed, for presentation to Council Workshop. Ayes: Lathbury, McCaughrin, Roberts, Schneider, Smulka, Thomas, Zander Noes: None Abstain: None Absent: Watson
Motion carried (7-0-0-1).

2. Ashby/Hwy13 Improvement Projects- Update

Speakers: None

Action: None taken

3. Council Referral: Recommendation on 15 mph Speed Limit in Elementary School Zones

Speakers: 1

Action: It was moved/seconded (Schneider/Thomas) to recommend that Council 1) implement traffic study for data collection as early as possible to improve school safety in this school year, and 2), identify and approve funding (\$48,600) for installation of "15 mph when children present" signs at Berkeley elementary schools hopefully by March 2014, to coincide with "Zachary Cruz Pedestrian Safety Month", and 3) direct staff to concurrently implement installation of "Double Fines in School

Zone” signs, if feasible. **Ayes:** Lathbury, McCaughrin, Roberts, Schneider, Smulka, Thomas, Zander **Noes:** None **Abstain:** None **Absent:** Watson
Motion carried (7-0-0-1).

4. Subcommittee Appointments through February 2014

Action: It was moved, seconded (Zander/Schneider) to appoint/confirm the following:

Appoint/Confirm:	Subcommittee Name:	Work Plan:
McCaughrin* Schneider Watson	Bicycle	Bike Plan Projects, Public Outreach
Schneider Thomas Watson Zander*	Pedestrian	Monitor Ped Plan Ped Safety, HAWK AC Transit, SR2S Complete Streets 15 MPH zones
Smulka Lathbury* Zander	Traffic Calming	Traffic Calming policy funding, warrants; Painted intersections
Lathbury Smulka*	TDM/Parking	Transportation Demand Management; Center St. Garage Rebuild
Roberts* Lathbury Thomas	Public Works Commission Liaison	Electric Vehicles; Better Streets; Paving

*Lead

Ayes: Lathbury, McCaughrin, Roberts, Schneider, Smulka, Thomas, Zander **Noes:** None
Abstain: None **Absent:** Watson
Motion carried (7-0-0-1)

5. Traffic Circle design and maintenance considerations

Discussion only; no action.

C. INFORMATION ITEMS AND SUBCOMMITTEE REPORTS

1. Subcommittee Reports (Verbal reports from Bicycle, Parking TDM, Pedestrian, Traffic Calming, Transit, Subcommittees and Public Works Liaison)
2. Council Summary Actions 2013
3. Link to Council and Agenda Committee Agendas and Minutes
<http://www.ci.berkeley.ca.us/citycouncil/>

D. COMMUNICATIONS

Supplemental Communications distributed to TC on 7/18/13:

1. Tunnel Road Communications
2. Support Letters-15 MPH Limit around Berkeley Schools
3. Measure M- Summary of June 8th Community Meeting
4. G. Rubendall - 7/18 Draft Tunnel Road Bike Improvements (Segments)

Communications received at 7/18/13 Meeting:

5. M. Jerrett re Traffic Calming Program Policy 7/7/13*
6. McGrath re School Speed Limit*
7. R. Resnikoff re Traffic Circles*

Communications received since 7/18/13 Meeting:

8. C. Resnikoff – A Thought from the July Transportation Commission Meeting*
9. E-mails re Hwy 13 Improvement Projects*

10. 8-14-13 AC Transit Meeting Notice - Line 51 Corridor Delay Reduction and Sustainability Project*

11. Meryl Siegal – Diesel Buses – Request to address the TC*

All received.

E. FUTURE AGENDA ITEMS

Residential Permit Parking Policy

Bike Share Program

Tunnel Rd. Segment of Hwy 13 Projects- Oct

Police Dept Speaker re Tunnel Road Speed - Oct

AC Transit Line 51 – CDRS Presentation - Oct

Line 51 CDRS Staff Presentation -Oct

Traffic Calming Implementation Policies

Specific Location Traffic Calming Issues

SR2S Program Speaker - Nov

Subcommittee Appointments - Oct

F. ADJOURNMENT

It was MSC (Smulka/Zander) to adjourn the meeting at 10:48 PM. Ayes: Lathbury, McCaughrin, Roberts, Smulka, Thomas, Zander Noes: None Abstain: None Absent: Schneider, Watson Motion carried (6-0-0-2)

Public Present: 3

Speakers: 3

Commission Secretary: Farid Javandel, Public Works/Transportation Division, 1947 Center St., 3rd Floor, Berkeley, CA, 94704, Telephone (510) 981-7061, email: fjavandel@ci.berkeley.ca.us, Fax: (510) 981-7060

Minutes on the web: <http://www.ci.berkeley.ca.us/ContentDisplay.aspx?id=13086>

November 19, 2013

9. Portable Sign Pilot Program

From: Councilmember Arreguin

Recommendation: Refer to the City Manager, the Commission on Disability, and the Transportation Commission for consideration the expansion of the existing portable sign program that enables businesses to place portable signs on sidewalks and medians.

Financial Implications: Staff time

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

22. Authorizing the Issuance of Up To \$15,000,000 in General Obligation Bonds for the Measure M – Street and Integrated Watershed Improvements

From: City Manager

Recommendation: Adopt a Resolution ratifying and amending Resolution No. 66,212-N.S. which authorized the issuance of up to \$15,000,000 aggregate principal amount of general obligation bonds (Measure M - Street and Integrated Watershed Improvements), approving an official statement and authorizing actions related hereto.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

23. Update of the 5-Year Street Paving Plan for FY 2014 – 2018, as Adjusted by Measure M Funding Considerations

From: Public Works Commission

Recommendation: Adopt a Resolution: 1. Updating the City's 5-Year Street Paving Plan for FY 2014 - FY 2018, as adjusted by Measure M funding considerations, and 2. Directing staff to prepare the paving plan by June of each year.

Financial Implications: See report

Contact: Jeff Egeberg, Commission Secretary, 981-6406

November 12, 2013

13. Extend Residential Preferential Parking Permit Program on Two Blocks Along Bancroft Way and Wheeler Street

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution amending Section 25C and 25J of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on two blocks along Bancroft Way and Wheeler Street.

Financial Implications: General Fund - \$1,050

Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Vice-Mayor opened the public hearing. 9 speakers.

M/S/C (Worthington/Moore) to close the public hearing.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.

Action: M/S/C (Worthington/Arreguin) to adopt Resolution No. 66,373–N.S. amending Section 25C and 25J of Resolution No. 56,508-N.S. by adding subsections to extend Residential Preferential Permit Parking on two blocks along Bancroft Way and Wheeler Street.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – None; Absent – Bates.

October 29, 2013

10. Enable Off-Street Parking Rate Changes in goBerkeley Pilot Program

From: City Manager

Recommendation: Adopt a Resolution amending Resolution No. 66,245-N.S. authorizing the City Manager to set hourly parking rates at City parking garages and lots in amounts up to \$4 per hour to enable "First Hour Free" programs where justified within demand-responsive off-street parking in the goBerkeley Pilot Project Areas.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,357-N.S. Requested staff to consider a discount rate in City garages on Sundays.

27. goBerkeley Pilot Program Parking Garage Rate Changes Effective December 2, 2013

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Moved to Action Calendar. M/S/C (Arreguin/Capitelli) to direct the City Manager to set the maximum rate for the Center Street and Oxford parking garages at \$17, and to refer consideration of a Sunday discount rate for all garages as well as the possible elimination of the early bird rate to the City Manager.

Vote: Ayes – Maio, Moore, Arreguin, Capitelli, Wengraf, Wozniak; Noes – None; Abstain – None; Absent – Anderson, Worthington, Bates.

October 1, 2013

1. Measure M and 5-Year Street Plan Presentation

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Presentation made and discussion held.

September 17, 2013

B. Amend BMC Section 14.52.120 Parking Meter and Pay-and-Display Station Fees to Reduce the Minimum Transaction Amount for Cash Payment *(Continued from September 10, 2013)*

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,308-N.S. amending Berkeley Municipal Code Section 14.52.120 Parking Meter and Pay-and-Display (P&D) Station fees to eliminate the 12 minute minimum transaction amount for cash payment at parking meters and P&D Stations; so that each coin type accepted by the meter will purchase parking time on the meters.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted second reading of Ordinance No. 7,308-N.S.

5. Red Curb Installation at Sacramento Street and Allston Way

From: Councilmember Arreguin

Recommendation: Direct the City Manager to mitigate the line-of-sight issue at the corner of Sacramento Street and Allston Way with alternative methods, such as signage and traffic light operation, and to restore the curbside parking spaces lost in the City's initial mitigation.

Financial Implications: Staff time

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action: Approved recommendation.

September 10, 2013

18. Amend BMC Section 14.52.120 Parking Meter and Pay-and-Display Station Fees to Reduce the Minimum Transaction Amount for Cash Payment

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Section 14.52.120 Parking Meter and Pay-and-Display (P&D) Station fees to eliminate the 12 minute minimum transaction amount for cash payment at parking meters and P&D Stations; so that each coin type accepted by the meter will purchase parking time on the meters.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted first reading of Ordinance No. 7,308–N.S. Second reading scheduled for September 17, 2013.

46. RFP for Development of Berkeley Way Parking Lot

From: Councilmembers Arreguin, Capitelli, Worthington, and Maio

Recommendation: Refer to the City Manager and Housing Advisory Commission the development of a Request for Proposals (RFP) for the development of the city-owned Berkeley Way Parking Lot to permit site acquisition and construction of an affordable housing project, specifically a permanently supportive housing development.

Financial Implications: Unknown

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action: 13 speakers. M/S/C (Worthington/Anderson) to approve the recommendation, revised to add a referral to the Homeless Commission, and to ensure that a resolution to the parking issue, a financial feasibility analysis for the project, and a doubling of the parking capacity are included in the analysis prior to the RFP.

Vote: All Ayes.

Information Reports

52. Update on the Status of Electric Vehicle Infrastructure in Berkeley

From: City Manager

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: Moved to Action Calendar and held over to September 17, 2013.

56. goBerkeley Parking Pilot Changes Effective October 15, 2013

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

July 16, 2013

2. Repeal and Reenact BMC Chapter 14.52 Parking Meters

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,305-N.S. repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive on street parking policies and rates in the goBerkeley Pilot Project Areas for the duration of the pilot project.

First Reading Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – Anderson; Absent – Moore, Worthington.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted second reading of Ordinance No. 7,305-N.S.

18. Contract No. 9180 Amendment: Chrisp Company for Roadway Thermoplastic Markings

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 9180 with Chrisp Company for thermoplastic roadway markings, increasing the amount by \$250,000 for a revised total contract not to exceed \$1 million.

Financial Implications: Caltrans Fund - \$250,000

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,270–N.S.

28. [Berkeley Electric Car Incentives](#)

From: Councilmember Moore

Recommendation: Refer to the City Manager to explore parking policies that would provide incentives for electric car ownership.

Financial Implications: Unknown

Contact: Darryl Moore, Councilmember, District 2, 981-7120

Action: Approved recommendation.

29. [Update on the Status of Electric Vehicle Charging Infrastructure in Berkeley](#)

From: Councilmember Wengraf

Recommendation: Request that the City Manager return to Council with an updated and coordinated report from the various departments and commissions that have been evaluating the status of electric vehicle charging policy and infrastructure in the City of Berkeley. In addition, potential funding sources for grants and pilot programs and efforts to obtain such grants should be identified.

Financial Implications: None

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Action: Approved recommendation.

July 2, 2013

10. [Transverse Rumble Strips](#)

From: Councilmembers Arreguin and Wozniak

Recommendation: Refer to the Public Works, Transportation and Disability Commissions for study the possible application and impacts of transverse rumble strips as a traffic calming measure on select non-residential streets that experience high-volume pedestrian crossing.

Financial Implications: None

Contact: Jesse Arreguin, Councilmember, District 4, 981-7140

Action: Approved recommendation. Councilmember Maio added as a co-sponsor.

15. [Repeal and Reenact BMC Chapter 14.52 Parking Meters, Establish New Parking Rates for Off-Street Facilities for Implementation of the goBerkeley Pilot Project, and Re-enact the Disabled Persons Parking Placard Program for City Garages](#)

[Presentation](#)

[Supplemental materials](#)

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion:

1. Adopt first reading of an Ordinance repealing and reenacting Berkeley Municipal Code Chapter 14.52 Parking Meters to enable demand-responsive on street parking policies and rates in the goBerkeley Pilot Project Areas for the duration of the pilot project; and
2. Adopt a Resolution establishing new off-street parking policies and rates to enable demand-responsive off-street parking within the goBerkeley Pilot Project Areas; and
3. Adopt a Resolution re-enacting the Disabled Persons Parking Placard Program for City Garages; and
4. Rescind Resolutions 66,068-N.S. (Parking Garages) and 64,545-N.S. (Berkeley Way Lot).

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: M/S/C (Capitelli/Arreguin) to open the Public Hearing.

Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Anderson.

Action: M/S/C (Maio/Arreguin) to accept supplemental material from staff on Item 15.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Wengraf, Worthington.

Councilmember Wengraf absent 10:10 p.m. – 10:15 p.m.

Councilmember Worthington absent 10:10 p.m. – 11:07 p.m.

Public Testimony: The Mayor opened the public hearing. 3 speakers.

Action: M/S/C (Bates/Wozniak) to close the public hearing.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Worthington.

Action: M/S/C (Wengraf/Maio) to suspend the rules and extend the meeting to 11:15 p.m.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Worthington.

Action: M/S/C (Maio/Arreguin) to:

1. Adopt first reading of Ordinance No. 7,305-N.S. to enable demand-responsive on street parking policies and rates in the goBerkeley Pilot Project Areas for the duration of the pilot project Second reading scheduled for July 16, 2013.
2. Adopted Resolution No. 66,245–N.S. establishing new off-street parking policies and rates to enable demand-responsive off-street parking within the goBerkeley Pilot Project Areas.
3. Adopted Resolution No. 66,246–N.S. re-enacting the Disabled Persons Parking Placard Program for City Garages.
4. Rescind Resolutions 66,068-N.S. (Parking Garages) and 64,545-N.S. (Berkeley Way Lot).
5. Direct staff to maintain the Elmwood hours to 6pm and return to Council with an Action item if the hours in any district are proposed to extend beyond 6pm.

Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – Anderson; Absent – Moore, Worthington.

16. Amend BMC Section 14.52.120– Parking Meters: Establishing Policies and Rates for Credit Card Enabled Single-Space Meter

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt first reading of an Ordinance amending Berkeley Municipal Code Section 14.52.120 – Parking Meters to establish a 12-minute minimum transaction parking rate at credit card-enabled single-space meters.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: M/S/C (Capitelli/Arreguin) to open the Public Hearing.

Vote: Ayes – Maio, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Anderson.

Action: No action taken.

18. Commission Term Limits (Continued from May 21, 2013)

From: Councilmembers Capitelli and Wengraf

Recommendation: Refer to the City Manager an amendment to BMC 3.02.040 that imposes an eight-cumulative-year (in any ten year period) term limit for all commissioners now subject to an eight-year consecutive term limit and whose service commenced on or after December 1, 2004.

Financial Implications: Staff time

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: Item removed from the Agenda and referred to the Agenda Committee.

20. Parklets Pilot Program

From: City Manager

Recommendation: Affirm by motion the recommendation of the Transportation Commission to move forward with a three year pilot program allowing up to ten parklets in the commercial districts of the City of Berkeley subject to the procedures and conditions attached to the staff report.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: Moved to Consent Calendar. Affirmed recommendation.

June 25, 2013

11. [FY 2014 Tax Rate: Fund Debt Service on Streets and Watershed General Obligation Bonds-Election of November 2012](#)

From: City Manager

Recommendation: Adopt second reading of Ordinance No. 7,297-N.S. setting the FY 2014 tax rate for funding the debt service on the Streets and Watershed General Obligation Bonds (Measure M, November 2012) that are expected to be issued in January 2014 at 0.0070%.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Adopted second reading of Ordinance No. 7,297–N.S.

June 11, 2013

Special Meeting Worksession:

1. [goBerkeley Pilot Program - Parking Rate and Time Limit Options](#)

[Supplemental materials](#)

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Regular Meeting

34. [Authorizing the Issuance of Up To \\$15,000,000 in General Obligation Bonds for the Measure M - Street and Integrated Watershed Improvements](#)

From: City Manager

Recommendation: Adopt a Resolution authorizing the issuance of up to \$15,000,000 aggregate principal amount of general obligation bonds (Measure M - Street and Integrated Watershed Improvements), and authorizing actions related hereto.

Financial Implications: See report

Contact: Robert Hicks, Finance, 981-7300

Action: Moved to Consent Calendar. Adopt Resolution No. 66,212–N.S. authorizing the issuance of up to \$15,000,000 aggregate principal amount of general obligation bonds (Measure M - Street and Integrated Watershed Improvements), and authorizing actions related hereto.

40. [Discussion and Direction on City Council Budget Referrals](#)

[Supplemental Materials](#)

From: Mayor Bates

Recommendation: Discuss and provide direction to the City Manager regarding City Council budget referrals for the FY 2014 and FY 2015 budget process.

Financial Implications: See report

Contact: Tom Bates, Mayor, 981-7100

Action: 8 speakers. M/S/C (Capitelli/Arreguin) to accept supplemental material from Mayor Bates on Item 40.

Vote: All Ayes.

Action: M/S/C (Bates/Maio) to include the organizations and amounts listed in the supplemental material in the FY 2014 and FY 2015 City Budget and request that the Children, Youth, and Recreation Commission and the Homeless Commission develop a suggested proposal for the City Council's consideration to address possible

services for homeless youth and it would be the intent of the City Council, after receiving that proposal, to seek funding and to do an RFP for community-based organizations to allow them to provide those services.

Vote: All Ayes.

June 4, 2013

10. License Agreement: City CarShare for Electric Vehicle Charging in City Parking Garages and Lots

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a license agreement with City CarShare for installation and operation of electric vehicle service equipment and plug-in electric vehicles in City parking garages and lots.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,189–N.S.

May 21, 2013

17. Donation for Pedestrian Beacons on Shattuck Avenue between Cedar and Vine Streets

From: City Manager

Recommendation: Adopt a Resolution:

1. Accepting a donation in the amount of \$47,000 from The Taubman Foundation for the purchase and installation of pedestrian activated rectangular rapid flashing beacons for the mid-block crosswalk on Shattuck Avenue between Cedar and Vine Streets.
2. Authorizing the City Manager to enter into agreements necessary for the purchase and installation of pedestrian activated rectangular rapid flashing beacons for the mid-block crosswalk on Shattuck Avenue between Cedar and Vine Streets.

Financial Implications: \$47,000 (donation)

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,165–N.S.

19. Revised Fund Allocation: FY 2013 Transportation Development Act Article 3

From: City Manager

Recommendation: Adopt a Resolution:

1. Authorizing the City Manager to: submit a revised allocation request to the Metropolitan Transportation Commission (MTC) for \$258,906 from the Transportation Development Act (TDA) Article 3 funds in FY 2013 for the Berkeley Bicycle Plan Update; accept the funds; execute any resultant agreements and amendments; and authorize the implementation of the project, subject to securing the funds; and
2. Declaring: the City of Berkeley is eligible to request an allocation of TDA Article 3 funds pursuant to Section 99234 of the Public Utilities Code; there is no pending or threatened litigation that might adversely affect the project or projects described in Exhibit B to the Resolution, or that might impair the ability of the City of Berkeley to carry out the project; the City of Berkeley attests to the accuracy of and approves the statements in Exhibit A to this Resolution; and that a certified copy of this Resolution and its Exhibits, and any accompanying supporting materials, shall be forwarded to the Alameda County Transportation Commission for submission to MTC as part of the Countywide coordinated TDA Article 3 claim.

Financial Implications: MTC Fund - \$258,906

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,167–N.S.

25. Refer AB 321 to the Transportation Commission to Consider Implementation of a 15 mph Limit in All Elementary School Zones in Berkeley

From: Councilmember Wengraf

Recommendation: Refer AB 321 to the Transportation Commission and request that they return to the City Council with a recommendation on implementation of 15 mph speed zones within 500 feet of all elementary schools in Berkeley, if they qualify.

Financial Implications: Unknown

Contact: Susan Wengraf, Councilmember, District 6, 981-7160

Action: Approved recommendation. Councilmembers Capitelli, Moore, and Wozniak added as co-sponsors.

32. Parking In-Lieu Fee

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution setting the Parking In-Lieu Fee for the Downtown Plan Area in a graduated range from \$15,000 to \$30,000 per space, with spaces 1-5 costing \$15,000 per space, spaces 6-15 costing \$20,000 per space, spaces 16-25 costing \$25,000 per space and spaces 26 and up costing \$30,000 per space.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 0 speakers.

Action: M/S/C (Bates/Moore) to close the public hearing.

Vote: Ayes - Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Mayor Bates; Noes – None.

Action: M/S/C (Worthington/Arreguin) to adopt Resolution No. 66,178–N.S. setting the Parking In-Lieu Fee for the Downtown Plan Area in a graduated range from \$15,000 to \$30,000 per space, with spaces 1-5 costing \$15,000 per space, spaces 6-15 costing \$20,000 per space, spaces 16-25 costing \$25,000 per space and spaces 26 and up costing \$30,000 per space. The Transportation Commission and any other commissions with direct purview will have an advisory role in project expenditure planning.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Worthington, Wozniak, Bates; Noes – None; Abstain – Wengraf.

39. Commission Term Limits (Continued from May 7, 2013)

From: Councilmembers Capitelli and Wengraf

Recommendation: Refer to the City Manager an amendment to BMC 3.02.040 that imposes an eight-cumulative-year (in any ten year period) term limit for all commissioners now subject to an eight-year consecutive term limit and whose service commenced on or after December 1, 2004.

Financial Implications: Staff time

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: Item held over to July 2, 2013.

May 7, 2013

11. Contract: City CarShare for City of Berkeley Fleet Carshare Program

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with City CarShare to continue the City of Berkeley Fleet Carshare Program, for an amount not to exceed \$240,000 for the period July 1, 2013 through June 30, 2015.

Financial Implications: Equipment Replacement Fund - \$240,000

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,134–N.S.

15. Commission Term Limits

From: Councilmembers Capitelli and Wengraf

Recommendation: Refer to the City Manager an amendment to BMC 3.02.040 that imposes an eight-cumulative-year (in any ten year period) term limit for all commissioners now subject to an eight-year consecutive term limit and whose service commenced on or after December 1, 2004.

Financial Implications: Staff time

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150

Action: Moved to Action Calendar. 4 speakers. Item not completed – held over to May 21, 2013.

27. Berkeley Bike Sharing Program

From: Councilmember Moore

Recommendation: Direct the City Manager to develop a bike sharing program for the City of Berkeley for Council adoption in 6 months.

Financial Implications: Unknown

Contact: Darryl Moore, Councilmember, District 2, 981-7120

Action: Moved to Consent Calendar. Approved Councilmember Moore's revised recommendation to refer the development of a bike sharing program to the City Manager for analysis. Councilmember Worthington added as a co-sponsor.

April 30, 2013

[15. Contract: CDM Smith for Parking Data Collection Services for the Berkeley Transportation Action Plan Pilot \(goBerkeley\)](#)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with CDM Smith for manual parking data collection services for the Berkeley Transportation Action Plan, for an amount not to exceed \$200,000 for the period March 1, 2013 through June 30, 2015.

Financial Implications: MTC Fund - \$200,000

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,091–N.S.

[28. Reducing Barriers to the Development of Residential Accessory Dwelling Units](#)

From: Councilmember Maio

Recommendation: Request that the Planning Commission and **Transportation Commission** investigate the feasibility of reducing barriers to the development of residential accessory dwelling units (ADUs) and consider allowing them by right if they meet certain pre-conditions.

Financial Implications: Unknown

Contact: Linda Maio, Councilmember, District 1, 981-7110

Action: Approved recommendation. Councilmember Moore added as a co-sponsor.

Vote: Ayes – Maio, Moore, Anderson, Capitelli, Wengraf, Worthington, Wozniak; Noes – None; Abstain – Arreguin, Bates.

[53. Telegraph ACTION Plan of Short Term Improvements for 2013 and 2014, to Provide Direction as Requested by City Manager at Worksession \(Continued from April 2, 2013\)](#)

From: Councilmember Worthington

Recommendation: Telegraph ACTION Plan of short term improvements for 2013 and 2014. Provide direction to the City Manager as requested at the Telegraph work session, to prioritize staff attention amongst the many positive ideas presented.

Financial Implications: Refers \$50,500 to the budget process

Contact: Kriss Worthington, Councilmember, District 7, 981-7170

Action: 7 speakers. M/S/C (Worthington/Maio) to:

1. Approve Item 53 as amended, removing #6 from the referral list, amending #4 to add Sunday Closures or other events to the \$36,000 budget referral, and changing the recommendation to state that the list is being referred to the City Manager for evaluation.
 2. Adopt Items 54, 55, 56, and 59.
 3. Adopt Item 58 as amended to include Telegraph Avenue in the City pilot program for parklets.
- Vote:** Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes - None..

[54. Consider Conversion of Bancroft Way and Durant Avenue into Two-Way Streets](#)

From: Mayor Bates

Recommendation: Request the City Manager identify a process and cost estimate for inclusion in the FY 2014 Budget and for the City Council to consider the feasibility of converting Bancroft Way and Durant Avenue into two-way streets. The analysis should include estimates of costs for traffic analysis, traffic control methods, CEQA analysis, and construction. It should also identify possible funding sources, partners, and schedule involved.

Financial Implications: Staff time

Contact: Tom Bates, Mayor, 981-7100

Action: Approved recommendation. See Item 53.

[58. Parklets on Telegraph Avenue](#)

From: Mayor Bates and Councilmember Worthington

Recommendation: Request the City Manager explore the possibility of allowing businesses to lease City yellow zones on Telegraph Avenue in order to install and maintain parklets in yellow zones directly outside of their

businesses.

Financial Implications: Staff time

Contact: Tom Bates, Mayor, 981-7100

Action: Approved revised recommendation. See Item 53.

59. Sunday Closures of Telegraph Avenue

From: Mayor Bates and Councilmember Worthington

Recommendation: Request the City Manager identify the costs for possible inclusion in the FY 2014/15 Budget for the City Council to consider the feasibility of regular Sunday closures of Telegraph Avenue and/or adjoining streets in the Southside beginning in spring or summer 2014. The analysis should include estimates of costs for street closure, suggested street boundaries and variations, traffic diversion, event coordination, and other associated staff commitments. The analysis should also identify possible funding sources, partners, and implementation schedule.

Financial Implications: Staff time

Contact: Tom Bates, Mayor, 981-7100

Action: Approved recommendation. See Item 53.

April 2, 2013

8. Disabled Placard Parking Policy for City-Owned Garages

From: City Manager

Recommendation: Adopt a Resolution:

1. Establishing new policies and fees for vehicles parking with disabled placards and license plates at City Garages; and
2. Rescinding Resolution No. 65,640-N.S.

Financial Implications: None

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,068–N.S.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Bates; Noes – None; Abstain – Wozniak; Absent – Moore.

21. Fees: Residential Preferential Parking Permits

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new rate schedule for the Residential Preferential Parking Program, increasing the permit fees effective July 1, 2013; and rescinding Resolution No. 64,888-N.S.

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Maio/Arreguin) to close the public hearing.

Vote: Ayes – Maio, Anderson, Arreguin, Capitelli, Wengraf, Wozniak, Bates; Noes – None; Abstain – None; Absent – Moore, Worthington.

Action: M/S/C (Bates/Maio) to:

1. Adopt Resolution No. 66,075–N.S. amended as follows, establishing a new rate schedule for the Residential Preferential Parking Program effective July 1, 2013; and rescinding Resolution No. 64,888-N.S.

- Fee for Annual Residential & In-Home Care permit shall increase to \$45
- Fee for Community-Serving Facility permit shall increase to \$56
- Fee for Merchant permit shall increase to \$125
- Remaining fees are unchanged from current rates.

2. City Manager to return to Council with additional recommendations regarding fees for the Residential Preferential Parking Program and increasing associated parking citations.

Vote: Ayes – Maio, Anderson, Arreguin, Wengraf, Wozniak, Bates; Noes – Capitelli, Worthington; Abstain – None; Absent – Moore.

March 19, 2013

15. Contract No. 9027 Amendment: IPS Group, Inc. for Parking Meters

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 9027 with IPS Group, Inc. to purchase and install an additional 569 IPS "smart" meters in the Berkeley Transportation Action Plan pilot areas, increasing the amount by \$412,774 for a revised contract total not to exceed \$1,412,774; and authorizing funding for this amendment from the Parking Meter Revenue Fund.

Financial Implications: Parking Meter Fund - \$412,774

Contact: Andrew Clough, Public Works, 981-6300

20. Funding Applications: Bay Area Air Quality Management District - Transportation Fund for Clean Air

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit two applications to the Bay Area Air Quality Management District's Transportation Fund for Clean Air program, to accept the funds awarded, and execute any resultant agreements and amendments:

1. Up to \$155,000 for the Citywide Bicycle Parking Installation Project (Allocation 1); and
2. Up to \$180,000 for the Citywide Bicycle Parking Installation Project (Allocation 2).

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

40. Measure M Expenditure Plan

40.a. Watershed Management Plan and Measure M Recommendations

From: Community Environmental Advisory Commission

Recommendation: Authorize the City Manager to prioritize the expenditure of Measure M funds as follows:

1. Use scenario-based planning to guide allocation of Measure M funds that treat street and watershed objectives equitably, and that includes key stakeholders in the process, including the Community Environmental Advisory and Public Works Commissions.
2. Dedicate a portion of bond revenues toward staff to leverage Measure M funds and seek outside grants.
3. Implement cost effective green infrastructure (GI) and low impact development (LID) projects from Watershed Management Plan. It is not cost effective to allocate funds for large capital projects to maintain Aquatic Park.

Financial Implications: See report

Contact: Nabil Al-Hadithy, Commission Secretary, 981-7461

40.b. Measure M Expenditure Plan

From: Public Works Commission

Recommendation: Approve the use of a programmatic approach to develop a clear program for the implementation of Measure M. The program should be based on scenario planning that would provide the outcome of an open public process to balance the needs of street surfacing and storm watershed management. The program would be based on Council Resolutions, including the Paving Policy, Watershed Management Plan, and Measure M, as well as adopted area plans such as the SOSIP.

Financial Implications: See report

Contact: Jeffrey Egeberg, Commission Secretary, 981-6400

40.c. Measure M Expenditure Plan: Development and Implementation

From: City Manager

Recommendation: Direct the City Manager to have Public Works staff and the Public Works Commission update the City's Street Rehabilitation and Repair Policy to reflect the objectives of Measure M, and draft an accelerated 5-Year Street Repair Plan that integrates green infrastructure to the extent feasible. As recommended by the Public Works and Community Environmental Advisory Commissions, staff should use a scenario based scoping process, and include input from the public and other relevant Commissions.

Financial Implications: No direct fiscal impacts from this recommendation

Contact: Andrew Clough, Public Works, 981-6300; Eric Angstadt, Planning and Development, 981-7400

March 5, 2013

[6. Grant Application: FY 2012/13 Alameda County Coordinated Funding Program](#)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to submit funding proposals to the Alameda County Transportation Commission for the FY 2012/13 Alameda County Coordinated Funding Program for an amount not to exceed \$12.65 million for transportation capital investments for three related projects:

1. BART Plaza & Transit Area Improvement Project
2. Downtown Shattuck Reconfiguration & Pedestrian Safety Improvements
3. Hearst Avenue Complete Streets Project

Financial Implications: See report

Contact: Andrew Clough, Public Works, 981-6300

Action: Adopted Resolution No. 66,018–N.S.

[18. Berkeley Transportation Action Plan: Update on Parking and Transportation Demand Activities](#)

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Received and filed.

February 19, 2013

[19. Driving Under the Influence \(DUI\) Policy Recommendations](#)

From: Peace and Justice Commission

Recommendation: Instruct the Mental Health, Community Health, Transportation, and Police Review Commissions to research and submit recommendations to the Peace and Justice Commission's DUI Subcommittee within six (6) months of referral. Research and recommendations should focus on improvements to Harm Reduction and Minimization policies with respect to DUI in Berkeley.

Financial Implications: Minimal

Contact: Eric Brenman, Commission Secretary, 981-5114

Action: 0 speakers. No action taken.

February 5, 2013

[B. Residential Preferential Parking: Adding Saturday Permit Requirement Near Commercial Areas and Extending Football Day Fines \(Continued from January 29, 2013\)](#)

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: 2 speakers. Requested information from the City Manager on potential modifications to the RPP program including: 1) an increase in fees; 2) Saturday enforcement and additional zones for Football Day Double Fines; and 3) adjusting the size of RPP districts.

[13. Non-Residential Plug-in Electric Vehicle \(PEV\) Charging Station Pilot Program](#)

From: City Manager

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: Received and filed.

January 29, 2013

[13. Downtown Streets and Open Space Improvement Plan \(SOSIP\)](#)

[Attachment 1, Exhibit A - Pt 1](#)
[Attachment 1, Exhibit A - Pt 2](#)
[Presentation](#)

From: City Manager

Recommendation: Adopt a Resolution determining that the Certified Downtown Area Plan EIR may be relied upon for approval of the SOSIP, and approving the SOSIP.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Action: M/S/C (Arreguin/Capitelli) to adopt Resolution No. 66,000–N.S. determining that the Certified Downtown Area Plan EIR may be relied upon for approval of the SOSIP, and approving the SOSIP.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.

[14. Downtown Streets and Open Space Improvement Plan \(SOSIP\) Impact Fee](#)

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution:

1. Approving the Nexus Study for the Downtown Streets and Open Space Improvement Plan (SOSIP) Impact Fee; and
2. Setting the SOSIP Impact Fee at the maximum justifiable level of: \$2.23 per square foot of new residential use; \$1.68 per square foot of new commercial use; \$1.12 per square foot of new institutional use.

Financial Implications: See report

Contact: Eric Angstadt, Planning and Development, 981-7400

Public Testimony: The Mayor opened the public hearing. 3 speakers.

Action: M/S/C (Moore/Capitelli) to close the public hearing.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.

Action: M/S/C (Moore/Wengraf) to adopt Resolution No. 66,001–N.S. as amended,

1. Approving the Nexus Study for the Downtown Streets and Open Space Improvement Plan (SOSIP) Impact Fee; and
2. Setting the SOSIP Impact Fee at the maximum justifiable level of: \$2.23 per square foot of new residential use; \$1.68 per square foot of new commercial use; \$1.12 per square foot of new institutional use, with the amended clauses to read as follows:

BE IT FURTHER RESOLVED that the Council of the City of Berkeley hereby approves an exemption from the SOSIP Impact Fees for projects less than 1,000 square feet of new development and for projects that neither require a use permit nor a building permit.

Vote: Ayes – Maio, Moore, Anderson, Arreguin, Capitelli, Wengraf, Worthington, Wozniak, Bates; Noes – None.

[16. Residential Preferential Parking: Adding Saturday Permit Requirement Near Commercial Areas and Extending Football Day Fines](#)

From: City Manager

Contact: Andrew Clough, Public Works, 981-6300

Action: Moved to Consent Calendar. Item held over to February 5, 2013.

January 22, 2013

[16. Budget Referral: Annual Grant for Sunday Streets Events](#)

[Revised materials](#)

From: Councilmember Capitelli

Recommendation: Refer to the FY 2014 budget process an annual budget allocation of \$59,098 to cover City-related services, materials, permits and fees for two Sunday Streets events in Berkeley: Approximately \$44,224 would be for in-kind services and permit fees, and a \$15,000 cash Grant to Livable Berkeley for city-required signage, materials & related labor.

Financial Implications: \$59,098

Contact: Laurie Capitelli, Councilmember, District 5, 981-7150



City of Berkeley
2014 Local Hazard Mitigation Plan

First Draft

October 21, 2013

Full First Draft Plan Available at www.CityofBerkeley.info/Mitigation

Executive Summary

Berkeley is a vibrant and unique community. But every aspect of the city – its economic prosperity, social and cultural diversity, and historical character – could be dramatically altered by a serious earthquake or fire. While we cannot predict or protect ourselves against every possible hazard that may strike the community, we can anticipate many impacts and take steps to reduce the harm they will cause. We can make sure that tomorrow’s Berkeley continues to reflect our current values.

The City and community members have been working together for years to address certain aspects of the risk – such as strengthening structures, distributing disaster supply caches, and enforcing vegetation management measures to reduce fire risk. The 2004 Disaster Mitigation Plan formalized this process, ensuring that these activities continued to be explored and improved over time. Over many years, this constant focus on disasters has made Berkeley, its residents and businesses, much safer.

This 2014 Local Hazard Mitigation Plan continues this ongoing process to evaluate the risks that different hazards pose to Berkeley, and to engage the community in dialogue to identify the most important steps that the City and its partners should pursue to reduce these risks.

The federal Disaster Mitigation Act of 2000 called for all communities to prepare mitigation plans. The City adopted a plan that met the requirements of DMA 2000 on June 22, 2004. This is the 2014 update to that plan, which ensures that Berkeley will remain eligible to apply for mitigation grants before disasters, and to receive federal mitigation funding and additional State recovery funding after disasters.

Risks in Berkeley

A sound disaster resilience program must be founded on reliable information about the types and scale of damage that different hazards could cause. To develop the 2004 Disaster Mitigation plan, the City conducted detailed research on four major natural and two major “manmade” hazards present in Berkeley. These hazards were earthquake, wildland-urban interface fire, landslide, flood, hazardous materials release, and terrorism. Since that time, new maps and data depicting the extent and possible impacts from tsunami and climate change have become available. In 2011, the City added these hazards to the list.

As in 2004, earthquake and wildland-urban interface fire are the two hazards of greatest concern. These hazards have the potential for catastrophic impacts Berkeley.

Hazards of Greatest Concern

Earthquake

We do not know when the next major earthquake will strike Berkeley, the United States Geological Survey calculated that there is a 63 percent chance that a 6.7 magnitude earthquake will strike the Bay Area by 2038, and a 31 percent chance that that earthquake will occur on the Hayward/Rogers Creek Fault system, which runs directly through Berkeley.¹ The 1994 Northridge earthquake was also magnitude 6.7, and caused \$28 billion in losses.

A catastrophic earthquake on the Hayward Fault would cause very violent shaking and three types of ground failure in Berkeley. Liquefaction is likely in the westernmost parts of the city.

Liquefaction can destroy pavements and dislodge foundations. Surface fault rupture could occur along the Fault, causing displacements of up to several feet. Landslides are expected in the Berkeley hills during the next earthquake, particularly if the earthquake occurs during the rainy winter months. Landslide movement could range from a few inches to tens of feet; ground surface displacements as small as a few inches are enough to break typical foundations.

In a 6.9 magnitude earthquake on the Hayward Fault, the City estimates that over 600 housing units in Berkeley will be completely destroyed and 20,000 more will be damaged. One thousand to 4,000 families may need temporary shelter. Depending on the disaster scenario, one hundred people could be killed in Berkeley alone, and many more would be injured. Commercial buildings, utilities, and public roads will be disabled or destroyed. The earthquake could also spark numerous fires at a time when water systems may not be functioning. This plan estimates that building damage in Berkeley alone could exceed \$1.8 billion, out of a multi-billion dollar regional loss, with losses to business activities and infrastructure adding to this figure. Low-income housing units are expected to be damaged at a higher rate than other residences. Other types of housing, such as condominiums, may replace them when land owners rebuild. This could lead to profound demographic shifts in Berkeley.

Wildland-Urban Interface Fire

Berkeley is vulnerable to a wind-driven fire starting along the city's eastern border. The fire risk facing the people and properties in the eastern hills is compounded by the area's mountainous topography, limited water supply, minimal access and egress routes, and location, overlaid upon the Hayward Fault. Berkeley's flatlands are also exposed to a fire that spreads west from the hills. The flatlands are densely-covered with old wooden buildings housing low-income and vulnerable populations, including isolated seniors, persons with disabilities and students.

The high risk of wildland-urban interface (WUI) fire in Berkeley was clearly demonstrated in the 1991 Tunnel Fire, which destroyed 62 homes in Berkeley and more than 3,000 in Oakland. In 1923, an even more devastating fire burned through Berkeley. It began in the open lands of Wildcat Canyon to the northeast and, swept by a hot September wind, penetrated residential north Berkeley and destroyed nearly 600 structures, including homes, apartments, fraternities and sororities, a church, a fire station and a library. The fire burned downhill all the way to Shattuck Avenue in central Berkeleyⁱⁱ. If a fire today burned that same area, 3,000 structures would be destroyed, with losses for buildings alone exceeding \$3 billion. Destruction of contents in all of the homes and businesses burned could increase the losses by another \$600 million. Depending on the speed of the fire spread, lives of Berkeley residents could also be lost. Many established small businesses, homes, and multi-family apartment buildings, particularly student housing, would be completely destroyed, changing the character of Berkeley forever.

Natural Hazards of Concern

This plan identified three additional natural hazards of concern: rainfall-induced landslide, flood, and tsunami. These hazards could cause significant damage and losses in Berkeley. However, unlike earthquake and WUI fire, their impacts are likely to be smaller, and confined to specific areas.

Berkeley has a number of deep-seated landslides that continuously move, with the rate of movement affected by rainfall and groundwater conditions. Significant localized areas of the

Berkeley hills face risk from landslide, and a major slide could endanger lives and impact scores of properties, utilities and infrastructure.

Floods also could damage property and cause significant losses in Berkeley. Flooding can occur when stormwater exceeds the capacity of a creek channel, or the capacity of the storm drain system. Creek flooding in Berkeley has the potential to affect about 675 structures, mainly in the western, industrial area of the city. It is unlikely that floodwaters will reach higher than three feet, but damages to homes, businesses, and their contents could total almost \$150 million. With few properties covered by flood insurance, these costs would be borne primarily by Berkeley residents and businesses.

Tsunamis, though rare inside the San Francisco Bay, can occur from large offshore Subduction style earthquakes around the Pacific Rim. Small, local tsunamis can also result from offshore strike-slip Faults such as parts of the San Andreas Fault of the Peninsula and the Hayward Fault through San Pablo Bay. The March 2011 Japan earthquake generated a devastating tsunami, which reached the Bay Area and caused minor damage to docks and floats in the Berkeley Marina. A larger tsunami could impact much more of Berkeley's western shores. Buildings, infrastructure, and roadways could be damaged, and debris and hazardous materials could cause post-tsunami fires. Deaths are possible if individuals choose not to evacuate hazardous areas, do not understand tsunami warnings, or are unable to evacuate.

Manmade Hazards of Concern

This plan addresses climate change, hazardous materials release, and terrorism as Berkeley's three manmade hazards of concern.

Like regions across the globe, the San Francisco Bay Area is experiencing and will continue to increasingly experience the impacts of the changing climate. By 2100, average temperatures in the San Francisco Bay Area will increase up to 11° F. In 2100, Berkeley will have 6-10 additional heat waves each year, which will disproportionately impact the elderly, children under five, and the low-income community members.

Climate change will also cause additional extreme rainfall events, which will lead to more flooding. San Francisco Bay sea-levels will rise up to 55" by 2100, impacting infrastructure and community members in west Berkeley. Climate change impacts will also exacerbate the natural hazards of concern outlined in this plan. Rising sea levels will increase Berkeley's exposure to earthquake liquefaction, tsunami inundation, and flooding. Increases in precipitation and severe storms will make flooding more frequent, and will increase the landslide risk in the hills. California's water security will be reduced, and drought will become a more persistent issue.

Over the last twenty years, Berkeley has seen a more than 90 percent reduction in the number of facilities with extremely hazardous materials. The City carefully tracks hazardous materials within its borders, and works closely with companies using large amounts of potentially dangerous materials. The City has identified fifteen facilities in Berkeley with sufficiently large quantities of toxic chemicals to pose a high risk to the community. Hazardous materials also travel through Berkeley by truck and rail. Natural hazards identified in the plan could trigger the release of hazardous materials.

It is not possible to estimate the probability of a terrorist attack. Experts prioritize terrorism readiness efforts by identifying critical sites and assessing these sites' vulnerability to terrorist

attack. City officials are currently working with State and regional groups to prevent and prepare for terrorist attacks.

Disaster Resilience

Managing risk requires government and its partners to identify and evaluate risks, and implement and maintain policies, practices and projects to reduce those risks. Many innovative Berkeley initiatives are increasing our community's disaster resilience:

- The City has strengthened its ability to serve the community during and after disasters by seismically upgrading or replacing buildings that house critical City functions. Since 2004, Berkeley has strengthened or replaced its City Hall, all seven fire stations, all five libraries, its public works maintenance building, and its animal shelter.
- The Berkeley Unified School District, supported by voter-approved bonds, has strengthened all public schools.
- Over 90% of Berkeley's 700 unreinforced masonry buildings have been retrofitted or demolished since a City mandate began in 1991.
- Berkeley was the first city in the nation to inventory the community's soft-story buildings. The City Council has directed staff to prepare an ordinance mandating retrofit of all of these buildings.
- Berkeley has also developed innovative programs to encourage building owners to strengthen their own structures. The City has distributed over \$9 million through the Transfer Tax Rebate Program, which reduces the real estate transfer tax to building owners who perform seismic safety work.
- Four different programs contribute to vegetation management citywide, removing thousands of tons of potential fire fuels each year.
- The City enforces several programs to reduce Berkeley's fire hazard in the hills. These include strict building and fire code provisions, as well as more restrictive local amendments for new and renovated construction, along with vegetation control inspections in high-risk properties.
- The Disaster Cache Program incentivizes community-building for disaster readiness. To date, the City has awarded 87 caches of disaster response equipment to neighborhoods, congregations, and UC Berkeley Panhellenic groups that have undertaken disaster readiness activities.
- The City recently hired two positions tasked specifically with increasing disaster readiness in Berkeley's vulnerable and underserved populations.
- Berkeley's 2009 Climate Action Plan has served as a model for jurisdictions across the nation. The Climate Action Plan also guides the City's new climate adaptation strategy.

These programs, and many others, place Berkeley as a leader in disaster management. Long-term maintenance and improvements to these programs will help to protect the Berkeley community in our next disaster.

Mitigation Strategy

Berkeley aims to be a resilient community that can survive, recover from, and thrive after a disaster, while maintaining its unique character and way of life. Berkeley envisions a community in which the people, buildings, and infrastructure, in and serving Berkeley, are resilient to disasters; City government provides critical services in the immediate aftermath of a devastating event of any kind; and basic government and commercial functions resume within thirty days of a damaging earthquake or other significant event.

For many years, the City has pursued initiatives to identify and mitigate Berkeley's hazard vulnerabilities. In 2014, the City is continuing this effort: this plan outlines a five-year strategic plan to bring Berkeley closer to that vision. This plan identifies three disaster mitigation approaches to increase Berkeley's resilience:

1. The City will evaluate and strengthen all City-owned structures, particularly those needed for critical services, to ensure that the community can be served adequately after a disaster.
2. The City will establish and maintain incentive programs and standards to encourage local residents and businesses to upgrade the hazard-resistance of their own properties.
3. The City will actively engage other local and regional groups to collaboratively work towards mitigation actions that help maintain Berkeley's way of life and its ability to be fully functional after a disaster event.

This plan has four objectives for reducing disaster risk in Berkeley:

- A. Reduce the potential for loss of life, injury and economic damage to Berkeley residents and businesses from earthquakes, wildfires, landslides, floods, tsunamis, climate change, and their secondary impacts.
- B. Increase the ability of the City government to serve the community during and after hazard events by mitigating risk to key city functions such as response, recovery and rebuilding.
- C. Protect Berkeley's unique character and values from being compromised by hazard events.
- D. Encourage mitigation activities to increase the disaster resilience of institutions, private companies and lifeline systems that are essential to Berkeley's functioning.

Actions specified in the 2014 mitigation strategy were inspired by multiple elements of the City's General Plan, and specified through collaborative planning processes among City staff and key institutional partners. 2014 mitigation actions are presented in *high*, *medium*, and *low* priority categories. Generally, *high* and *medium* priority actions address Berkeley's hazards of greatest concern—earthquake and wildland-urban interface fire. *High* and *medium* priority actions can be completed in the five-year time frame covered by this strategy. Implementation of *medium* and *low* actions is dependent on outside sources of funding becoming available. Resource availability will strongly influence the pace of achievements.

High Priority Actions:

- Perform appropriate seismic and fire safety analysis based on current and future use for all City-owned facilities and structures.
- Implement Phase Two of the Soft-Story Retrofit Program, mandating retrofit of soft-story residences.
- Complete the ongoing program to retrofit all remaining non-complying Unreinforced Masonry (URM) buildings.
- Reduce hazard vulnerabilities in Berkeley buildings.
- Reduce fire risk in existing development through fire code updates and enforcement.
- Collect, analyze and share information with the Berkeley community about Berkeley hazards and associated risk reduction techniques.
- Ensure that the City provides leadership and coordination of the private sector, public institutions, and other public bodies in disaster mitigation.
- Work with EBMUD to ensure an adequate water supply during emergencies and disaster recovery.
- Manage and promote pedestrian evacuation routes in Fire Zones 2 and 3.
- Mitigate climate change impacts by integrating climate change research and adaptation planning into City operations and services.

Medium Priority Actions:

- Strengthen or replace City buildings in the identified prioritized order as funding is available.
- Develop an Energy Assurance Plan for City operations.
- Improve the disaster-resistance of the natural gas delivery system to increase public safety and to minimize damage and service disruption following a disaster.
- Rehabilitate the City's stormwater system to reduce local flooding caused by inadequate storm drainage.
- Reduce fire risk in existing development through vegetation management.
- Define and mitigate Berkeley's tsunami hazard.
- Reduce Berkeley's vulnerability to extreme heat events and associated hazards.
- Reduce Berkeley's vulnerability to severe storms and associated hazards.
- Collaborate with local, State, regional and federal partners to increase the security of Berkeley's water supply from climate change impacts.
- Maintain City participation in the National Flood Insurance Program.
- Streamline the zoning permitting process to rebuild residential and commercial structures following disasters.

Low Priority Actions:

- Mitigate the impacts of sea-level rise in Berkeley.
- Explore legislation to require hazardous materials stored in the flood zones to be elevated or otherwise protected from floodwaters.

Berkeley has developed effective processes to implement, track and update the status of its disaster mitigation activities. The City Manager's Office directs implementation and tracking of mitigation activities; funded actions will be inserted into departmental work plans each year.

Department heads task staff members with projects. Lead staff identified in each action will meet together at the beginning of each calendar year to address their progress on the actions that comprise Berkeley's mitigation strategy. Staff will also present progress on mitigation strategy implementation to the Disaster and Fire Safety Commission on an annual basis. Staff will conduct a complete review and update of the plan, including the hazard analysis and mitigation strategy, once every five years.

Summary of Changes to Section 3: Hazard Analysis

As part of the 2004 plan update, this 2014 plan includes an updated analysis of Berkeley's hazards and their potential impacts. Hazard vulnerabilities identified in Section 3 guide the mitigation strategy presented in Section 1.

General Changes and Updates

The 2014 plan contains numerous updates to facts, figures and descriptions. The City has incorporated the newest-available hazard data, including impact maps for particular scenarios. The City and its partners have provided additional descriptions, details and definitions to explain the science of these hazards and their potential impacts.

Advances in GIS mapping technology have enabled the City to present maps that help to visualize information. The City has overlaid multiple related hazards with Berkeley's buildings and infrastructure to demonstrate structural hazard exposure and vulnerabilities.

Institutional community partners have updated information regarding their vulnerabilities to the described hazards, as well as significant mitigation activities that they have completed, in progress, or planned for the coming five years.

Within the historical section for each hazard, the City has added information about any instances of the hazard affecting Berkeley since 2004. Throughout the plan, the City has updated 2004 financial loss estimates for inflation.

Appendix A describes Berkeley's progress on the hazard mitigation actions identified in 2004. It also identifies where and how the City incorporated select 2004 actions and activities into this 2014 plan.

Hazards Described in the 2014 Plan

The 2014 plan now specifically highlights Berkeley's two hazards of greatest concern as earthquake and wildland-urban interface (WUI) fire. These two hazards are underscored because of their history in Berkeley, our community's extensive exposure and many vulnerabilities to these hazards, and the cascading impacts that could result from one of these hazards.

For the first time, the plan identifies tsunamis and climate change as hazards of concern.

Significant changes and updates to the analysis of each hazard are described below:

Earthquakes (Section 3.3)

- Three new Hayward Fault earthquake scenario maps illustrate the Bay Area's exposure to seismic shaking, and Berkeley's exposure to liquefaction and seismically-triggered landslides.
- A new map overlays the areas of Berkeley potentially exposed to liquefaction, fault rupture and earthquake-induced landslides. The City has overlaid Berkeley's vulnerable structures on this base map, demonstrating where vulnerable buildings have been constructed on ground that could possibly liquefy, rupture or slide in an earthquake.
- The City addresses seismically-triggered landslides, their cause and their potential impacts in additional detail. The 2014 plan also contains a new scenario map for seismically-triggered landslide.
- The 2014 plan addresses fire following earthquake in greater detail: the plan describes significant fires resulting from past earthquakes, causes of fire following earthquake, and how earthquake impacts can impede firefighting efforts and promote fire spread. The estimated number of fires following a scenario earthquake has been updated based on new scientific research, from five ignitions to 6-12 ignitions in the first day.
- The seismic stability of City-owned and leased buildings has been updated to reflect significant retrofit efforts since 2004. (This information is provided in greater detail in *Appendix B: List of City Owned and Leased Buildings*.)
- The City has updated the plan to describe Berkeley's progress on mitigating earthquake vulnerabilities in soft-story buildings. Data gathered through the City's 2005 soft-story ordinance are used to describe the ordinance's impacts on retrofit activities, as well as the current number and locations of soft-story buildings in Berkeley.
- The City describes locations and seismic vulnerabilities to gas systems in greater detail. Pacific Gas & Electric natural gas transmission lines, and Kinder Morgan's jet fuel/diesel pipelines are overlaid on the seismic hazard planning zone map to illustrate their potential earthquake liquefaction exposure.
- Earthquake risk and loss estimates have been updated to include data from a 2008 catastrophic earthquake incident scenario. The 2008 report uses a more severe scenario earthquake than the City used to establish risk and loss estimates in 2004. The 2008 scenario also includes additional information about potential impacts to partner systems at a greater level of detail than was available for the 2004 plan.

Wildland-Urban Interface Fire (Section 3.4)

- This plan redefines Berkeley's 2004 "wildfire" hazard as the "wildland-urban interface" fire hazard. The "WUI" term more specifically describes the fire hazard present in the Berkeley hills, in which natural and built environments meet and intermix. This change of perspective and associated terminology aligns Berkeley's 2014 plan with the State of California Hazard Mitigation Plan.

- The 2014 plan describes the potential for a WUI fire to spread to Berkeley's flatlands, clarifying that WUI fire is a citywide concern. The 2014 plan provides additional detail on the particular vulnerabilities of Panoramic Hill residents and visitors.
- The City has provided information about Berkeley's four vegetation management programs reducing Berkeley's fire risk, and its partnership with the Berkeley Path Wanderers Association to maintain and improve the rustic paths in the hills, which also serve as pedestrian evacuation routes.

Rainfall-Triggered Landslide (Section 3.5)

- Rainfall-triggered landslide is addressed separately of earthquake-induced landslide. Additional information has been provided to describe rainfall-triggered landslide and debris flow, and Berkeley's exposure and vulnerabilities to historic or recent deep-seated landslides.

Floods (Section 3.6)

- The floods section has been rewritten for clarity. The 2014 plan also provides additional information about floods caused by storm drain overflow. Hydraulic models created in 2011 identify key intersections in Berkeley that are exposed to flooding from storm drain overflow.

Tsunami (Section 3.7)

- Tsunami is a newly-introduced hazard of concern for the 2014 plan. The tsunami section describes recent tsunami events and their impacts on Berkeley. It outlines the latest information about the tsunami hazard within the San Francisco Bay, and provides an inundation map showing Berkeley's tsunami exposure. The City identifies populations, businesses, roadways, City buildings and other infrastructure within the tsunami inundation zone, and discusses potential evacuation challenges.

Climate Change (Section 3.8)

- Climate change is a newly-introduced hazard of concern for the 2014 plan. The climate change section describes the anticipated impacts to Berkeley from climate change. It also outlines how climate change exacerbates other hazards identified in this plan. The City discusses potential impacts from sea-level rise on Berkeley's western coast, and maps areas in Berkeley that are vulnerable in 55-inch sea-level rise.

Hazardous Materials Release (Section 3.9)

- This plan provides greater detail regarding Berkeley's exposure and vulnerability to hazardous materials release. The City's classification system for Berkeley's hazardous materials sites is described.
- This section includes a map that visualizes sites with sufficiently large quantities of toxic chemicals to pose a high risk to the community, along with key transportation routes used for hazardous materials in Berkeley. This map also includes areas of Berkeley exposed to earthquake-induced ground failure and flooding. By layering this information, readers can visualize how Berkeley's natural hazards could cause a hazardous materials release.

Executive Summary

ⁱ Analyses by the US Geologic Survey (USGS) and California Earthquake Prediction Evaluation Council: <http://pubs.usgs.gov/fs/2008/3027/fs2008-3027.pdf>

ⁱⁱ City of Berkeley. *Fire Hazard Mitigation Plan*. February 25, 1992.



**MILLER STARR
REGALIA**

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October 17, 2013

**VIA EMAIL [FJavandel@CityofBerkeley.info;
transportation@cityofberkeley.info]**

City of Berkeley
Transportation Commission
Farid Javandel, Secretary
Transportation Division
1947 Center Street – 3rd Floor
Berkeley, CA 94704

Re: Public Comment Concerning AC Transit Line 51 Corridor Delay &
Sustainability Project

Dear Mr. Javandel and Members of the Commission:

Miller Starr Regalia represents AMI, LLC ("AMI"), whose principal is Mr. Daryl Ross, the owner of various properties in the City of Berkeley with businesses that include Caffe Strada, the Freehouse restaurant, and the Bancroft Hotel. We wish to communicate various concerns that Mr. Ross has expressed regarding potential environmental, historical, and business impacts that proposed changes to the AC Transit Line 51 bus route ("Project") may have on the community, including the patrons and employees of AMI's businesses. We also wish to share some concerns that Mr. Ross has expressed regarding the process by which the City is considering AC Transit's Project, where the proposal does not appear to include critical information such as a supporting traffic study.

Miller Starr Regalia submitted a public comment letter on September 13, 2013 to AC Transit ("Letter to AC Transit"), in which we articulated a number of Mr. Ross' concerns about Project-related traffic congestion, the potential generation of toxic air contaminants, and disruption to the important cultural and historical setting that characterizes the intersection of Bancroft Way and College Avenue. These potential costs would occur for the sake of improving transit time by approximately 17 seconds, if AC Transit's calculations are correct. (*Route 51 Service and Reliability Report* (Dec. 19, 2008), p. 27 [Table 4.4].) We hereby incorporate that letter by reference, and it is attached for your convenience as **Exhibit A**.

This letter is intended to supplement the Letter to AC Transit. To this end, we wish to emphasize the importance and necessity of providing the public with more information about the Project. That is, while there exists information showing the

need to expedite bus travel through the City of Berkeley, the City also must publicly disclose and consider technical traffic studies, as well as other relevant environmental reports, prior to considering approval of the Project. Simply, the AC Transit Project would entail wide-sweeping changes to the circulation network, and it appears the public record on this matter contains little to no information on what collateral effects, environmental and otherwise, could result. The preparation of traffic and other studies are necessary to apprise the public, fully and fairly, about the consequences of the Project, and also necessary to satisfy environmental review requirements pursuant to the California Environmental Quality Act. ("CEQA;" Pub. Res. Code, § 21000 et seq.) The public record also should provide landowners with information so that they can evaluate whether AC Transit's proposal would require the taking of private property or otherwise unlawfully interfere with the enjoyment of private property rights.

The prospect of the Project having significant and unintended negative impacts is more than conjecture. AMI has retained an expert traffic consultant firm, Kittelson & Associates, Inc. ("Kittelson") that has prepared a preliminary analysis identifying various studies that must be undertaken (e.g., various traffic signal warrant studies) so that decisionmakers and the public properly can account for any potential, adverse consequences of AC Transit's proposal. Further analysis has the potential show that adverse impacts would occur, such unanticipated delays on Bancroft Way and increased safety risks to students and other pedestrians. Indeed, preliminary analysis shows that vehicle speeds would increase as a result of Project improvements, creating the potential for more auto-pedestrian accidents. The City also should consider the fact that, regardless of what additional improvements it may approve, the drivers of automobiles must, by law, stop where a pedestrian enters into a marked or unmarked crosswalk at an intersection. (California Vehicle Code, § 21950(a).) Given the frequency of pedestrian use at the intersection of Bancroft Way and College Avenue, the proposed traffic improvements could, from a practical standpoint, result in much less reductions in transit delay than the 17 seconds contemplated, if any at all. This consideration, too, warrants further study. Kittelson's preliminary traffic study, addressing these and other issues, is attached in full to this letter as **Exhibit B**.

Resources/Populations Affected by Project. As more fully discussed in the Letter to AC Transit, each of AMI's businesses, including Caffè Strada, the Bancroft Hotel, and Freehouse Restaurant, are locally- and family-owned enterprises. They also have become well-respected, with Caffè Strada winning numerous awards. In addition to that success, AMI's businesses have been featured in several films, and can count among their patrons a number of well-known persons, including important authors and United States Supreme Court justices.

Meanwhile, Mr. Ross and AMI have given back to the community. The café, hotel, and restaurant have been exemplary corporate citizens in Berkeley, regularly contributing to City-supported efforts such as the Berkeley Food and Housing project, Alameda County Food Bank, the Ecology Center and the Berkeley Free

Clinic. Caffe Strada, in addition, has received a mayoral commendation for its efforts to support the community at times of need and hardship.

Concerns About City's Approval Process. Thus far, there appears to be only limited information on AC Transit's Project. While AC Transit has published a *Route 51 Service and Reliability Report* ("*Reliability Report*"), and while this report explains how various improvements would expedite traffic along the current bus route, it does not appear to identify or discuss how bus route improvements would affect roadway segments and other elements of the circulation system that do not lie along the bus route. The letter attached hereto as **Exhibit B**, prepared by an expert traffic consultant, further speaks to these considerations. Moreover, while traffic improvements most immediately affect traffic congestion, there exist a host of secondary impacts, such as effects on aesthetics, air quality, and the noise environment, that warrant study.¹ The public record does not appear to include information on any of these resources and, to the extent the *Reliability Report* contains any traffic information, it is now five years old, and likely out of date.

Nor does AC Transit or the City appear to have provided members of the public with information about whether the proposed improvements would encroach upon private property, raising questions about eminent domain and unlawful interference with private property rights. The documentation available for public review also does not, but should, indicate exactly what discretionary approvals the City must consider and issue to implement the Project.

In sum, members of the public — and perhaps even the City's decisionmakers — have not had a chance to understand what consequences could ensue from approval of AC Transit's proposal. It is imperative that the City prepare traffic and other environmental studies so that its citizens and government officials can make informed decisions. Not only is the circulation of such analyses necessary to satisfy due process requirements, but it is necessary to satisfy the mandates of CEQA.²

* * *

¹ Many of these concerns are set forth in great detail in the incorporated Letter to AC Transit.

² The City does not appear to have identified to the general public what entitlements are necessary to implement the Project, but it would appear, at the very least, that an encroachment permit is required. Such a permit must be issued where one seeks to construct a post, sign, or other structure on or over a public right of way (see Berkeley Municipal Code, §§ 16.18.010, 16.18.020). In considering the approval of an encroachment permit, the City exercises judgment regarding, and may impose conditions protecting, the public health, safety, and appearance. (Berkeley Municipal Code, §§ 16.18.050, 16.18.060.) This type of decision is discretionary, and thus triggers the need for environmental review under CEQA. (Pub. Res. Code, § 21080(a).)

If the assumptions behind the Project are accurate, the proposed improvements near the intersection of Bancroft Way and College Avenue would save less than 20 seconds in bus commute time. (*Reliability Report*, p. 27 [Table 4.4].) Less severe measures may be available at the junction of College Avenue and Bancroft Way, or less-intrusive measures may be available at other intersections; however, due to the absence of an objective traffic study to support AC Transit's proposal, it is not possible to make that determination. Such disclosure is a fundamental requirement of CEQA and other applicable law, and it is apparently absent here.

Mr. Ross respectfully asks that AC Transit and the City of Berkeley conduct more detailed analysis of the bus route modifications and, thereafter, reconsider the improvements that AC Transit currently has proposed at or near the intersection of Bancroft Way and College Avenue.

We wish to restate that Mr. Ross remains committed to assisting the City in more properly vetting the Project. We recognize that delays along the AC Transit Line 51 bus route have created inconveniences for many citizens of the City of Berkeley, but ask that this process be conducted with greater openness and sensitivity to the health and environment of those living, working, and operating businesses near the proposed Project improvements.

Sincerely,

MILLER STARR REGALIA



Sean R. Marciniak

SRM:srm

cc: JoAnne Dunec, Esq.
Daryl Ross, AMI, LLC
Will Buller, AC Transit (via email - planning@actransit.org)
Tammy Kylo, AC Transit (via email - planning@actransit.org)

EXHIBIT A



**MILLER STARR
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September 13, 2013

VIA EMAIL [planning@actransit.org]

Tammy Kylo
Administrative Coordinator
AC Transit
1600 Franklin Street
Oakland, CA 94612

Re: Public Comment Concerning AC Transit Line 51 Corridor Delay &
Sustainability Project

Dear Ms. Kylo:

Miller Starr Regalia represents AMI, LLC, whose principal is Mr. Daryl Ross, the owner of various properties in the City of Berkeley with businesses that include Caffè Strada, the Freehouse restaurant, and the Bancroft Hotel. We wish to communicate various concerns that Mr. Ross has expressed regarding potential environmental impacts that proposed changes to the AC Transit Line 51 bus route ("Project") may have on patrons and employees of Caffè Strada, the Freehouse restaurant, and the Bancroft Hotel, all of which sit directly along this bus route as it passes at or near the intersection of College Avenue and Bancroft Way. Some of these impacts, which include greater emissions of toxic air contaminants and noise pollution, are not localized, but would affect the community in general.

In addition, we ask AC Transit and the City of Berkeley to consider impacts on the important cultural and historical setting that Caffè Strada and the Bancroft Hotel comprise, discussed below.

It is Mr. Ross' hope that AC Transit and the City of Berkeley will propose different traffic improvements near the junction of College Avenue and Bancroft Way, or consider alternative traffic improvements at less sensitive locations along the bus route, that would reduce or eliminate the Project's potential environmental and cultural impacts.

Proposed Project Improvements. We understand that the Project, as currently proposed, includes two facilities at or near the intersection of College Avenue and Bancroft Way, including a traffic signal at this intersection and a bus bulb to be located northwest of this intersection. It is our understanding that such

improvements would reduce delay at this junction by approximately 17 seconds. (*Route 51 Service and Reliability Report* (Dec. 19, 2008), p. 27 [Table 4.4].)

Cultural, Historic, and Economic Value of Businesses Affected by Project.

Caffe Strada, the Bancroft Hotel, and Freehouse Restaurant are locally- and family-owned businesses. They also have become well-respected. For instance, during its 25 years of operation, Caffe Strada has garnered many accolades and awards such as Best Café and Best Coffee — for many years running — from the *Daily Cal*, the *East Bay Express*, and other publications. The café is enjoyed by more than 1,000 people per day, and has been named one of the 50 best college coffeehouses in the United States by *Complex Magazine*.

But these businesses are more than economically successful. Along with the Bancroft Hotel, Caffe Strada has become part and parcel of the City's cultural and historical landscape. Both businesses have been featured in several films, such as *Men's Club* (starring Harvey Keitel and Jennifer Jason Leigh) and *Junior* (starring Arnold Schwarzenegger, Danny DeVito, and Emma Thompson). Meanwhile, the café, hotel, and the Freehouse restaurant have hosted many well-known people in past years, including Christopher Hitchens, Robert Kennedy Jr., former Labor Secretary Robert Reich, Poet Laureate Robert Haas, Governor Jerry Brown, and Supreme Court Justices Sonia Sotomayor and Ruth Bader Ginsberg. Al Gore, during his vice presidency, made a special visit to Caffe Strada to try the White Chocolate Mocha, a drink that originated at the café and since has been much copied by establishments ranging from Starbucks to Peet's Coffee & Tea. Many people have met and proposed to their spouses at Caffe Strada, and a researcher at the University of California, Berkeley credits Caffe Strada with being the place where he discovered a famous theorem. On a more daily basis, the café serves as the meeting place for professors and students, with professors holding office hours and teaching assistants hosting study groups on the property.

These businesses also have historical and architectural resonance. For instance, Caffe Strada is listed as a City of Berkeley landmark structure of importance, and its unique, extensive outdoor seating have attracted attention throughout the years from University of California, Berkeley Environmental Design professors, who have remarked that the café offers a perfect symbiosis between café goers, passers-by, and community. These same professors regularly task their students with measuring and drawing the outdoor seating area at Caffe Strada as an exemplar of public and private seating.

The café, hotel, and restaurant have been exemplary corporate citizens in Berkeley, regularly contributing to City supported efforts such as the Berkeley Food and Housing project, Alameda County Food Bank, the Ecology Center and the Berkeley Free Clinic. Strada Café, in addition, has received a mayoral commendation for its efforts to support the community at times of need and hardship.

As a focal point for the Berkeley community for so many years, the café, hotel, and restaurant should not be burdened by the noise and emissions associated with the idling of significantly more cars and the construction of the traffic improvements — adverse effects that would occur under the proposed Project. Simply, noise, traffic, and air quality pollution associated with the Project would threaten the cultural setting associated with these businesses.

Mr. Ross also has a business interest in reducing traffic congestion in the vicinity of Caffè Strada and the Freehouse restaurant. For instance, Caffè Strada's reliance on outdoor seating, situated within feet of College Avenue and Bancroft Way, is particularly susceptible to disruption caused by idling vehicles and diesel emissions. Noise and pollution likely would cause professors, students, study groups, and other patrons to go elsewhere.

Second, there exist health and safety concerns as well, affecting a substantial portion of the population. As stated above, on any given day, dozens of employees and more than 1,000 patrons spend time in Mr. Ross' properties — which is to make no mention of the thousands of people that frequent other surrounding uses on a daily basis, such as the University of California, Berkeley School of Law. All of these individuals would be affected by any change to the circulation network that would expose them to greater traffic safety hazards, air contaminants, and noise pollution, as set forth in greater detail below.

Potential Impacts of Project Construction. While the construction of proposed traffic improvements at the intersection of College Avenue and Bancroft Way may result in incremental time savings at the intersection's northbound approach, we respectfully ask that AC Transit consider negative impacts that likely would result. For instance:

- There is no evidence that traffic signal warrants (i.e., the thresholds at which traffic congestion justifies installation of a traffic signal) are met at this intersection (and various other intersections along the bus route for which improvements are proposed), which would result in significant traffic delays at intersection approaches that buses do not use.
 - Significant delay and congestion at other intersection approaches would, in itself, qualify as an environmental impact, both individually and cumulatively.
 - Significant delay and congestion, as identified above, would result in secondary environmental impacts concerning air quality and noise, both individually and cumulatively. For instance, the queuing of vehicles in the vicinity of cafés, restaurants, hotels, residences (including dormitories and single family residences), and other sensitive receptors could

cause unacceptable cancer and non-cancer risks associated with vehicle emissions of diesel particulate matter and other toxic air contaminants.

- While traffic improvements such as bus bulbs may reduce transit times, they also have the potential to create safety risks and increase vehicle congestion. For instance, Bancroft Avenue accommodates a great number of delivery trucks that service the University of California, Berkeley campus, and narrowing this segment of the roadway has the potential to create significant risks to pedestrian and bicycle traffic, as well as patrons of AC Transit.

The aforementioned impacts do not appear to have undergone study, either in the vicinity of the intersection of College Avenue and Bancroft Way or along any of the other roadway segments or intersections for which changes are proposed. To this end, approval of the Project only may occur after AC Transit and/or the City of Berkeley have conducted full review of its construction and operation pursuant to the California Environmental Quality Act ("CEQA;" Pub. Res. Code § 21000 et seq). Given the nature and scale of the changes proposed here, we would expect that an environmental impact report would prove necessary so that governmental decisionmakers — and the public — can fully understand the Project's impacts. Such a CEQA document should include, at minimum, a traffic impact study, noise analysis, and health risk assessment. Mr. Ross looks forward to participating in this process and assisting the lead agency in identifying environmental impacts, mitigation measures, and alternatives that would minimize environmental impacts.

Alternatives, solutions. Again, Mr. Ross recognizes the vital services to the community that AC Transit Line 51 provides, and the necessity of improving its operations. At the same time, Mr. Ross remains concerned that the proposed changes, particularly in and around the intersection of College Avenue and Bancroft Way, may result in significant impacts that AC Transit and the City of Berkeley have not considered. It would appear, to save less than 20 seconds in bus commute time, that less severe measures may be available at the junction of College Avenue and Bancroft Way, or that further time-saving measures may be proposed at other intersections where there would be fewer impacts to businesses, the City's cultural setting, and the environment in general (e.g., due to the presence of fewer sensitive receptors). Mr. Ross respectfully requests that AC Transit and/or the City of Berkeley devote greater consideration to alternative measures, and incorporate them where feasible, so as to eliminate some of the Project's more disruptive physical changes to the circulation network and the City of Berkeley's cultural and historical landscape.

* * *

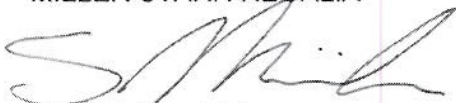
We recognize that delays along the AC Transit Line 51 bus route have created inconveniences for many citizens of the Cities of Berkeley, Oakland, and Alameda.

Still, Mr. Ross respectfully asks that AC Transit and the City of Berkeley reconsider the improvements they currently have proposed at or near the intersection of College Avenue and Bancroft Way, especially given the relatively minimal times savings these improvement would effect, and given the potential environmental and other impacts that these improvements may cause.

Mr. Ross is committed to working with AC Transit and the City of Berkeley in identifying ways to improve the efficiency of AC Transit Line 51 without impacting the environment in such a potentially significant manner. We believe that there exist many creative and cooperative options, and we look forward to assisting AC Transit and the City of Berkeley, to the extent it desires, in identifying such solutions. Thank you for your attention to these important matters.

Sincerely,

MILLER STARR REGALIA

A handwritten signature in black ink, appearing to read 'S. Marciniak', written over the printed name.

Sean R. Marciniak

SRM:srm

cc: JoAnne Dunec, Esq.
Daryl Ross, AMI, LLC
Will Buller, AC Transit (via email - planning@actransit.org)

EXHIBIT B



KITTELSON & ASSOCIATES, INC.

TRANSPORTATION ENGINEERING / PLANNING

155 Grand Avenue, Suite 900, Oakland, CA 94612 P 510.839.1742 F 510.839.0871

October 17, 2013

Project #: 13990

Farid Javandel
City of Berkeley
1947 Center Street – 3rd Floor
Berkeley, CA 94704

RE: Technical Support for Public Comment on AC Transit Line 51 Corridor Delay & Sustainability Project

Dear Mr. Javandel,

We are submitting this letter to supplement the public comment letters submitted by Miller Starr Regalia's Sean Marciniak on September 13, 2013 and October 17, 2013 in connection with the AC Transit Line 51 Corridor Delay & Sustainability Project (hereinafter referred to as the Project). Mr. Marciniak represents AMI, LLC, whose principal—Mr. Daryl Ross—is the owner of various properties in Berkeley, including Caffé Strada, Free House, and the Bancroft Hotel.

Like Mr. Marciniak, Mr. Ross, and the Project's stakeholders, Kittelson & Associates is committed to improving the efficiency of AC Transit Line 51 while maintaining acceptable levels of service for other travel modes. At Mr. Ross' and Mr. Marciniak's request, Kittelson & Associates reviewed the modifications proposed by the Project to the Bancroft Way & College Avenue intersection, conducted a field visit to evaluate existing conditions, and drafted this letter of support.

We hope that you will find our technical opinions and recommendations valuable in your quest to improve service on Line 51.

Sincerely,
KITTELSON & ASSOCIATES, INC.

Mark Bowman, P.E.
Senior Principal Engineer

Jorge A. Barrios
Project Manager

EXHIBIT B

SETTING

The focus of our evaluation is the area around the stop controlled intersection of Bancroft Way and College Avenue in Southside Berkeley, CA. The intersection is located just south of, and adjacent to, the University of California, Berkeley campus and surrounding land use is mixed, including a restaurant/bar ("Free House"), a coffee shop ("Caffe Strada"), and a hotel ("Bancroft Hotel").

In the project vicinity, Bancroft Way is a one-way (westbound), two-lane collector street with parallel parking on both sides. College Avenue is a two-way, two-lane north-south collector street with parallel parking on the east side and motorcycle parking on the west side. The intersection is currently controlled by stop signs on all vehicle approaches.

Bancroft Way slopes down at approximately 9 percent between Piedmont Avenue and College Avenue, with some sections as steep as 13 percent. College Avenue rises at approximately 6 percent when traveling northbound between Durant Avenue and Bancroft Way.

Given its central location near campus, the intersection experiences heavy pedestrian and bicycle volumes, as well as frequent parking maneuvers and truck deliveries. Bancroft Way has also been the location of several large construction projects in recent years, the most notable being Boalt Hall and the Lower Sproul redevelopment.

BACKGROUND INFORMATION

The *Route 51 Service and Reliability Report* (December 19, 2008) produced by AC Transit identified two potential improvements at the intersection of Bancroft Way & College Avenue. The improvements—a bus bulb-out on the far-side of the intersection and a new traffic signal—are expected to reduce transit delay on the segment by approximately 17 seconds¹.

Figure 1: Expected Transit Delay Savings.

Rank	Direction	Segment Name	Average Total Delay	Max Total Delay	Recommendation	Time Saving
1	N	shattuck/ university: center to milvia	92	184	Active Management, Signal Adjustments	11
2	N	college: webster to ashby	51	107	Signal Adjustment; Stop Sign Removal; Stop Relocation or Bus Bulb	25
3	S	college: alcatraz to claremont	59	108	Signal Adjustment; Parking Adjustment; Alter Driveways to Safeway/Access from Claremont	20
4	N	8th St: harrison to broadway	48	76	Loading Zones/Double Parking Enforcement	7
5	N	broadway: pleasant valley to college	60	111	Que Jump; Signal Adjustment; Bus Island; Stop Relocation to FS	40
6	N	college: channing to bancroft	56	153	channing Removed; Signal at Bancroft to safely control turn movements & ped	17
7	N	bancroft / Shattuck: ellsworth to kittridge	55	93	No Recommendation at this Time	NA
8	N	university: curtis to san pablo	70	159	Que Jump Using Parking Lane	35

Source: Table 4.4 of the Route 51 Service and Reliability Study (2008). Page 27

The traffic signal recommendation is based on a desire to “safely control” turning movements by buses and the heavy pedestrian crossing activity at the intersection.

Kittelson & Associates was unable to locate any other studies regarding the proposed modifications at Bancroft Way & College Avenue, including signal warrant and/or environmental impact studies.

¹ As seen in Figure 1, the original recommendation also included a bus stop removal (Channing Way). However, Channing Way & College Avenue is not listed as one of the stops to be removed in page 39 of the *Route 51 Service and Reliability Report* (2008).

TRAFFIC SIGNAL WARRANTS

This section provides a brief introduction to the engineering studies that apply to traffic signal installation projects, such as the one proposed at Bancroft Way & College Avenue. As explained below, the 2012 California Manual on Uniform Traffic Control Devices (CA MUTCD) states that engineering studies should be performed to determine whether the installation of a traffic control signal is justified at a particular location.

Traffic Signal Warrants

Kittelson & Associates has not been able find traffic signal warrant studies conducted as part of the Route 51 Service and Reliability project.

The 2012 CA MUTCD specifies under Section 4C.01 *Studies and Factors for Justifying Traffic Control Signals* that:

01 An engineering study of traffic conditions, pedestrian characteristics, and physical characteristics of the location shall be performed to determine whether installation of a traffic control signal is justified at a particular location.

02 The investigation of the need for a traffic control signal shall include an analysis of factors related to the existing operation and safety at the study location and the potential to improve these conditions, and the applicable factors contained in the following traffic signal warrants:

- Warrant 1, Eight-Hour Vehicular Volume
- Warrant 2, Four-Hour Vehicular Volume
- Warrant 3, Peak Hour
- Warrant 4, Pedestrian Volume
- Warrant 5, School Crossing
- Warrant 6, Coordinated Signal System
- Warrant 7, Crash Experience
- Warrant 8, Roadway Network
- Warrant 9, Intersection Near a Grade Crossing

03 The satisfaction of a traffic signal warrant or warrants shall not in itself require the installation of a traffic control signal.

Traffic Signal Warrant Evaluation

Although a study of all traffic signal warrants is out of the scope of this report, the following sections outline the applicability of the traffic signal warrants that will be evaluated in this study.

Warrant 3: Peak Hour

The Peak Hour signal warrant ("Warrant 3") is intended for use at a location where traffic conditions are such that for a minimum of 1 hour of an average day, the minor-street traffic suffers undue delay when entering or crossing the major street.

Kittelson & Associates will evaluate Warrant 3 if peak hour traffic volumes can be obtained.

Warrant 4: Pedestrian Volume

The Pedestrian Volume signal warrant ("Warrant 4") is intended for application where the traffic volume on a major street is so heavy that pedestrians experience excessive delay in crossing the major street.

Since the proposed signal is at a location with a stop sign controlling the street that pedestrians desire to cross, Warrant 4 is not applicable. The CA MUTCD includes the following language:

The Pedestrian Volume signal warrant shall not be applied at locations where the distance to the nearest traffic control signal or STOP sign controlling the street that pedestrians desire to cross is less than 300 feet, unless the proposed traffic control signal will not restrict the progressive movement of traffic.

Warrant 7: Crash Experience

The Crash Experience signal warrant ("Warrant 7") is intended for application where the severity and frequency of crashes are the principal reasons to consider installing a traffic control signal. For Warrant 7 to be met, all of the following conditions must apply at the study intersection:

1. Adequate trial of alternatives with satisfactory observance and enforcement has failed to reduce the crash frequency; and
2. Five or more reported crashes, of types susceptible to correction by a traffic control signal, have occurred within a 12-month period, each crash involving personal injury or property damage apparently exceeding the applicable requirements for a reportable crash; and
3. The traffic volume requirements of Warrant 2 (Four-Hour Vehicular Volume) or the pedestrian volume requirements of Warrant 4 (Pedestrian Volume) must be met for each of any 8 hours of an average day.

Kittelson & Associates is in the process of reviewing the three-year crash history at this location to provide a preliminary evaluation of this warrant. The data are to be obtained from the California Statewide Integrated Traffic Records System (SWITRS).

In the meantime, a preliminary review of the crash data was conducted through the UC Berkeley Transportation Injury Mapping System's visualization tool—which uses SWITRS data. The tool identified two injury crashes at the intersection during the most recent three-year span on record (2009-2011). An April 23, 2009 crash involved a pedestrian and a motor vehicle that unsafely started or backed into a parking spot. An October 15, 2011 crash involved a bicycle traveling at unsafe speeds. The crash summaries are provided in Appendix B.

PRELIMINARY

CONCLUSIONS

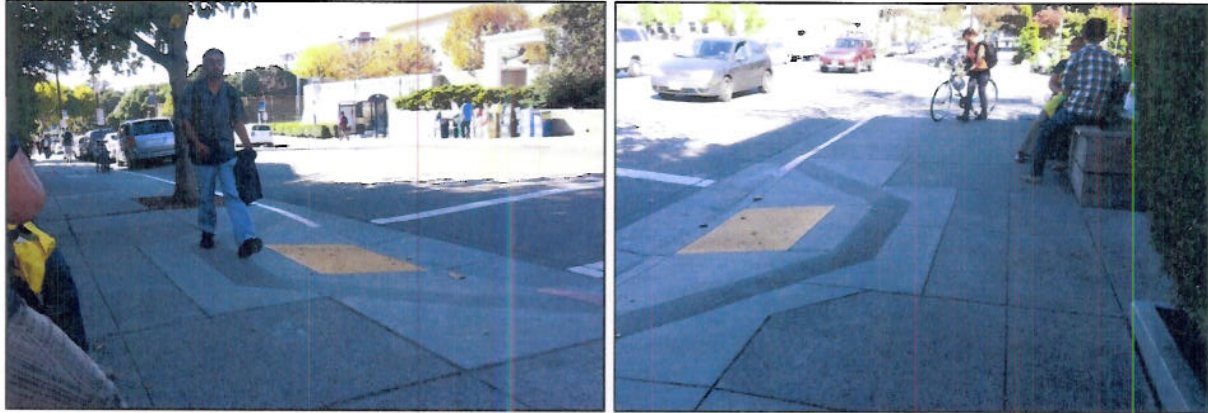
As previously stated, we share AC Transit's desire for a faster and more reliable Line 51. Improving transit service is an important way to reduce driving and increase transit ridership and non-motorized travel. This in turn benefits the environment, public health, and pedestrian-scale businesses such as Caffé Strada, Free House, and Hotel Bancroft. This report seeks to provide technical recommendations that serve that purpose and maintain a positive pedestrian experience and safety for all modes of travel.

At the west crosswalk on Bancroft Way at College Avenue, pedestrians currently enjoy the right-of-way due to the stop signs for the vehicular approaches to the intersection. Introducing a traffic signal is likely to result in the following changes:

- Pedestrians desiring to cross Bancroft Way would be required to wait at the sidewalks while vehicles travel down Bancroft Way during the green traffic signal phase.
- If pedestrians are served concurrently with northbound vehicles on College Avenue, vehicles would be allowed to proceed without stopping on the approach to the intersection; vehicles are still required by law to stop for pedestrians in the crosswalks. Concurrent signals for vehicles and pedestrians would provide signalization with the least delay for AC Transit vehicles and pedestrians but may result in conflicts between vehicles and pedestrians.
- If an exclusive pedestrian signal phase is implemented to provide greater protection for pedestrians, pedestrians would have to wait during the green phase for vehicles turning left from College Avenue and AC Transit vehicles would have to wait for the exclusive pedestrian phase, resulting in higher delays for both pedestrians and AC Transit vehicles.
- Pedestrians facing "Don't Walk" signal symbols may ignore the signal and enter the intersection when motor vehicles have the green light.
- Motor vehicle speeds are expected to increase during the green signal phase as vehicles approaching the intersection will not be required to stop as currently required by the stop signs; motorists traveling down Bancroft Way may further increase their speed during the yellow signal phase to "catch the light."

As seen in Figure 2, there is currently relatively little space for pedestrians to wait at the south end of the west crosswalk. Given the high pedestrian crossing volume during peak periods, it is likely that a signal would overflow the sidewalk with waiting pedestrians. This pedestrian overflow is likely to obstruct pedestrian travel along Bancroft Way, as well as affect the entrance to Caffé Strada's outdoor seating area.

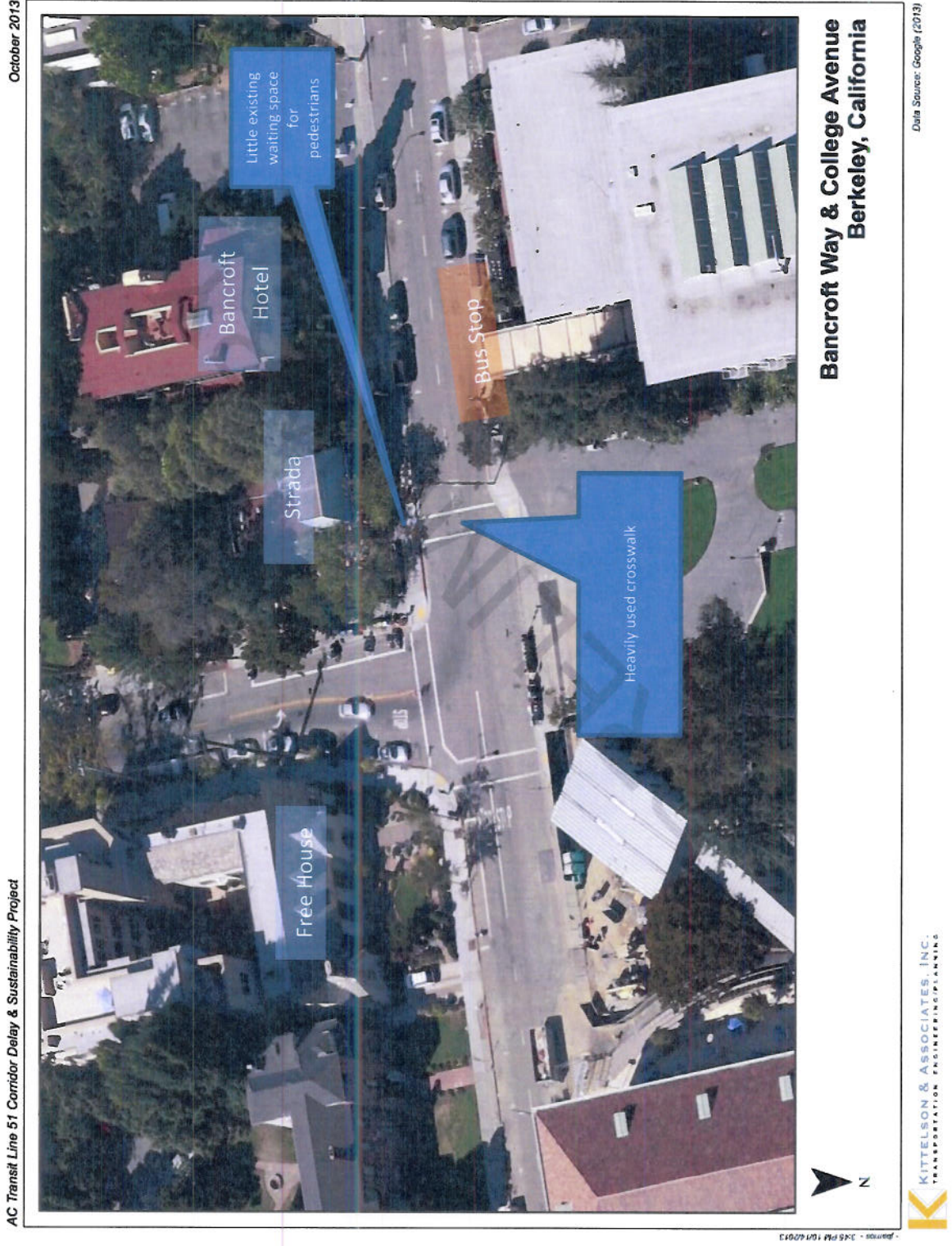
Figure 2: Waiting Space on South Side of West Crosswalk



The Bancroft Way and College Avenue intersection is a sensitive area of Berkeley with high pedestrian activity, frequent deliveries, and numerous parking maneuvers. The traffic calming aspects of the stop signs are beneficial to the street's pedestrian-friendly environment.

A traffic signal should only be installed after conducting an engineering study of traffic conditions and physical characteristics of the location. Furthermore, the installation of a traffic signal—even a warranted one—should take into consideration the potential effects on the pedestrian experience and operational efficiency and safety for all modes of travel. The preliminary recommendation is to reconsider the installation of a traffic signal, as it could deteriorate non-motorized quality of service at this vibrant, sensitive location.

Figure 3: Graphical Summary of Observations



APPENDIX A: ADDITIONAL ROUTE 51 REPORT MATERIALS

AC TRANSIT

- 49 -

Route 51 Service and Reliability Study

11. Prohibit left turns from College Avenue into Safeway parking lot near Claremont Avenue; close driveways to reduce delays to through movements on College Avenue.
12. Eliminate driveway on College Avenue into bank parking lot to reduce delays to through movements on College Avenue.

Northbound:

1. Relocate bus stop at Claremont Avenue to far side.
2. Prohibit left turns from College Avenue into Safeway parking lot near Claremont Avenue; close driveways.
3. Eliminate driveway from College Avenue into bank parking lot.
4. Coordinate the signals between Claremont Avenue and Alcatraz Avenue to improve traffic flow. This will require coordination between Oakland and Berkeley..
5. Remove bus stop at on College Avenue at Webster Street.
6. Create left turn pocket at Ashby Avenue to allow through traffic to bypass turning vehicles and cross intersection.
7. Replace stop sign at Russell Street with signal; coordinate with signal at Ashby Avenue to reduce queue and more adequately control traffic demand.
8. Install traffic signal at Bancroft Avenue & College Avenue intersection to separate pedestrian and vehicle movements.
9. Remove bus stop on Bancroft Avenue at Bowditch Street.

AC TRANSIT

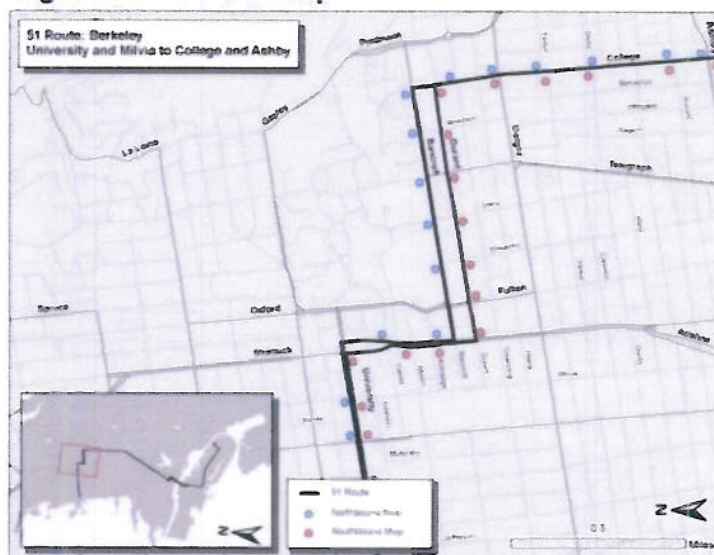
- 48 -

Route 51 Service and Reliability Study

Berkeley BART to Telegraph Avenue to Rockridge BART

Portions of this segment are tied to the future Bus Rapid Transit (BRT) alignment, and so recommended improvements to bus stops and routes are aligned with that project. This segment experiences nearly 3,500 boardings daily, and speeds are extremely slow (8 to 9 mph northbound, below 7 mph southbound). College Avenue is the most congested portion of the route, with speeds between 7 and 8 mph in each direction. The street is narrow, rarely has room for passing, and is highly congested because of the large number of destinations (including residential neighborhoods, commercial districts, freeway access and BART). There are several factors that contribute to this congestion: traffic controls which do not favor traffic movement or volumes, multiple curb cuts that allow left and right turns at poor locations, and closely spaced bus stops.

Figure 6.2 – 51 Route Map

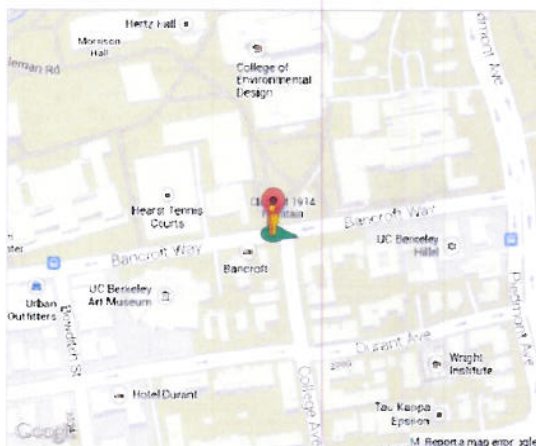


APPENDIX B: CRASH REPORTS

10/17/13

Collision Details

COLLISION DETAILS: CASE ID 4251483



County	ALAMEDA	City	BERKELEY
Date (Y-M-D)	2009-04-23	Time	15:42
Nearby Intersection	BANCROFT WY & COLLEGE AV		
Coordinate Location	37.86930471, -122.2547335		
State Highway	N	Route	- Postmile -
Injured Victims	1	Fatalities	0
Alcohol	NO	Weather	Cloudy
Primary Collision Factor	Unsafe Starting or Backing	Involved with	Pedestrian

STREET VIEW

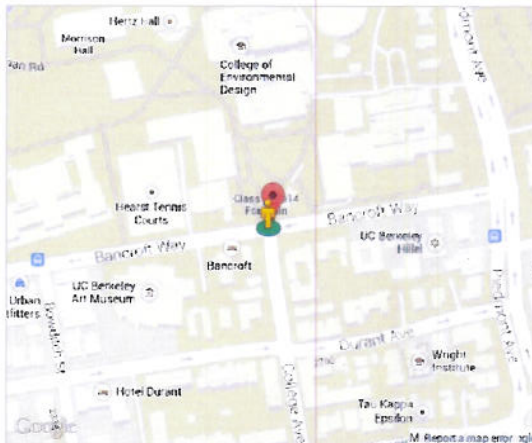


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10/17/13

Collision Details

COLLISION DETAILS: CASE ID 5414543



County	ALAMEDA	City	BERKELEY
Date (Y-M-D)	2011-10-15	Time	08:45
Nearby Intersection	BANCROFT WY & COLLEGE AV		
Coordinate Location	37.86932, -122.25457		
State Highway	N	Route	- Postmile -
Injured Victims	1	Fatalities	0
Alcohol	NO	Weather	Clear
Primary Collision Factor	Unsafe Speed	Involved with	Other Object

STREET VIEW



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tims.berkeley.edu/tools/query/collision_details.php?no=5414543

1/1

Transportation Commission
October 17, 2013

-----Original Message-----

From: Michael Katz [<mailto:way.new@earthlink.net>]

Sent: Tuesday, October 15, 2013 12:05 AM

To: Javandel, Farid

Subject: (10/17 Transp. Comm. :) AC Transit Line 51 Project - Minimizing biking impacts

Dear Farid Javandel,

Would you kindly forward these comments to the Transportation Commission? After attending AC Transit's 8/26/13 open house, I urge Public Works and Commissioners to consider the following concerns, listed by component of the project:

1) "Bus Bulbs" (Durant Ave. @Dana, Durant @Telegraph, and Durant @College, all eastbound):

These are a bad idea. Line 51's frequency does not justify the loss of space, nor the hazards, that these bulbs would cause to other uses and modes.

The bulb sketched for Durant/Dana is particularly awful. This is already a tight intersection, and jamming in the proposed wide bulb could create lethal hazards for cyclists. (There is substantial bicycle traffic on both Durant and Dana -- in Dana's case because of its marked bike lane leading off the UC campus beside the Haas pavilion.)

I can't imagine that bus merges at Durant/Dana are so severely delayed as to justify this detriment. If this bulb is built, it will probably be the source of a lawsuit -- either before or after some cyclists gets severely injured there.

Moving the three affected bus stop(s) to the far side of their signaled intersections -- or around the corner, in the case of College Ave. east/southbound -- should reduce merging delays without the drastic detriments of these bulbs. The City could also try posting advisory signs requesting "Please yield to merging buses," until we catch up to municipalities whose laws explicitly give merging buses right of way.

2) "Peak-hour bus-only lane, and/or Right-turn-only lane except buses" (University Ave. @Sacramento to California eastbound; University Ave. @Acton to McGee westbound):

* If implemented, I believe these should be implemented only as the right-turn plus bus option; not bus-only. The right-turn/bus option would reduce congestion for everyone. Line 51 does not seem to run frequently enough to justify exclusive use of a lane.

* I am assuming that these rules would apply only from 4-7 p.m. (as implied by the sample signage shown at the workshop). I feel that broader hours would be unwarranted.

Transportation Commission
October 17, 2013

* Both rules and signage for these restricted lanes should explicitly address bicyclists, who are normally required by law to keep right. If cyclists are expected to use the rightmost lane, then the rules and signage should read something like: "Right-turn-only lane, except buses and bicycles."

If cyclists are expected to shift one lane leftward when the right lane is restricted, then there should be clear signage explaining this. Whatever the rules, the alternative to clear signage is chaos. Cyclists will needlessly conflict with buses, or else change lanes unpredictably, or else end up on the sidewalk.

3) Peak-hour (4-7 p.m.) "Queue-jump/right-turn lanes" (University Ave. @MLK, east- and westbound; College @Russell eastbound; University @Sacramento westbound):

* Same concern as for bus-only lanes: To avoid chaos, rules and signage should direct cyclists to one, clearly-defined, lane.

4) Remove two bus stops (University Ave. @McGee eastbound; University @Curtis westbound):

AC Transit was wise to shrink this target list (from the 2008 study) to just two stops. Please heed comments from affected riders about the impact of removing these stops.

A minor delay reduction would not justify imposing significant burdens on mobility-impaired (elderly and/or disabled) riders. If AC Transit wants to REALLY speed up Line 51, it should consider alternating local runs with an overlaid 51 Express, or else implementing A/B skip-stop service.

Thank you for considering these comments.

Respectfully yours,

Michael Katz
2117 Rose St., #9
Berkeley, CA 94709
<way.new@earthlink.net>

Transportation Commission
October 17, 2013

D3

From: Steve Gere [mailto:sgere@yahoo.com]

Sent: Tuesday, October 15, 2013 7:49 PM

To: Javandel, Farid

Cc: Bright, Tamlyn

Subject: I support bike lanes on Tunnel Road and bike lanes behind bus bulbs

Hello there,

I am unable to attend the Transportation Commission meeting tomorrow night. So, I want to convey to you that it is important to me that the Commission support bike lanes on Tunnel Road and also bike lanes behind the bus bulbs for AC Transit 51 lines. I feel very strongly that we need to do more as a city to ensure the safety of bicyclists on our roads.

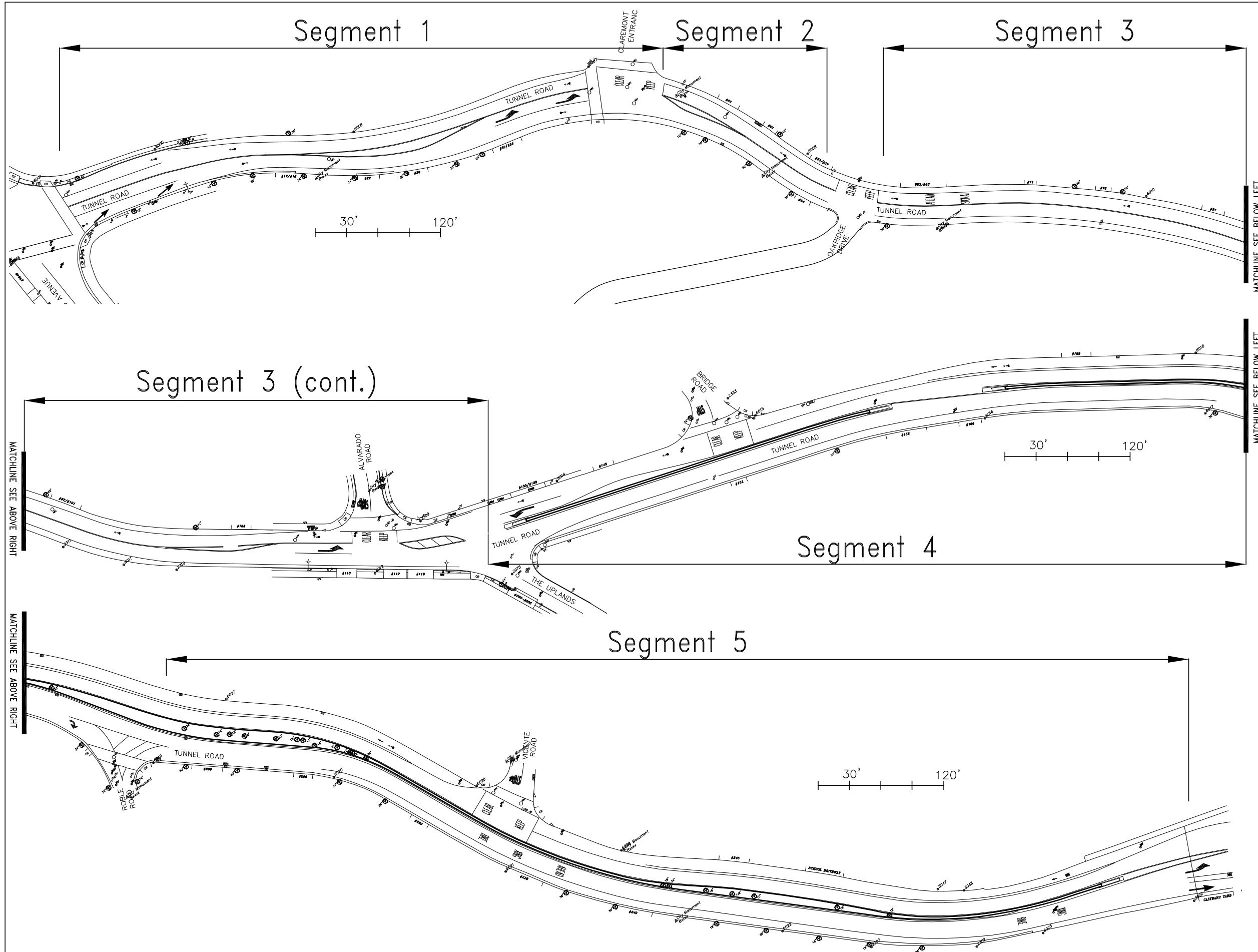
Thank you very much,

Steve Gere

2220 Sacramento St

Berkeley CA 94702

510-704-8242



MATCHLINE SEE ABOVE RIGHT

MATCHLINE SEE ABOVE RIGHT

MATCHLINE SEE BELOW LEFT

MATCHLINE SEE BELOW LEFT

DRAFT – FOR DISCUSSION PURPOSES ONLY

These exhibits have been prepared in an effort to show the conceptual cross-sections of each block. Final configuration of parking and bike lanes are subject to revision based on review by California Department of Transportation, local guidelines, and results of this public process. Final effects to on-street parking will be documented and made available to the public prior to installation.



PHOTO 1



PHOTO 3



PHOTO 2

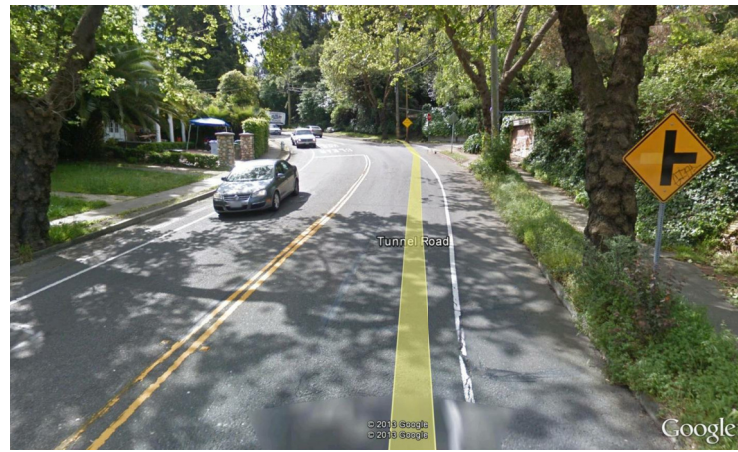


PHOTO 4

SUMMARY

- Parking supply unaffected
- Parking lane widened to 7 ft
- Parking to be permitted through intersection

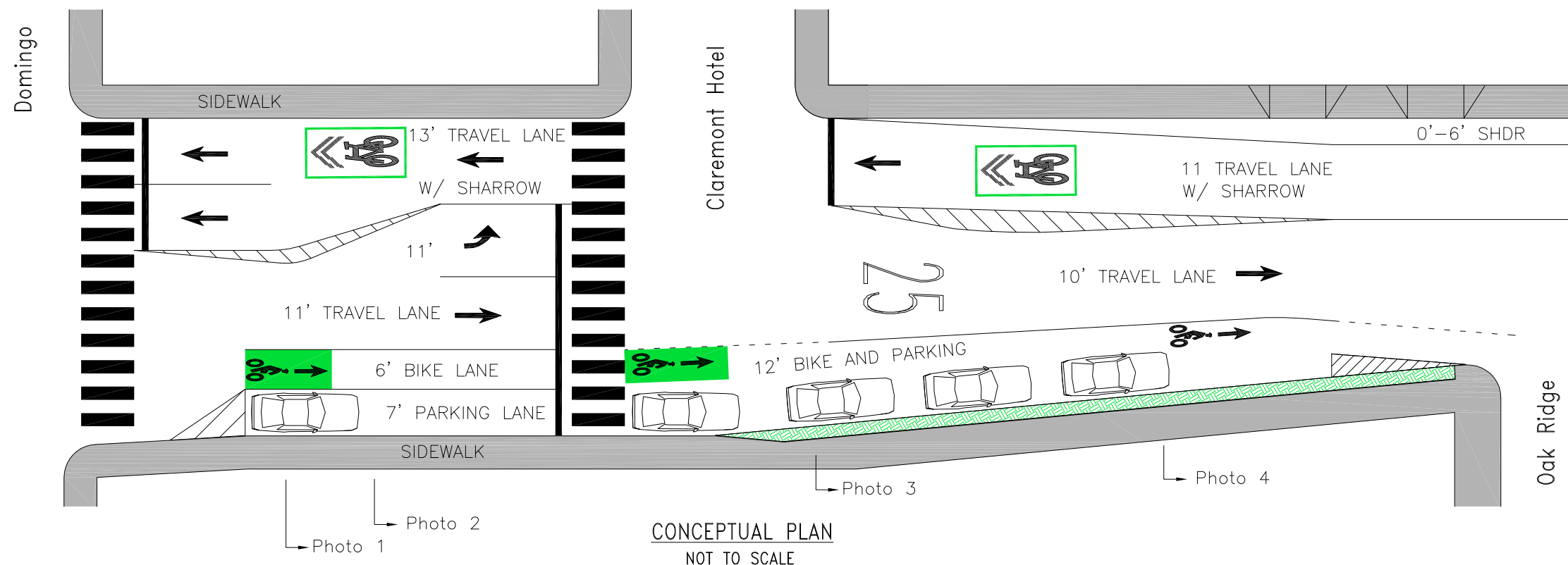




PHOTO 1



PHOTO 3



PHOTO 2



PHOTO 4

SUMMARY

- Parking prohibited during weekday commute periods and on weekends as shown in Sign Detail below.

SIGN DETAIL



R30 (CA)

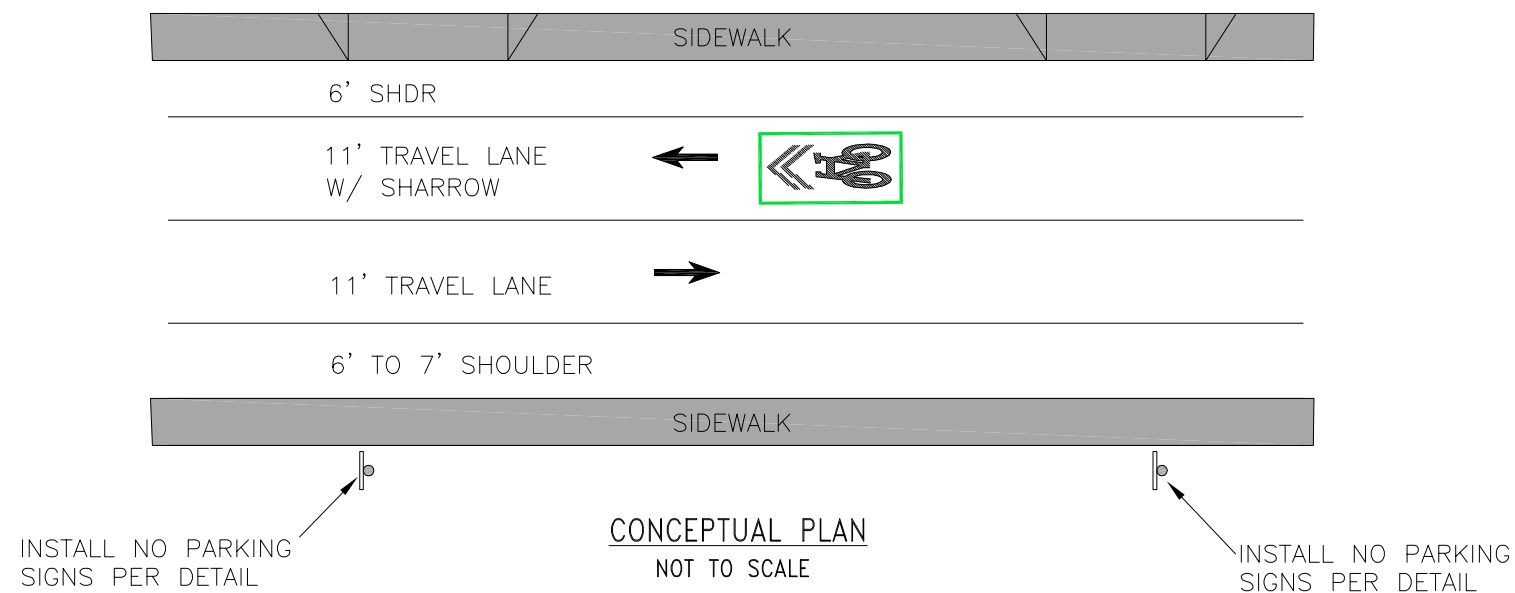




PHOTO 1



PHOTO 3



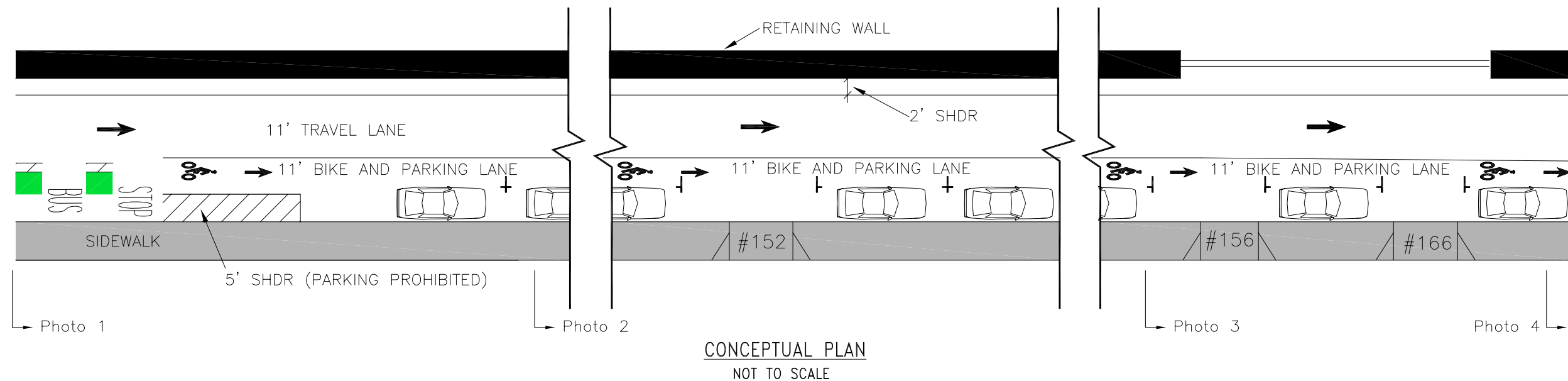
PHOTO 2



PHOTO 4

SUMMARY

- Changes to parking supply:
 - Existing: Approximately 13 vehicles
 - Proposed: Approximately 11 vehicles



DRAFT – FOR DISCUSSION PURPOSES ONLY

These exhibits have been prepared in an effort to show the conceptual cross-sections of each block. Final configuration of parking and bike lanes are subject to revision based on review by California Department of Transportation, local guidelines, and results of this public process. Final effects to on-street parking will be documented and made available to the public prior to installation.



PHOTO 1



PHOTO 3



PHOTO 2

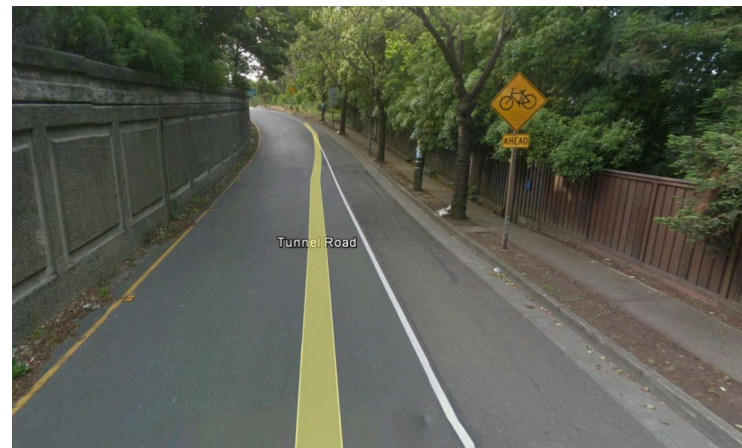
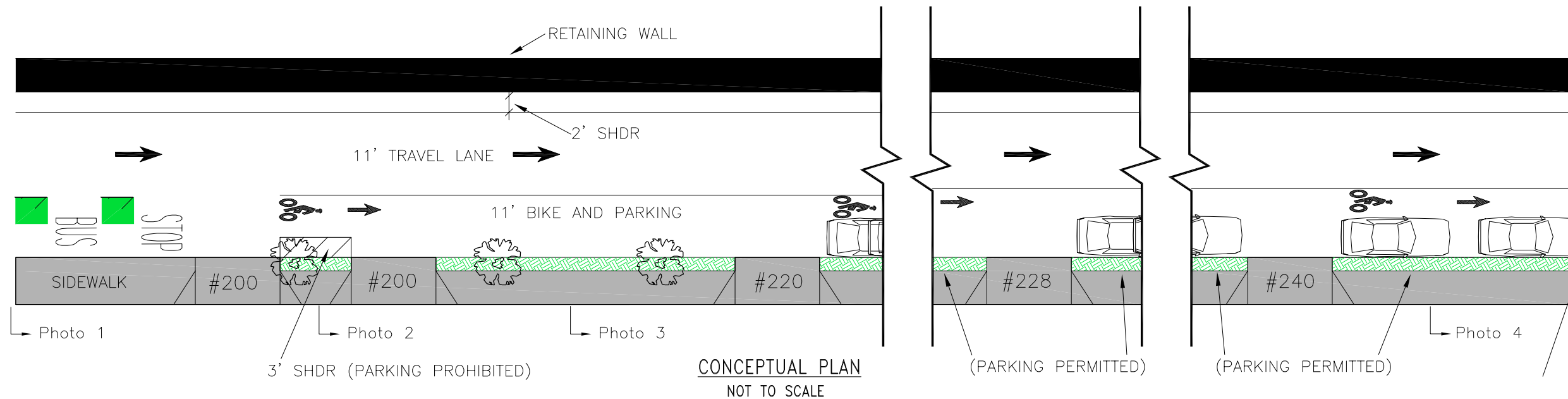


PHOTO 4

SUMMARY

- Changes to parking supply:
 - Existing: Approximately 18 vehicles
 - Proposed: Approximately 16 vehicles



Recd from
University Ave Assn.
10/17/13

To: The City of Berkeley Council, Mayor Tom Bates, and AC Transit

We, the undersigned oppose the AC Transit Line 51- Corridor Delay Reduction & Sustainability Project for following reasons.

University Ave is a gateway to UC, Berkeley which draws people from local, national and the world. It is important to have visible ample supply of parking. Removing parking of any number would irreparably harm the business and residential community. We at University Ave. Association think that there are options that can be utilized with out taking away parking at anytime without bringing unbearable financial burden to the businesses.

Name	Address	Signature
HAROLD TURNER	1003 12th St #5	Harold Turner
Don Beretz	1034 Delaware St	Don Beretz
K Waldo	1634 Delaware St	K Waldo
Mary Chin	1515 Francisco St	Mary Chin
Tyler Chin	"	Tyler Chin
ElRae Young	1428 Lincoln St	ElRae Young
PRUEHA GORDON	" "	Prueha Gordon
KEVIN ASHLEY	1428 Lincoln St	Kevin Ashley
Melinda Hall	1400 California St	Melinda Hall
Nancy Thompson	443 Irving St #A San Francisco	Nancy Thompson

Transportation Commission
November 21, 2013

Communications
D-6

-----Original Message-----

From: Taylor B [<mailto:wstoleit@yahoo.com>]

Sent: Tuesday, October 22, 2013 4:04 AM

To: Javandel, Farid

Subject: Tunnel Road Bike Lanes

Dear Mr. Javandel and Berkeley Transportation Commissioners,

I couldn't attend the meeting of the Berkeley Transportation Commission last Tuesday, October 15, but I wanted to express my support for a continuous bike lane on Tunnel Road, along the lines of the 2-phase proposal put forward by the East Bay Bicycle Coalition. I look forward to the City completing Phase 1 by March 2014, and Phase 2 as soon as possible thereafter.

Sincerely,
Taylor Bennett
1278 Delaware St.
Berkeley, CA 94702

From: Cooke, David [mailto:dcooke@allenmatkins.com]
Sent: Thursday, October 17, 2013 5:17 PM
To: Rubendall, Geoffrey; Javandel, Farid
Cc: Bright, Tamlyn; 'tunnelrd@lists.berkeley.edu'; 'asmulka@comcast.net'
Subject: October 17, 2013 Transportation Commission Meeting - Agenda Item B.2 - Tunnel Road Bike Lane Proposal

Dear Messrs. Javandel and Rubendall:

I live at 228 Tunnel Road in Berkeley. I am unable to attend tonight's meeting of the Transportation Commission and therefore write to offer comments on Item B.2 of the agenda for this meeting.

In general I am in support of the revised plans, dated September 10, 2013, for establishment of shared biking and parking facilities along the uphill direction of Tunnel Road, except that I disagree with the outright ban on street parking along the segment from Oak Ridge Drive to The Uplands. As to this segment I would defer to my neighbors on Oak Ridge and on that segment of Tunnel Road, but some sort of shared bicycle/parking arrangement, either based on time allocations or a shared bicycle path/sidewalk, or both, would appear to be workable and appropriate.

With respect to the rest of the September 10, 2013 revision, I support in particular the latest configuration of shared bike lane/curb parking lanes in Segments 4 and 5 (from The Uplands to Roble Road, and from Roble Road to the City limits, respectively) that does not require drivers to jump the tall curb (it is in the order of 5"-6" high in most locations) and try to park partially on the landscaped strip next to the sidewalk. This half-on/half off approach was a feature of an earlier proposal that I understand had been taken "off the table." Requiring parking up on the curb would increase the number of lost parking spaces. By staff's earlier calculation, there would be a reduction from 18 to 13 spaces (compared to a reduction to 15 spaces under the current version of the plans). Though the remaining 13 spaces under this approach may be theoretically long enough (e.g., 21'-22') to qualify technically as parking spaces, in practice it would be very difficult to access many of them due to the presence of unmovable large trees, road signs, street lights, and other obstructions. To get into some of them it would be necessary to parallel park, a difficult and potentially dangerous maneuver on Tunnel Road even if one is not trying to back up over a 5" curb; for many drivers and many types of cars, it would be a practical impossibility. Thus I would count the loss of parking spaces under this approach as much greater than five.

At the public workshop meeting on October 9, I specifically asked whether Caltrans would agree to the revised approach, which entails a shared bike-parking lane that is 11' wide and does not require automobiles to jump the curb. The answer was "yes."

Nevertheless, I understand that the East Bay Bicycle Coalition (EBBC) has recently submitted comments protesting the revised (September 10) configuration on the ground that the portion consisting of a bike lane is too narrow. This misses the point of a shared bike/parking facility that fairly accommodates the needs of bicyclists and residents. Given the relatively limited use of Tunnel Road by bicyclists (use is heavily concentrated on the weekends), the fact that heavy parking use along Tunnel Road from the Uplands to the City limits (Segments 4 and 5) is in no way constant (though when it is needed, it is indispensable), and the fact that this is not a commercial area in which drivers are constantly getting in and out of their cars, the risk associated with a door opening carelessly on a cyclist is simply not a significant one, certainly not a big enough risk to justify the needless parking loss and risk associated with what I understood to be an abandoned configuration that required cars to jump the curb. It is an acknowledged fact that parked cars on Tunnel Road will slow down traffic, for the benefit of everyone, particularly bicyclists. The September 10

approach enhances that effect, and is by far the superior approach. I strongly urge the Commission to adopt it if it is to impose bike lanes on Tunnel Road at all.

I note that the agenda item states there is "possible action" on the Tunnel Road bike lanes tonight. The possible action that has been publicly noticed is approval of the September 10, 2013 revised plans. As stated, I would oppose such action if it means banning parking outright on Tunnel Road from Oak Ridge to The Uplands. Apart from that, I do not see how the Commission could legally take action tonight to approve some other version of the publicly noticed design, such as a revision, not properly noticed to the public, that changes the configuration of shared bike/parking lanes in Segments 4 or 5.

I also see no evidence that the Commission has made any effort to comply with the California Environmental Quality Act (CEQA), in connection with this project. For reasons stated in my letter of July 17, 2013 (copy attached and incorporated), CEQA requires that an initial study be conducted of any "project" that is not exempt. The proposed action is clearly a "project," and it is not subject to an exemption.

Finally, the comments I have made in the past regarding the need of Tunnel Road residents (and nearby residents on other streets) for street parking on Tunnel Road remain valid. These comments appeared in my letter of May 31, 2013, which I am also copying and incorporating today.

Thank you.

David Cooke
228 Tunnel Road
Berkeley CA 94705
dmcooke92@comcast.net

**David D. Cooke
228 Tunnel Road
Berkeley, CA 94705**

June 17, 2013

VIA ELECTRONIC MAIL

Geoff Rubendall
Consultant Engineer
City of Berkeley Department of Public Works
Transportation Division

**Re: Highway 13 Corridor Improvements
Proposed Tunnel Road Class 2 Bike Lane**

Dear Mr. Rubendall:

I write to provide additional comments on the proposed before the Berkeley Transportation Commission to install a Class 2 Bike Facility on Tunnel Road. These comments supplement the comments I submitted in my letter of May 31, 2013, a copy of which is attached. These previous comments are still accurate and are incorporated with this letter.

I and my neighbors appreciate the efforts of Commission staff to try to forge a workable compromise, and I will review carefully any proposals that have the potential to meet the needs of all the stakeholders in this issue.

Meanwhile, it is my understanding based on our telephone conversation yesterday that, while you do not expect the Commission to take action on a bike lane proposal at tomorrow's meeting, it is at least theoretically possible that it could do so and instruct staff to pursue detailed design drawings with CalTrans. As I understand our conversation, it is also possible that such an action by the Commission could become the City's final action on a Tunnel Road bike lane. To the extent that the Commission has the power to take such action on behalf of the City, then, in light of the possibility that it could exercise that power at its upcoming meeting, I must object to any decision by the Commission under the current circumstances to approve a bike lane proposal for any portion of Tunnel Road.

The grounds for this objection are these:

1. As stated in the Tunnel Road Neighbors' petition, which was submitted to staff this week, the drawings depicting possible bike lane designs on various segments of Tunnel Road were publicized only a few days ago. The timing

of this posting does not provide residents sufficient time to consider the drawings. No information was provided with the drawings – only a one-page sheet was posted on the website.

2. You have also mentioned that staff intend to provide additional detail at the Commission meeting regarding the number of parking spaces that would be lost under various bike lane scenarios. Obviously, this is important information and presentation at the hearing will not give residents sufficient time to consider the alternatives in light of this information.

3. Consideration of the drawings is also made difficult by their generality and by the fact that multiple alternatives are described for certain road segments. Thus we do not know what Staff's recommendation is, and we don't know what the Commission would be acting upon should it decide to take action.

4. In light of the late notice of the drawings, their incomplete status, the absence of quantitative information about the loss of parking spaces, and the uncertainty regarding the specific project that the staff is recommending and that the Commission may consider, any formal action by the Commission on a bike lane proposal at its July 18, 2013 meeting would be inconsistent with the Brown Act.

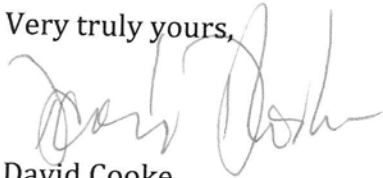
5. Addition of any bike lane on Tunnel Road, and in particular addition of any of the bike lanes as depicted in Aecom drawings published previously and in the drawings posted a few days ago, constitutes a "project" within the meaning of the California Environmental Quality Act ("CEQA") because it is a discretionary action by a public agency that results in a physical change in the environment. The bike lanes entail multiple physical changes, including, at the least, painted pavement, striping, signage, a possible narrowing of the vehicle travel lane, encouragement of additional bike traffic, and diversion of on street parking to other locations, causing traffic and parking congestion on side streets. This project is not statutorily or categorically exempt from CEQA review. As a result, the City or its designated agencies cannot take action on it unless it is first analyzed in an initial study (unless the City chooses, as it should, to proceed directly to preparation of an environmental impact report ("EIR")). As you advised, no initial study has been conducted. Accordingly, under CEQA the Commission (and the City) can take no final action on a Tunnel Road bike lane proposal other than rejection of any change to the current circumstances.

5. CEQA requires that a project be sufficiently well defined before it is analyzed in an initial study. There is no bike lane proposal before the Commission that has been defined with enough specificity to meet minimum standards for proceeding with CEQA review. For this additional reason, under CEQA the Commission and the City cannot on the current record take any action that could operate as a final approval of a bike lane installation on Tunnel Road.

6. There is at least a fair argument that installation of a bike lane on Tunnel Road may have a significant adverse effect on the environment. Because the project has not been defined yet and because the CEQA review process has not even started, it is not necessary at this stage to list all of the environmental effects of the various bike lane proposals, but the comments submitted already by residents in the area demonstrate, at a minimum, that a bike lane will: increase the risk of bicycle-vehicular collisions as drivers pull out of driveways on curvy sections or otherwise blind sections of Tunnel Road into a dedicated bike lane; force drivers of private and commercial vehicles to park on side streets, thereby increasing traffic and creating crowding and parking shortages on those side streets; and increase the risk of accidents on side streets that are too narrow to handle the potential increased parking load. There are doubtless other adverse impacts as well. It does not appear that the City or the Commission has considered any potential adverse environmental effects, and hence there is no record to support a contention that the impacts are not potentially significant.

Thank you again for your time and attention.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'David Cooke', written over a horizontal line.

David Cooke

228 Tunnel Road
Berkeley, California
dmcooke92@comcast.net

**David D. Cooke
228 Tunnel Road
Berkeley, CA 94705**

May 31, 2013

VIA ELECTRONIC MAIL

Geoff Rubendall
Consultant Engineer
City of Berkeley Department of Public Works
Transportation Division

**Re: Highway 13 Corridor Improvements
Proposed Tunnel Road Class 2 Bike Lane**

Dear Mr. Rubendall:

I have lived with my wife and two children at 228 Tunnel Road in Berkeley since September of 1997.

I write to express my strong opposition to the installation of a Class 2 Bike Facility (i.e., a dedicated bicycle lane) along "Location E" of the "Highway 13 Corridor Improvements" to be considered by the Transportation Division on June 20, 2013. Location E includes the eastbound/southbound stretch of Tunnel Road from the Claremont Hotel to the Berkeley City limit. As such, the bike lane would run directly in front of our home, and its installation would necessitate the elimination of all street parking from Domingo to the Berkeley/Oakland border.

Impacts of Losing Street Parking on Tunnel Road.

The elimination of street parking on Tunnel Road would constitute a disastrous, irreparable loss to us, and to the other residents along Tunnel Road from the Claremont Hotel to the City limits, and a major loss to residents of Roble Road, the upper section of The Uplands, and Oak Ridge Road as well. As anyone who drives, walks or bikes in this area knows, Tunnel Road is a major thoroughfare, but it is also a residential street. For those of us who live there, Tunnel Road is only the local road access to our homes. We do have a garage, but, like anyone else who lives in a residential neighborhood with single family homes – and Berkeley has a great many of them – we rely on the availability of street parking, as limited as it already is, to accommodate visitors and guests who come by car. And, for better or worse, this neighborhood is and always has been accessible mainly (and for most residents, exclusively) by car. Particularly in a neighborhood like this, the notion that visitors to our home – and most of our visitors are our age (late 50s) or older - can or would

come (uphill) by bicycle or on foot, is preposterous. Our area is also poorly served by public transportation. We cannot sit by and consent to a project that would deny us and other residents who live on Tunnel Road a meaningful opportunity ever to receive more than one or two visitors at a time. (Even service and delivery vehicles could not access these homes without blocking the bike lane.) No one would ever agree to such a huge limitation on the use of their homes or on the quality of their lives, and the City should not impose such a limitation by approving this proposed project.

Shifting street parking off of Tunnel Road and onto Roble Road is not a viable alternative. This is so not only because of the distances from possibly available spaces on Roble Road to homes on Tunnel Road, but also because parking on Roble Road, which is already quite narrow, would likely be overwhelmed with drivers seeking parking spaces, and with parked cars, to the detriment of residents who live on Roble Road and its quiet side street. Diverting street parking to the winding upper stretches of The Uplands is even more problematic, since parked cars in the few available spaces already exacerbate blind curves and force drivers into the center of the road, thereby increasing the risk of collisions.

There is, moreover, no alternative street parking on streets on the opposite side of Tunnel Road. Pedestrians cannot safely cross Tunnel Road south- or eastbound of the Claremont Hotel. There is no place to create an intersection to support pedestrian crossing of Tunnel Road east or south of the elevation divide that starts near the intersection with The Uplands, and of course the tall wall that divides the road makes crossing impossible. Parking on the north- and westbound side of Tunnel Road is already prohibited by the installation of a bike lane there. Even if it wasn't, however, topographical features and these physical barriers obviously make it impossible for residents who live along the south-or eastbound side of Tunnel Road to utilize street parking on the other side.

I also recognize that use of street parking on Tunnel Road is not always heavy. (I have seen references to a parking survey and would be interested in seeing the results if one has been conducted.) But even if the curb was not heavily used for street parking, the simple fact is that, when residents need it, it is indispensable, and in this neighborhood, there are no meaningful or reasonable alternatives.

The loss of important uses of homes on our side of Tunnel Road due to the isolation that would result from implementation of the proposed project would, of course, also likely have severe negative impacts on their values. Few people will be drawn to live in a neighborhood which has been made so difficult for visitors to access. Indeed, I have tried to imagine how one would try to market a house on Tunnel Road if it fronts on a dedicated Class II bike lane. Certainly it would be impossible to conduct an "open house" showing, which is how most homes are marketed. Most likely, potential buyers would simply move on to another neighborhood that has not been subjected to this kind of treatment by the City. And, of course, when property values fall, eventually property tax receipts fall as well.

I should make it clear that I am not against biking and I feel no hostility to those who use bicycles for commuting, shopping or recreation. Every member of my family has a bike and we all like to ride. Where bike lanes are feasible I support them, but I would never support installing them in an area where doing so would cause such harm to a neighborhood and its residents. This is not how we should treat each other in this City.

Bicycling on Tunnel Road.

The reality in this neighborhood, moreover, is that the vast majority of cyclists along Tunnel Road are recreational cyclists who ride through this neighborhood to get to the challenging hills of the upper section of Tunnel Road beyond the Berkeley-Oakland boundary just to the south of the neighborhood, and in the Berkeley and Oakland hills to the east. I know this from personal experience, watching packs of bicyclists glide by my house dressed usually in recreational cycling gear, very often in team uniforms, and from discussions with friends who cycle recreationally in the area, and with bicycle vendors. Because of the proximity of the State Highway 24 and the residential character of the area across Highway 24 all the way to the Montclair district, it is almost certainly a rare bicyclist who rides on Tunnel Road to commute to work. Because there are no commercial areas nearby, no one rides on Tunnel Road to go shopping. It is conceivable that some UC Berkeley students may ride on Tunnel Road to and from their residences, but their number cannot be great, as our neighborhood is not a prominent area for student housing.

As a result, the vast majority of bicycle trips on Tunnel Road are not avoided automobile trips. Therefore there is no reason to believe that installing the proposed bicycle lane would appreciably reduce vehicle trip counts or vehicle miles traveled; or that it would improve traffic flow or reduce traffic volumes in the neighborhood; or that it would help to reduce vehicular hydrocarbon, NOx or greenhouse gas emissions by reducing automobile trips; or that it would provide any of the other benefits of a similar kind that under different circumstances are attributable to bicycle use and always cited as a justification for new bike lanes. I realize that as a general matter the City wants to promote recreational cycling (a value I support as well), and I don't dispute that installation of the proposed bike lane would be welcomed by recreational cyclists who like to ride on Tunnel Road – at least by those who do not care about the serious negative impacts of bike lanes on residents in neighborhoods like ours. But there should be no illusion that the important environmental reasons for encouraging bicycling through installation of bike lanes – reasons that focus on reduction of vehicle trips – have any meaningful application to travel on Tunnel Road. The absence of these factors must be weighed in the calculation whether it is fair or appropriate to punish the residents of this old, well-established Berkeley neighborhood by imposing on them the losses they will inevitably experience with this proposed bike lane.

As noted previously, the use of street parking on the south- and eastbound direction of Tunnel Road is not always heavy. It follows, therefore, that the curb lane is generally available for bicyclists, and indeed, my observation has been that this is very often the case. The left side of the curb lane is striped to designate it as separate from the main traffic lane, and I would certainly not object to additional or more effective striping or signage intended to increase driver attention to the presence of bicyclists. (Indeed, if the road were wider and could accommodate both curb parking and a Class 2 bike lane, I could support that as well.) But, as I am sure that the City is aware, the presence of even a striped bike lane does not always prevent accidents. I have, for example, seen the video of the bike accident on Tunnel Road that went viral last year on television news reports and YouTube. That accident occurred near our house. Significantly, the video shows the two riders riding by a parked car on the curb, but that is not where the accident happened and the presence of a parked car had nothing to do with the accident. Rather, the accident occurred because a careless (or worse) driver crossed a broad white line – not a white bike lane stripe, but a white stripe all the same – and struck the cyclists.

What *would* enhance bicyclists' safety on Tunnel Road would be measures to reduce speed or calm traffic. The 35 mph limit, already about 10 mph too fast, in my view, is routinely ignored, and in 15 years of living in this neighborhood I have never seen a police officer stop someone for speeding on Tunnel Road. I would enthusiastically support measures to reduce speeding on Tunnel Road, which are measures that would benefit both bicyclists and residents.

Berkeley's Bicycle Plan, adopted in 2000, was the product of intensive study and it established a bicycle network for the entire city with appropriate designations based on the character of individual neighborhoods and sections of the City. The Plan designated Tunnel Road from Domingo to the City limits as a Class 2.5 Bikeway (i.e, a shared roadway). The 2005 amendments to the Plan retained this classification. It was the proper classification and should be retained.

This process.

It is my understanding that the main impetus for this latest effort to create Class 2 dedicated bike lanes is the implementation of commitments made in a settlement of a lawsuit involving the fourth bore of the Caldecott Tunnel. It is not appropriate to upset the balance struck in the Bicycle Plan and to disregard the considered judgments reflected by its adoption simply because a small group of litigants succeeded in extracting some funds from Caltrans in a lawsuit about the tunnel.

I am also concerned that the City has not fairly solicited the views of neighborhood residents as the Transportation Division pushes forward with this process. The Bicycle Plan states (at p. 7-1):

"When planning for a specific bikeway begins, neighboring businesses and residents will be contacted to solicit their input. Public workshops will be held to gather input from the public at large."

No one from the City has contacted us to solicit our input on this project. I learned about it two days ago, when it was brought to my attention by a neighbor. I learned about the "Tunnel Road Walkthrough and Discussion," October 9, 2012, yesterday by searching the Department's website. The summary of that meeting for Location E (Tunnel from Claremont to City limits) says:

"Install bike lanes pending the results of parking occupancy surveys and outreach to property owners on Tunnel Road to determine if removing parking is possible."

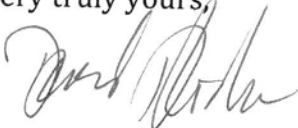
Again, we are aware of no outreach to us. If we had received any solicitations of our views, we would have responded. If the City values input from the residents of the neighborhood most directly affected by this proposed project, and it should, it has not succeeded in obtaining it in any effective way.

Conclusion.

I respectfully urge the Division and the Department to refrain from adopting or recommending to the City Council the adoption or installation of a Class 2 bike lane along east/southbound Tunnel Road, and urge that the City retain the Bicycle Plan's Class 2.5 Bikeway designation of this section of Tunnel Road.

Thank you for your time and attention.

Very truly yours,

A handwritten signature in dark ink, appearing to read "David Cooke", written over the closing "Very truly yours,".

David Cooke

228 Tunnel Road
Berkeley, California
dmcooke92@comcast.net