

# **SUPPLEMENTAL COMMUNICATIONS AND REPORTS 1**

## **BERKELEY CITY COUNCIL REGULAR MEETING**

**DATE OF MEETING: TUESDAY, JULY 11, 2023**

**TIME: 6:00 P.M.**

*The agenda packet for this meeting was distributed/posted on June 29, 2023. Communications in this supplement were received after 5pm on June 26, 2023. This communication packet was distributed/posted on July 5, 2023.*

### **Consent Calendar**

*Each item in this supplement follows the corresponding item on the City Council Agenda for this date.*

**Item #4: Adopting a temporary exemption from the collection of taxes under BMC Chapter 9.04.136(D): Tax Rate for Non-Medical and Medical Cannabis Businesses**

- 121. Fran Haselsteiner
- 122. John Rice

**Item #29: Resolution Opposing Tokyo Electric Power Company and the Government of Japan's Planned Discharge of Wastewater from Fukushima Daiichi Nuclear Power Plant into the Pacific Ocean**

- 123. Phoebe Anne Sorgen
- 124. Mico Malecki

### **Action Calendar – New Business**

**Item #33: Adoption – Civic Center Phase II – Design Concept**

- 125. Revised material, submitted by the Office of Economic Development
- 126. Mike Vanderman
- 127. Charlene Woodcock
- 128. Sally Hughes
- 129. Diana Bohn

## Action Calendar

**Item #35: De-Prioritizing the enforcement of laws imposing criminal penalties for  
Entheogenic/Psychedelic plants and fungi for personal use**

130. Supplemental material, submitted by Councilmember Hahn

**Benado, Tony**

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**From:** Fran Haselsteiner <franhasselsteiner@gmail.com>  
**Sent:** Sunday, July 2, 2023 9:56 AM  
**To:** All Council  
**Subject:** Forgiving taxes on cannabis businesses

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please see the comments accompanying the Berkelyside article, all of which disagree with forgiving taxes on cannabis businesses.

<https://www.berkeleyside.org/2023/06/30/berkeley-cannabis-tax-relief>

May I suggest that if cannabis businesses have the money to contribute to your election campaigns, they have the money to pay their taxes.

Thank you for considering my viewpoint.

Fran Haselsteiner

District 2

**Benado, Tony**

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**From:** John Rice <jariceiii@gmail.com>  
**Sent:** Friday, June 30, 2023 6:55 PM  
**To:** All Council  
**Subject:** WHY?

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Should cannabis sales be subsidized? There are so many struggling businesses, why single out this one, which has questionable social benefit?

<https://www.berkeleyside.org/2023/06/30/berkeley-cannabis-tax-relief>

**Benado, Tony**

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**From:** Phoebe Thomas Sorgen <phoebeso@earthlink.net>  
**Sent:** Monday, July 3, 2023 6:36 AM  
**To:** All Council; Berkeley Mayor's Office  
**Cc:** BCA Berkeley Citizens Action; fukushimaresponse@googlegroups.com; Chizu Hamada; Steve Zeltzer  
**Subject:** Urging you to pass Resolution "Stop Discharging Fukushima Radioactive Wastewater into the Pacific"  
  
**Importance:** High

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor Arreguin and members of the Berkeley City Council:

I am writing on behalf of **Fukushima Response Bay Area** and the **Berkeley Citizens Action Steering Committee** to urge you to adopt by consent the Resolution "Stop Discharging Fukushima Radioactive Wastewater into the Pacific" at your July 11th Council meeting. Shortly after the 2011 tsunami and triple nuclear meltdown in Japan, Fukushima Response Bay Area was founded here in Berkeley. Later, chapters formed in northern and southern Ca as well.

Some of you were on the Council at the time a related Fukushima Resolution was adopted, unanimously if I recall correctly, via the Peace & Justice Commission. Over a decade later, the site is still spewing long-lived dangerous radioisotopes! Thank you, Councilmember Kate Harrison, for putting the current Resolution on the 7/11 agenda. The Peace & Justice Commission approved a very similar version.

Now, the government of Japan and utility company, TEPCO (Tokyo Electric Power Company), plan to soon begin dumping 1.3 million tons of nuclear radioactive wastewater into the Pacific Ocean. Currents will bring it here and, eventually, around the world. There is no safe dose of cesium, tritium, plutonium, etc., so dilution is NOT a solution to nuclear pollution! Strontium-90 is one of the most hazardous radionuclides. This supposedly "treated" wastewater contains 100+ times the amount allowed by regulatory standards. Part of it is 20,000 times more than is allowed! It also contains Carbon-14. With a half life of 5,730 years, contact with Carbon-14 will not be safe for 57,300 years. 70% of the water stored in tanks which they plan to dump into the Pacific does not meet regulatory standards for discharge. Time and again, TEPCO has proved itself untrustworthy. The dump has begun with a small test run last month.

<https://www.greenpeace.org/eastasia/blog/6540/a-quick-read-on-the-radioactive-water-in-fukushima-what-makes-it-different/>

The government of Korea, as well as Pacific Island nations, strongly oppose the dump, even if spread over 3 decades.

<https://www.naml.org/policy/documents/2022-12-12> Position Paper, Release of Radioactively Contaminated Water into the Ocean.pdf

The Pacific Islands Forum did what Berkeley's first Fukushima Resolution called for! They assembled a working group of international, independent, interdisciplinary scientists and experts to research alternatives and figure out the best solution, which is to use the contaminated water to make concrete which will, mostly, remain on site and which will have very little contact with humans. Aerial videography proves that, unlike TEPCO's claims, there is still storage space on site. There is no perfect solution to this unsolvable problem, which proves the idiocy of nuclear power, but cement encasement is far safer than dumping it in the ocean. The cement will contain the tritium and it will not be released.

The IAEA (International Atomic Energy Agency) has a very unwise contradictory dual purpose to regulate nuclear energy, and also to promote it, so the IAEA cannot be trusted. A whistleblower revealed that the Japanese Government and the IAEA have colluded re the dump.

<https://nuclear-news.net/2023/06/28/will-this-whistleblower-be-heard-by-anyone/>

No Nukes Action is another Bay Area organization that opposes the dump. Last Saturday, they hosted a program about it at the main Berkeley Public Library. I'll be lobbying in D.C. with Nuclear Ban US and regret that I won't be able to attend the 7/11 meeting next week. Please adopt the Resolution opposing the dangerous dump. Berkeley can do our small part. It is on the consent calendar. May we count on you all to pass it by consent? Please contact Chizu Hamada, Steve Zeltzer, and I if you have questions or reservations.

Sincerely,

Phoebe Anne Thomas Sorgen (she/they), Berkeley resident since 1989  
anti-nuke activist since fulfilling my physics requirement with "The Impact of the Nuclear Age on Society" in 1974.

The beautiful land I am grateful to inhabit was the territory of xučyun (Huchiun [Hooch-yoon]), ancestral and unceded land of the Chochenyo [Cho-chen-yo]-speaking Ohlone [Oh-low-nee] people, ancestors and descendants of the sovereign Verona Band of Alameda County. This land is of great importance to Ohlone people. We who care may pay a tax deductible Shuumi Land

Tax:

<https://sogoreate-landtrust.org/donate-update-draft/>

I honor the original inhabitants, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, the Ohlone people who reside here and beyond, and all ancestors and descendants of slavery and attempted genocide. Colonists' descendants still benefit from the occupation of stolen lands and other exploitation. The U.S.'s tragic history is heart-breaking and shameful. Rematriation and extensive reparations are long overdue.

**Benado, Tony**

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**From:** Mico Malecki <m@psytron.com>  
**Sent:** Tuesday, July 4, 2023 11:59 PM  
**To:** City Clerk  
**Subject:** PPTX for Comment

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Honorable Clerk of Berkeley,

As per requirements of council meetings I am hereby submitting a presentation for comment as PPTX file ,  
July 4 2023:

[https://docs.google.com/presentation/d/1gr5DHKxXoNinMoS1C\\_74MjfJ6oqpRN8D/edit?usp=sharing&ouid=110345146327477177933&rtpof=true&sd=true](https://docs.google.com/presentation/d/1gr5DHKxXoNinMoS1C_74MjfJ6oqpRN8D/edit?usp=sharing&ouid=110345146327477177933&rtpof=true&sd=true)

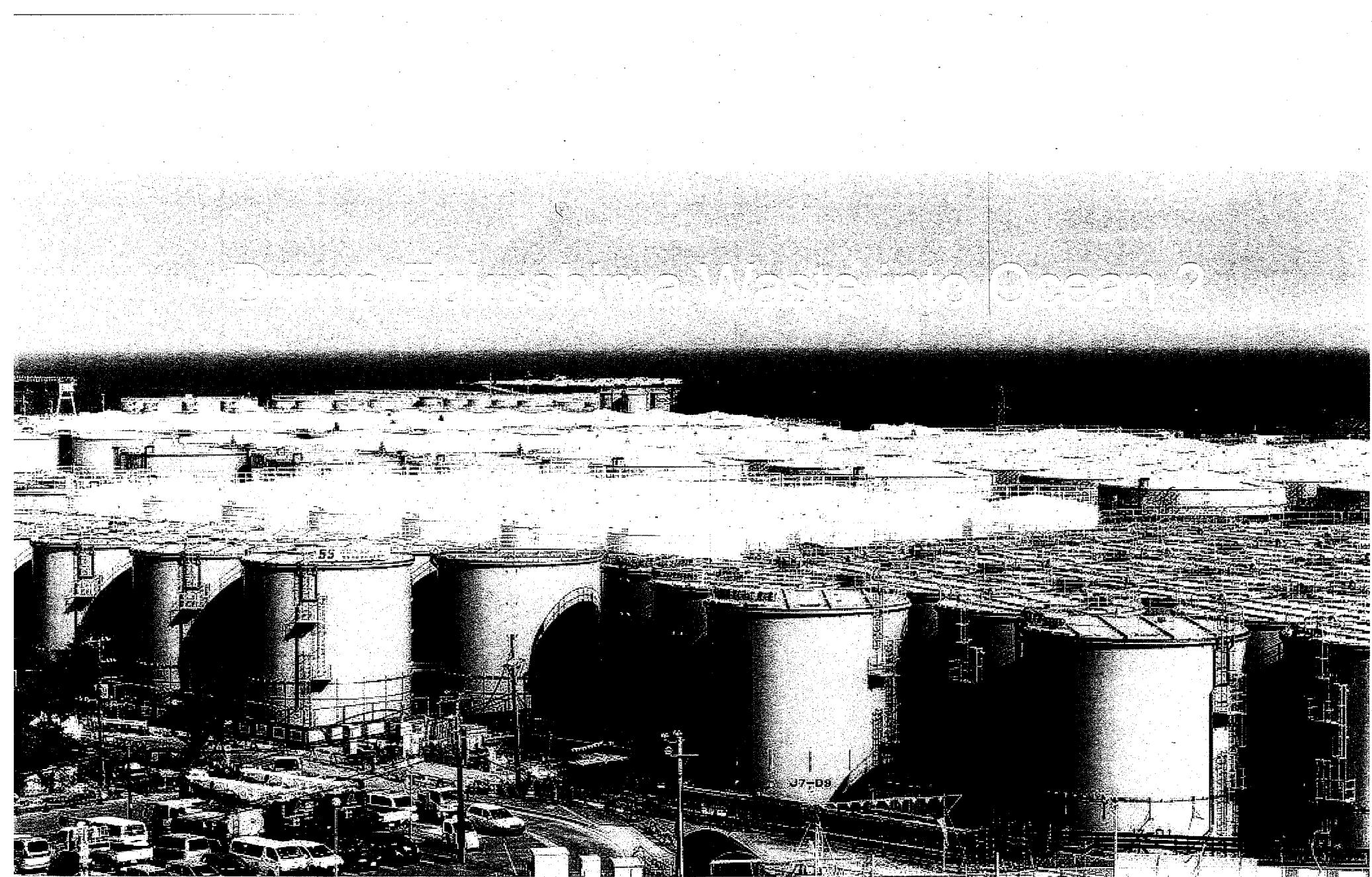
Thank You  
mico

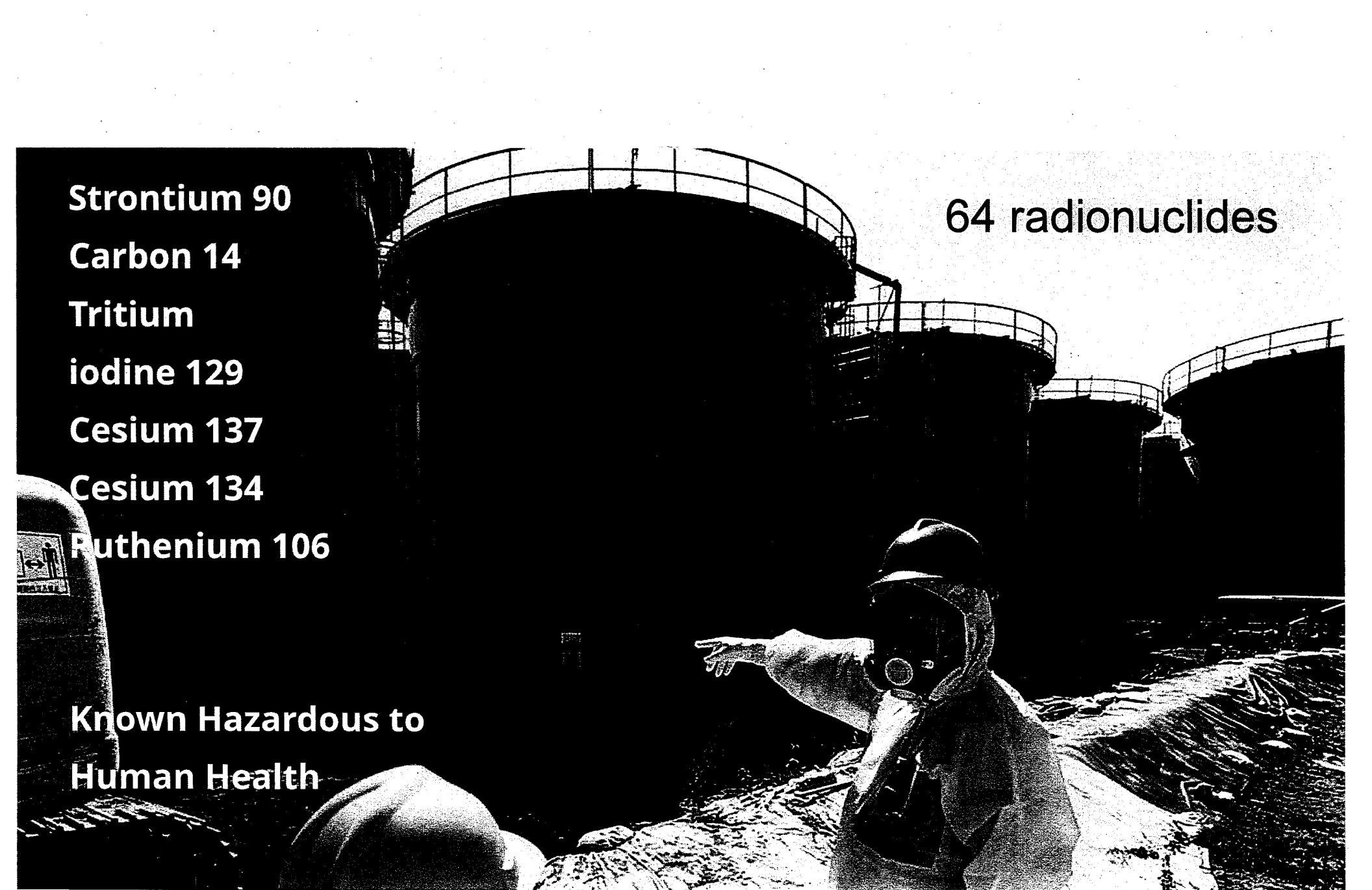


Water

WaferGage - Food







**Strontium 90**

**Carbon 14**

**Tritium**

**iodine 129**

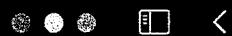
**Cesium 137**

**Cesium 134**

**Ruthenium 106**

**Known Hazardous to  
Human Health**

**64 radionuclides**



www.science.org/content/article/despite-opposition-japan-may



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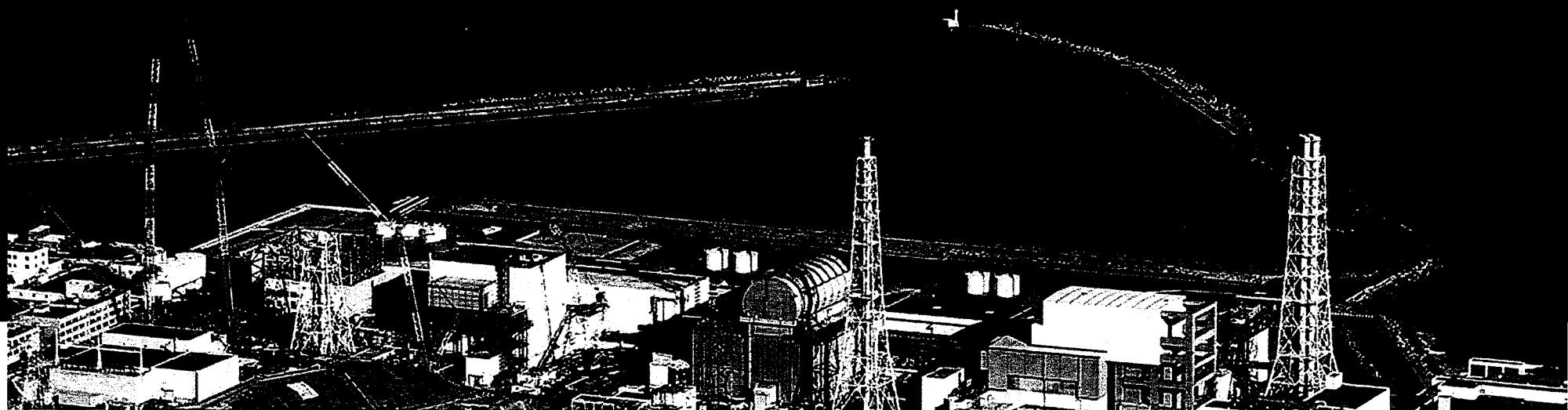
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SCIENCEINSIDER ASIA/PACIFIC

# Despite opposition, Japan may soon dump Fukushima wastewater into the Pacific

Government says the release poses no risk to marine or human life, but some scientists disagree

24 JAN. 2023 • 3:50 P.M. • BY DENNIS NORMILE



## Why dump in Ocean?

Claim: Space is Limited

Fact: Land Adjacent to  
existing tanks is available



**BASELINE**

" cesium-137 in the ocean remaining from atmospheric nuclear weapons testing that peaked in the 1960's. Today, levels above 2.0 Becquerels per cubic meter (Bq/m<sup>3</sup>) in the surface ocean, indicate additional cesium from the Japanese releases.

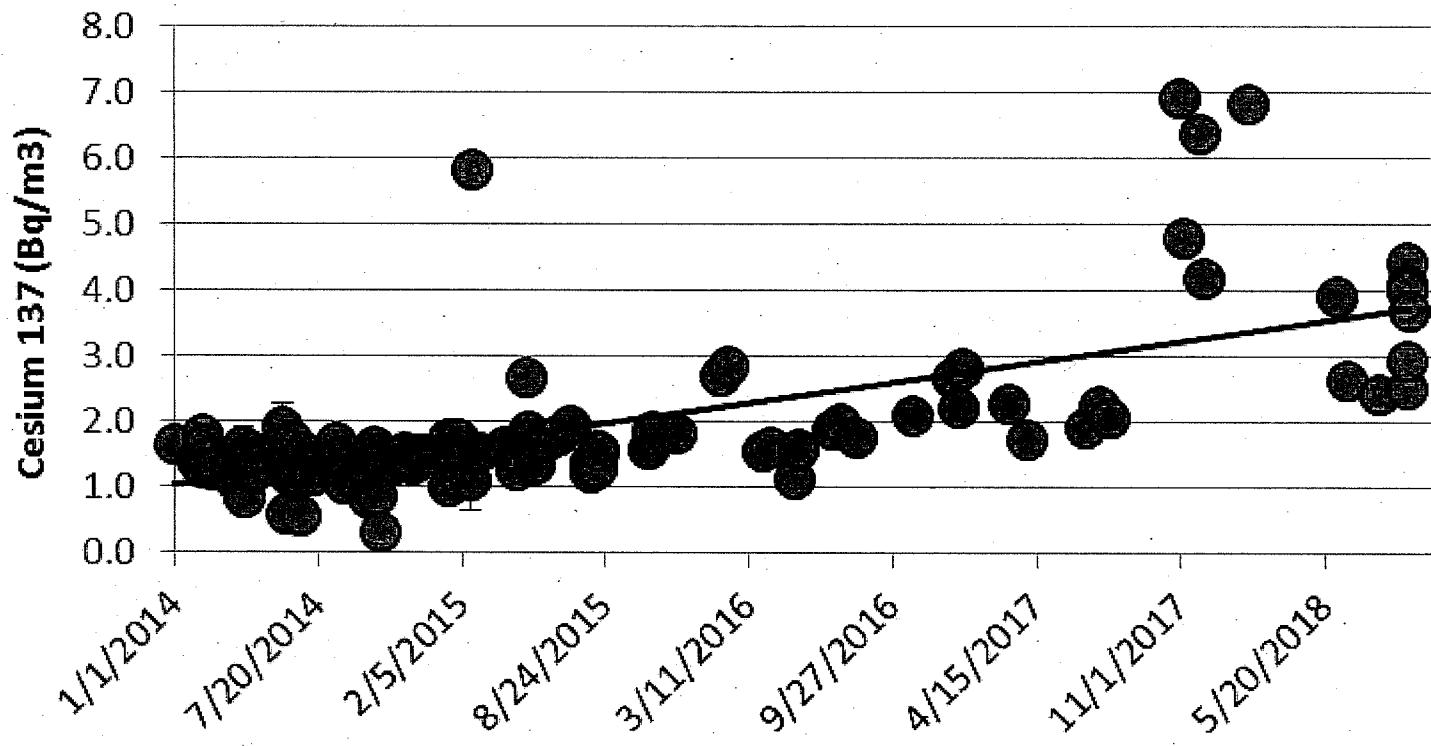


SOURCE: Woods Hole Oceanographic Institute

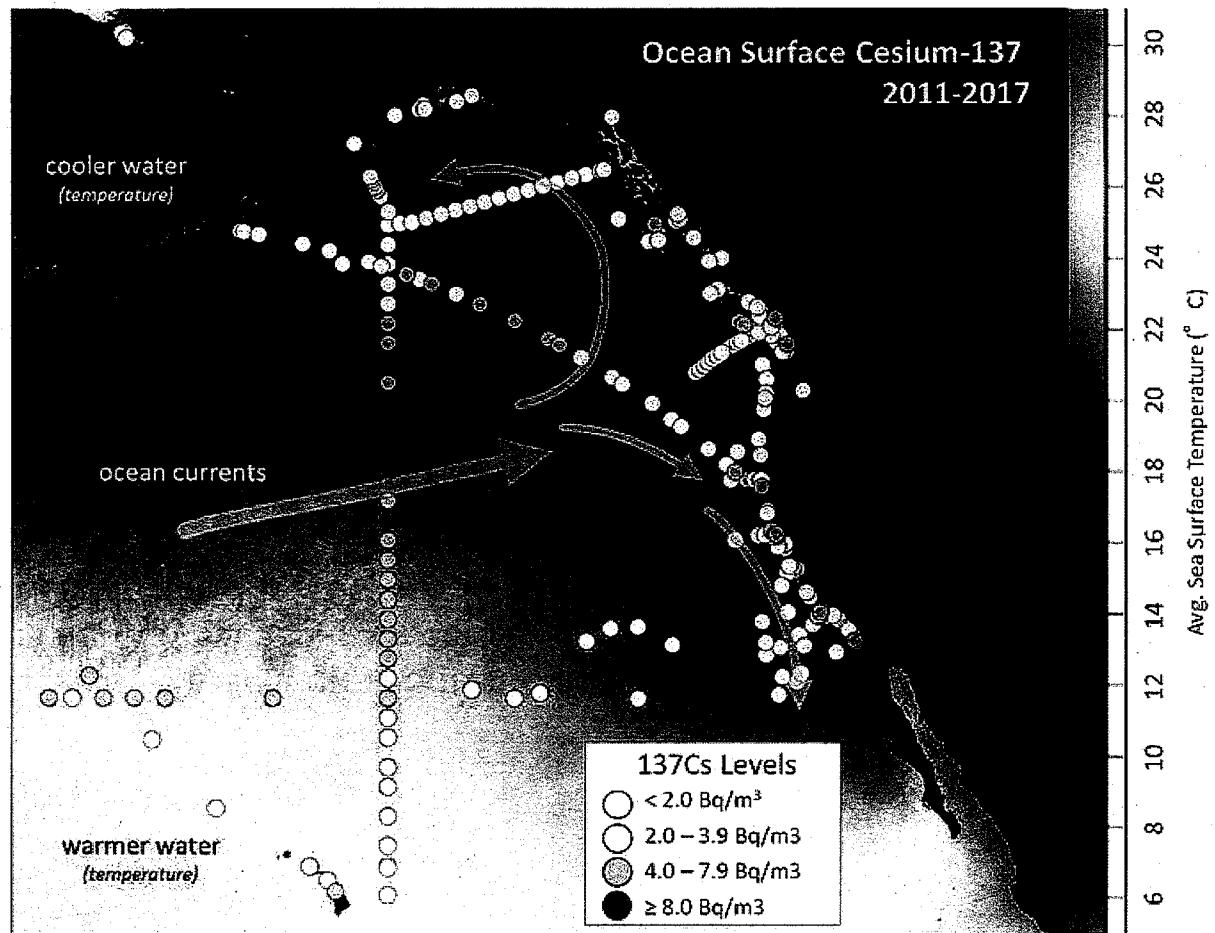


— This computer projection shows the estimated extent of the Fukushima spill's plume of radioactive water in 2014. The extent of U.S. coastal waters is indicated by a black line, with a black box enclosing Hawaii. Rossi et al. / Deep-Sea Research I

## Coastal Sites



SOURCE: Woods Hole Oceanographic Institute

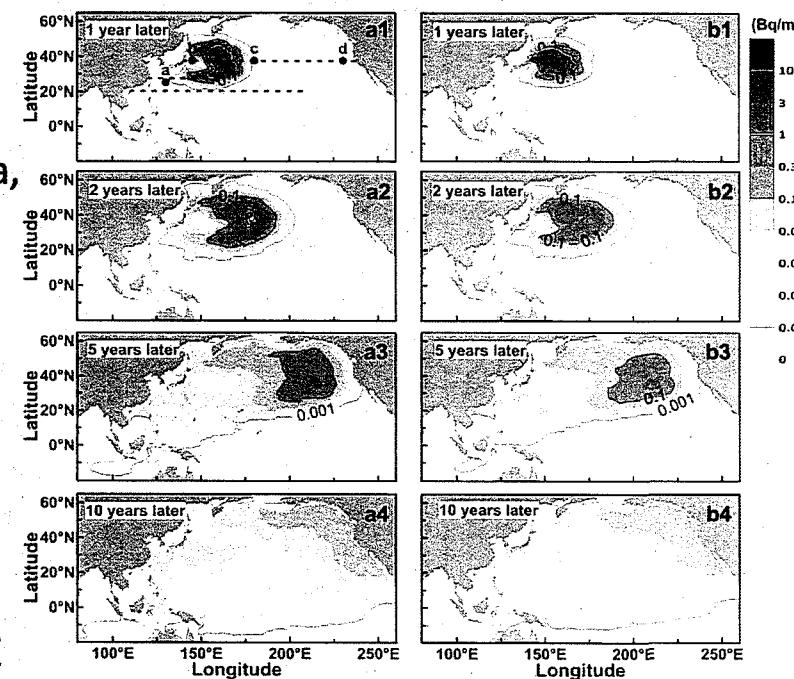


Source: Woods Hole Oceanographic Institution

# Migration Modeling

## Spread of discharges

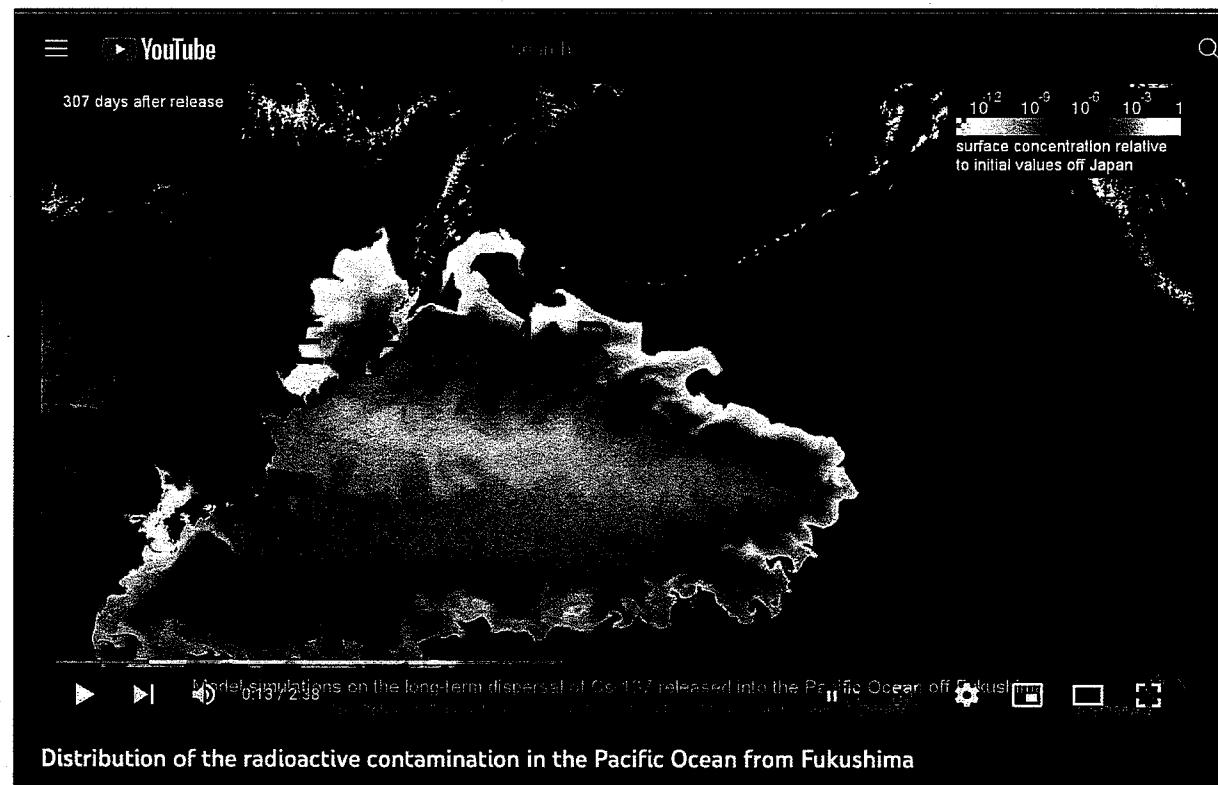
- CS (caesium-137), has reached the South China Sea, East China Sea and Yellow Sea from earlier discharges since the accident
- Future discharges may reasonably be assumed to reach the South China Sea, the East China Sea, the Yellow Sea, Sea of Korea and Korean waters.
- Modeling ([Zhao et al 2021](#)) also shows widespread dispersal through Northern Pacific
- These radionuclides will contaminate marine ecosystems and threaten human health ([Buesseler 2017](#))



Source: Duncan Curie Presentation

## Migration Modeling

<https://www.youtube.com/watch?v=EKD4xpsSsqQ>



SOURCE: GEOMAR Helmholtz Centre for Ocean Research

**Exposure**

**Food**

**Wine, Milk, Fish**

**Water**

**Drinking, Surfing, Swimming, SCUBA, Fishing**

**Environment**

**Farming , Fog, Water cycle**

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Stanford Report, May 30, 2012



## Tuna caught off California carry radiation from the Japanese disaster, Stanford scientist finds

Radioactive cesium from the 2011 Japanese nuclear disaster has been carried across the Pacific Ocean to California waters in the flesh of Pacific Bluefin tuna, say researchers from Stanford and Stony Brook University. Anglers reeled in the slightly radioactive fish off San Diego. The low levels of radioactivity are not thought to pose a health risk to humans. The researchers say the accident has provided a new way to learn more about the migratory habits of sea animals that spent time in the waters near the damaged reactors.

BY KATY ASHE

Radiation from the nuclear reactor disaster in Japan has been found in bluefin tuna in waters off San Diego by researchers from Stanford and Stony Brook University. It marks the first instance of radioactive materials being transported through the sea by migrating animals.

The radiation levels in the fish, caught by recreational anglers, are not considered to be a threat to human



Tom Puchner/Creative Commons

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There may be traces of radioe X +

← → C ⌂ cnn.com/2018/07/23/health/california-wine-radioactive-fukushima-tmd/index.html

≡ CNN health Life, But Better Fitness Food Sleep Mindfulness Relationships

# There may be traces of radioactive particles from Fukushima in your California red wine

By Jessica Campisi and Saeed Ahmed, CNN

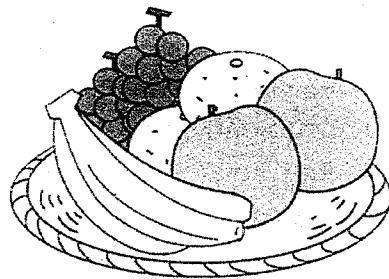
Updated 11:48 AM EDT, Thu July 26, 2018





## Standard Limits of Radioactive Substances for Food in Japan

Under the Food Sanitation Act, the standard limits were established and enforced on April 1, 2012.



Provisional regulation values  
for radioactive cesium

Category	Provisional regulation value (Bq/kg)
Drinking water	200
Milk, dairy products	
Vegetables	
Grains	500
Meat, eggs, fish, etc.	

Japan's current  
Limits for radioactive cesium

Category	Limit (Bq/kg)
Drinking water	10
Milk	50
General foods	100
Infant foods	50

(Quotation: Consumer Affairs Agency, Government of Japan)

Screenshot of Standard limits of radioactive substances for food in Japan, obtained from the website of Fukushima Revitalization Station run by Japan's Fukushima prefectural government. /CGTN



# Content of radioactive element in fish at Fukushima's Nuclear Power Plant 180 times of safe limit

CGTN

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The radioactive elements in the marine fish caught in the harbor of the Fukushima Daiichi Nuclear Power Plant in Japan far exceed safety levels for human consumption, according to a report issued by the plant's operator Tokyo Electric Power Company (TEPCO) on Monday. In particular, the data released show that the content of Cs-137, a radioactive element that is a common byproduct in nuclear reactors, is 180 times that of the standard maximum stipulated in Japan's food safety law.

Just 1 of 64 isotopes

June 5, 2023  
Tokyo Electric Power Company Holdings, Inc.  
Fukushima Daiichi D&E Engineering Company

Analysis Results of Fish

<Sampled from the Port Area of the Fukushima Daiichi Nuclear Power Station> (Preliminary Report)

(1/1)

Place of Sampling	Name of Sample (Region)	Date of Sampling	Analysis Item		
			Cs-134 (Bq/kg(Raw))	Cs-137 (Bq/kg(Raw))	Cs (Sum) (Bq/kg(Raw))
Port area (Unit 1-4 intake open channel)	Black rockfish (muscle) No.1	2023/5/18	3.8E+02	1.8E+04	1.8E+04

## TOP NEWS



China's desertification  
miracle: The three-North  
Shelterbelt Program

Politics

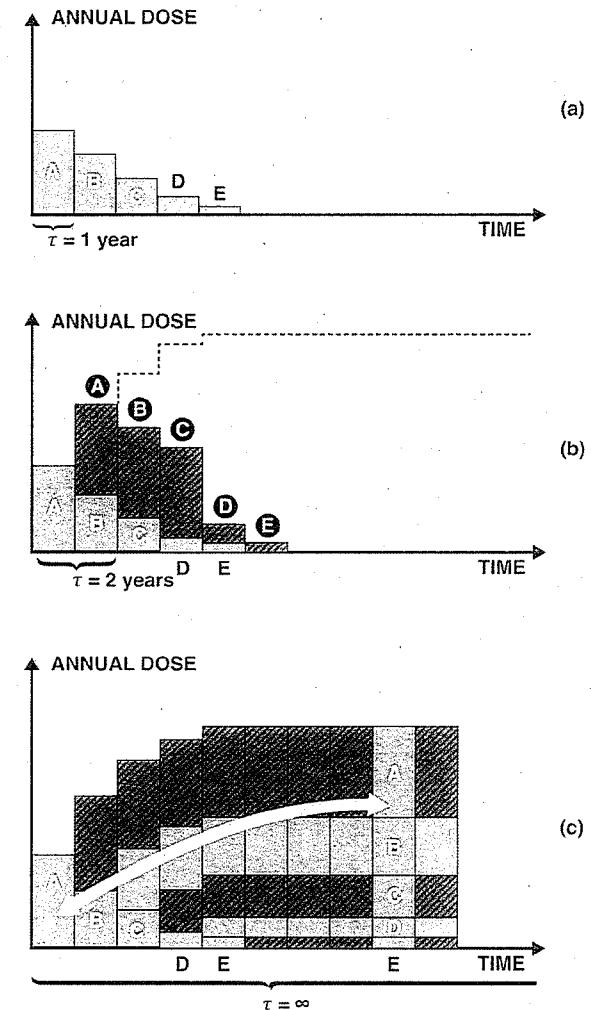
05:03, 06-Jun-2023



## Dose Commitment

" build-up and accumulation of radionuclides in the environment during the operation of the facility, the concept of 'dose commitment' can be used. Namely, the total dose that would eventually result from the discharges of radioactive substances "

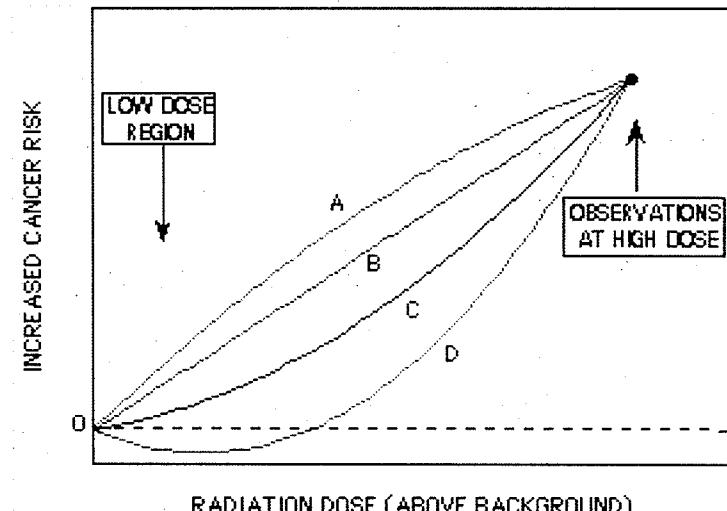
SOURCE: IAEA Report



## Micro dose = Cancer Lottery

### Linear no-threshold model (LNT)

" dose-response model used in radiation protection to estimate stochastic health effects such as radiation-induced cancer, genetic mutations and teratogenic effects on the human body due to exposure to ionizing radiation.



Different assumptions on the extrapolation of the cancer risk vs. radiation dose to low-dose levels, given a known risk at a high dose:  
**(A) supra-linearity, (B) linear  
(C) linear-quadratic, (D) hormesis**

[Wikipedia](#)



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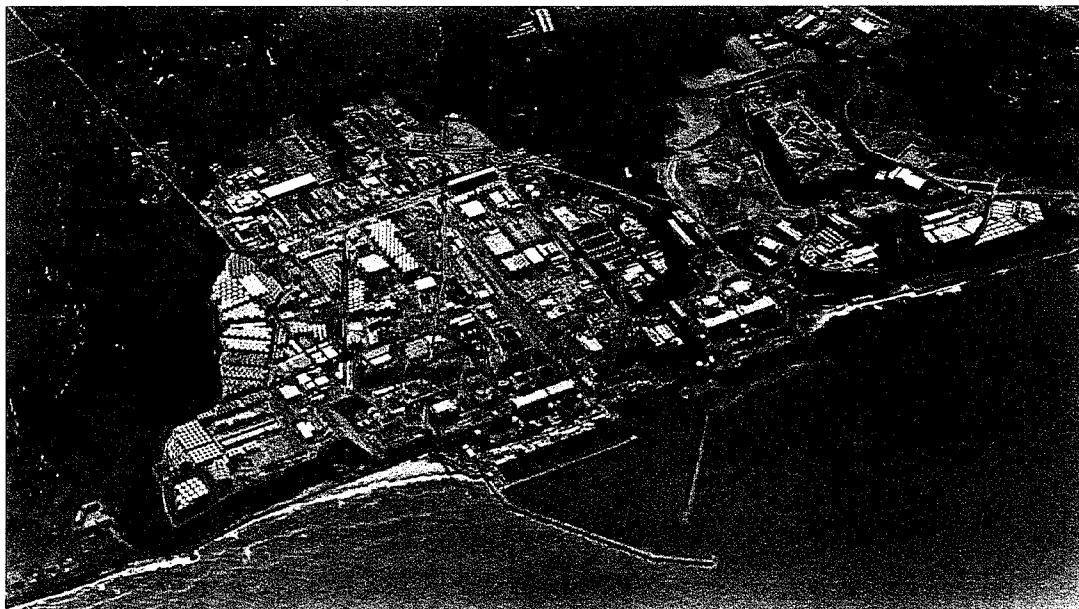
# Tiny radioactive particles persist indoors years after Fukushima



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Fukushima Daiichi Nuclear Power Plant. Credit: Taro Hama @ e-kamakura / Getty Images

Radioactive microparticles were still coating buildings near the Fukushima Daiichi nuclear power plant five years after the disaster, according to a [study](#) in *Chemosphere*.

The researchers found caesium-rich microparticles (CsMPs) in the dust of an abandoned primary school 2.8 kilometres southwest of the plant.

**STUDY**  
**SOURCE**

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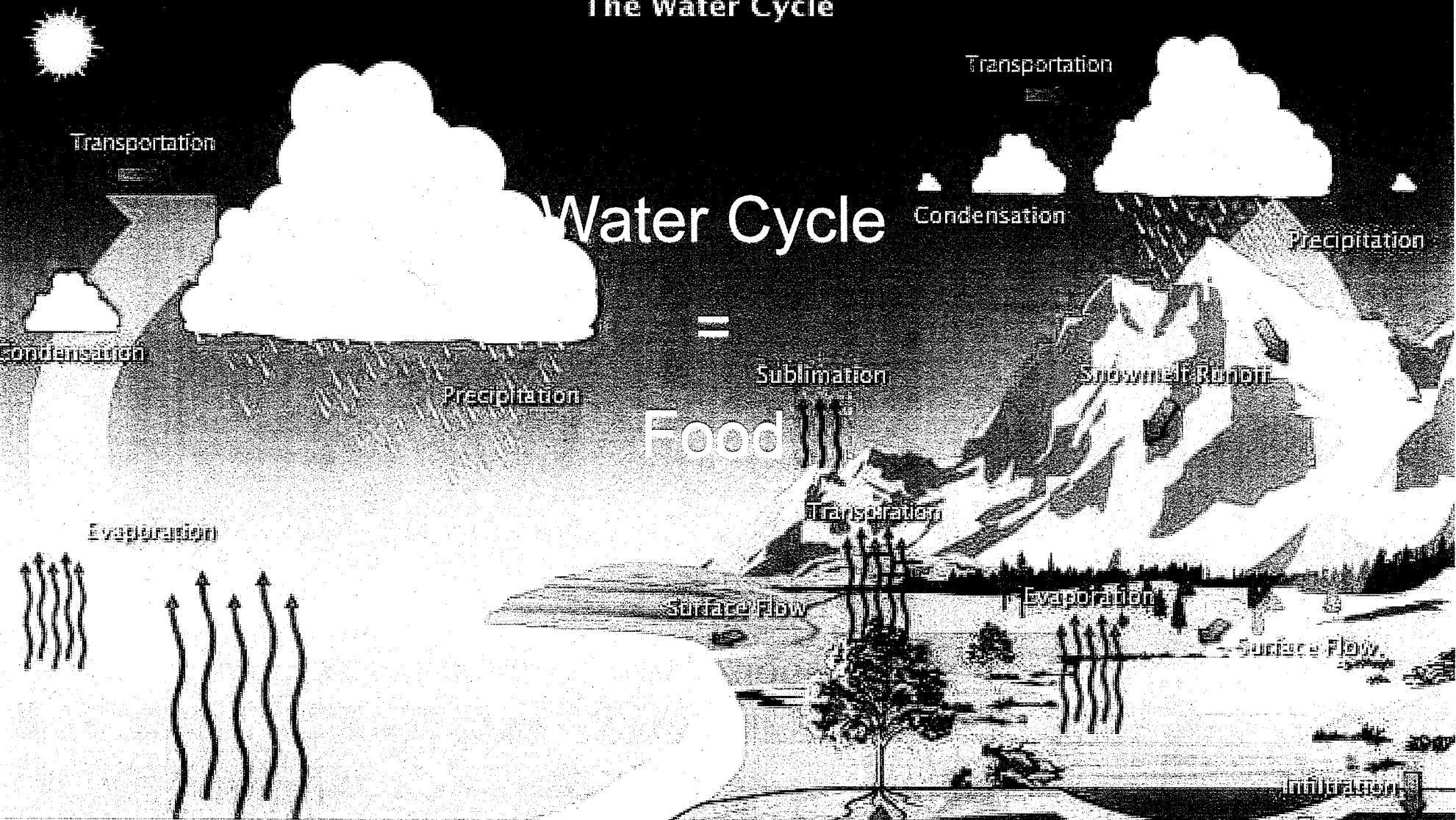
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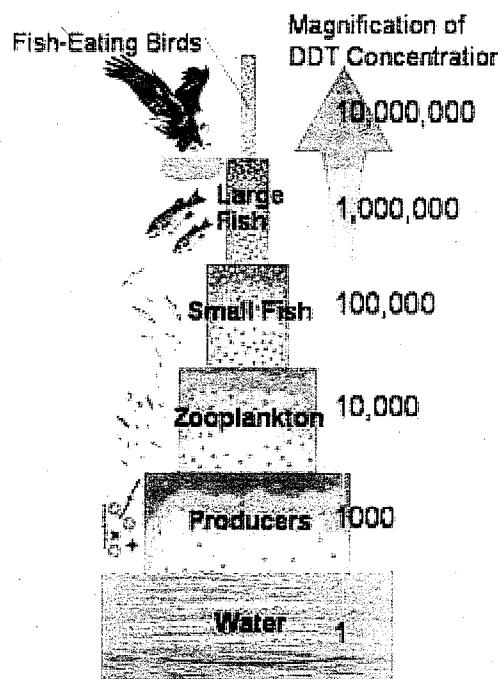
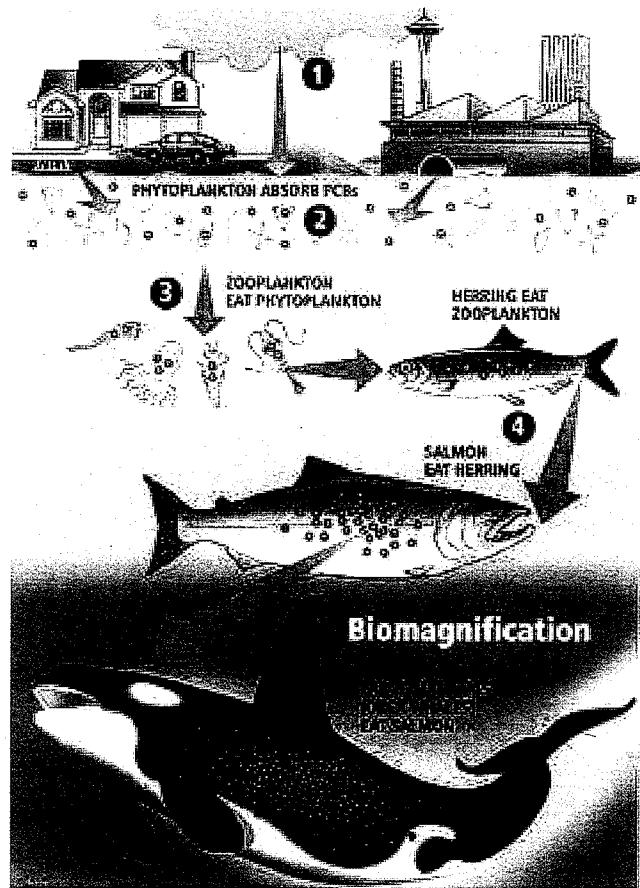
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## The Water Cycle

# Water Cycle



# Biomagnification



## Biomagnification:

Toxic substances become increasingly **concentrated** within living organisms as they move up each step of the food chain

*Image from Jason Goldberg*

# Women and Children health: Irrelevant

## Reference Man--Definition

Defined in 1974 by the International Committee on Radiological Protection (ICRP), task force on Reference Man in ICRP No. 23, page 4.

"Reference man is defined as being between 20-30 years of age, weighing 70 kg, is 170 cm in height, and lives in a climate with an average temperature of from 10° to 20°C. He is a Caucasian and is a Western European or North American in habitat and custom."

Note to US readers:

- 70 kilograms ≈ 154 pounds
- 170 centimeters ≈ 5 feet 7 inches

Reported by Gender and Radiation Impact Project [www.genderandradiation.org](http://www.genderandradiation.org)



## Government Safe Regulatory Limits: Outdated, obsolete

## "Safe Regulatory Limit" ?

	Yesterday	Today
PFAS polyfluoroalkyl substances	Safe Regulatory Limit "negligible"	Genotoxic at Undetectable level
Hexavalent Chromium	Safe Regulatory Limit "inert"	Carcinogenic Hazardous
DDT dichloro-diphenyl-trichloroethane	Safe Regulatory Limit "safe"	brain seizures carcinogen
PCBs Polychlorinated biphenyls	Safe Regulatory Limit "safe"	reproductive harm carcinogen
Nuclear Waste	Ocean dumping ban 1972	Ocean Dumping ??

## Lower IQ in Children

Adolescents exposed to low-dose ionizing radiation in utero scored significantly lower in full-scale IQ than unexposed adolescents.

( despite distance of Chernobyl plume far away in Norway )

<https://pubmed.ncbi.nlm.nih.gov/20338021/>

## Smaller Brains

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3033907/>

## Slower Growth of Trees

<http://cricket.biol.sc.edu/chernobyl/papers/Mousseau-et-al-TREES-2013.pdf>

Hundreds of Studies Available

Search:  
inhalation or ingestion of  
radioactive nanoparticles and health

# Counterfactuals

Claim: Space is Limited

Land Adjacent to  
existing tanks is available



Claim: Tritium Cannot  
be removed.

Fact: Commercial  
Products Exist

Examples:

Veolia MDS  
LakerTRF AWD

The screenshot shows a web browser window with the URL [www.tepco.co.jp/en/decommission/progress/water/](http://www.tepco.co.jp/en/decommission/progress/water/). The page title is "TREATED WATER PORTAL SITE". On the left, there's a sidebar with links like "TOP", "The Handling of ALPS Treated Water", "About Tritium", "Sea Area Monitoring", "Current ALPS Treated Water, etc. Conditions", "ALPS Treated Water, etc. Storage", and "Q&A". The main content area has a heading "What is Tritium?". Below it are two questions: "Is Tritium a relative of hydrogen?" and "What are the scientific attributes of tritium?". A red arrow points from the text "ALPS treated water contains a radioactive substance called 'tritium' that cannot be removed by purification equipment." to the first question. To the right of the text is a diagram of an atomic nucleus. It consists of three circles labeled with plus signs (+) representing protons, surrounded by a cloud-like shape representing the neutron field. Dotted lines point from the text to the labels "Proton", "Atomic nucleus", and "Neutron", and from the diagram to the label "Electron".

SOURCE: TEPCO Treated Water Decommissioning Project

## Claim: Water is Safe

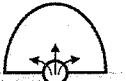
Fact: Tepco's official documentation states discharge will be "suspended" if water "does not diffuse"

Dumping plan is contingent on favorable ocean currents

### 5-2. Approach to any abnormalities found during sea area monitoring after the commencement of discharge ②

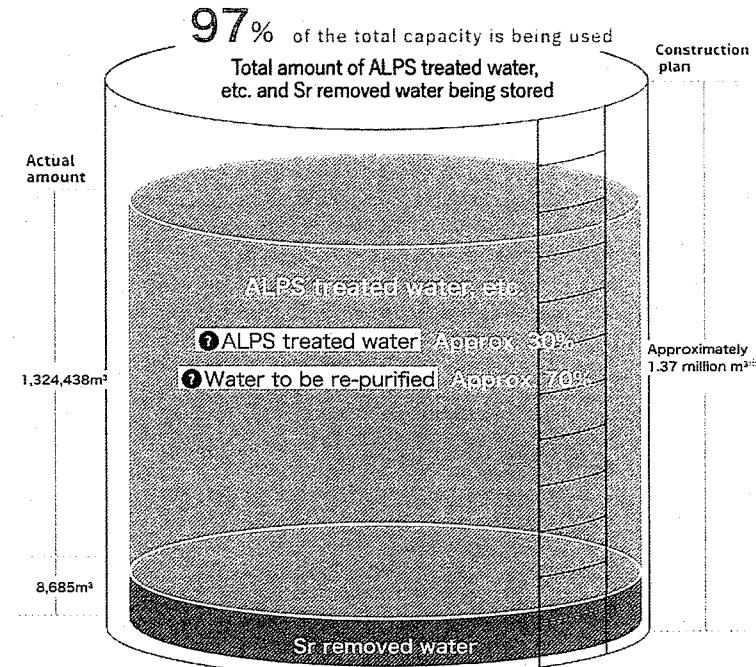
Newly added  
TEPCO

- The following approach to handling abnormalities has been added to determine if sea discharge should be suspended when abnormalities are discovered during sea area monitoring.

Item	Details	
Situation determined as abnormal	<ul style="list-style-type: none"><li>After the ALPS treated water has been diluted with a large volume of seawater and discharged from the outlet, if the discharge water does not diffuse into the seawater and the concentrations of tritium do not decrease, and the scope of the area in which these conditions persist enlarges</li></ul> <p>Diluted ALPS treated water does not diffuse, and the area in which the concentration of tritium is not decreasing expands as discharged</p>  <p>Discharge outlet</p> <p>Concept diagram of area around discharge outlet</p>	
Target location	In the vicinity of the discharge outlet	In the vicinity of the power station (outside of the area mentioned to the left)
If applicable	<ul style="list-style-type: none"><li>If discharge limits, which had been set to ensure that the concentrations of tritium do not exceed the upper limits stipulated by government policy (1,500Bq/L) even in consideration of uncertainty in facility or measurements, do not decrease, and the scope of the area in which these conditions persist enlarges</li></ul>	<ul style="list-style-type: none"><li>If clearly abnormal values are obtained during the analysis of tritium concentrations in seawater performed in order to quickly ascertain conditions</li></ul>
Procedures	<ul style="list-style-type: none"><li>Based on this approach, procedures, such as detailed sampling locations and values used to determine abnormalities, etc., will be added to internal manuals</li></ul> <p>Furthermore, in addition to that mentioned above, necessary steps be taken if it is confirmed/determined that monitoring</p>	

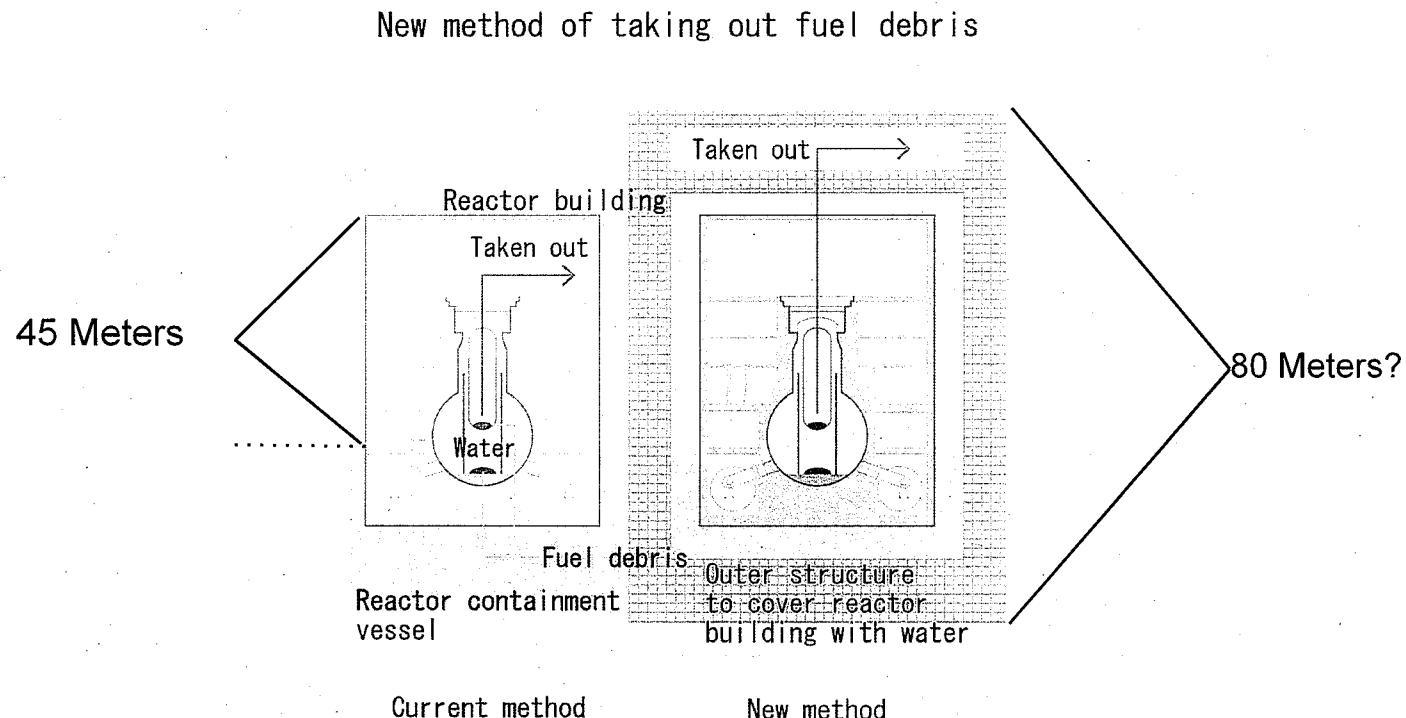
**Claim: Water is "Treated"**

**Fact** Tepco's official documentation shows 70% failed purification



SOURCE: Official Tepco Environmental Report (2012)

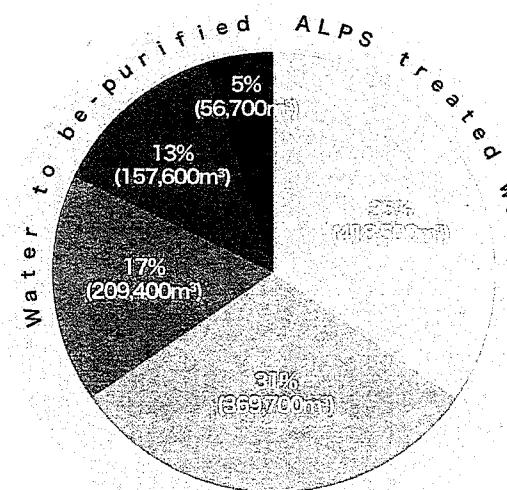
## New Full Immersion Method



(Kobori)

Would generate significantly more contaminated water

Official Reports  
State that some substances  
may need to be repurified  
19,909 times?



Amount of ALPS treated water and water to be repurified broken down by the sum of the ratios to regulatory concentrations limits (estimate)

- ~1time
- 1time~5time
- 5time~10time
- 10time~100time
- 100time~19,909time

Repurposed tanks (Water to be repurified)

79,000m<sup>3</sup>

\*Sum may not be 100 because storage percentages have been rounded to integers.

\*Breakdown of the amount of water stored in repurposed tanks and estimation of the sum of the ratios to regulatory concentrations are shown in "the amount of water stored in repurposed tanks."

SOURCE: Official Report, Decommissioning of Fukushima

# Protests around the world





# Public and Scientific Opposition

UN Rapporteurs

Ocean Vision Legal

Stop Ecocide

WWF

National Geographic

Ocean Health Coop

Partnerships for Change

Buckminster Fuller

Fairewinds Energy

Nuclear Consulting Group

Friends of the Earth

Dean And Jojo ORG

WWF Asia

PACIFIC ISLAND NATIONS (PIF)

Fiji      Vanuatu

French Polynesia      Korea

ORGANISATION OF AFRICAN,  
CARIBBEAN AND PACIFIC STATES

79 Nations (OACPS)  
Independent Scientific Experts

Dr Robert H. Richmond

Dr Arjun Makhijani

Dr Ferenc Dalnoki-Veress

Dr Ken Buesseler

Dr Antony Hooker

National Association  
of Marine Laboratories

NAML includes:

Stanford University

University of California

University of Hawaii

University of Washington

NOAA

University of Alaska

University of Oregon

Duke University

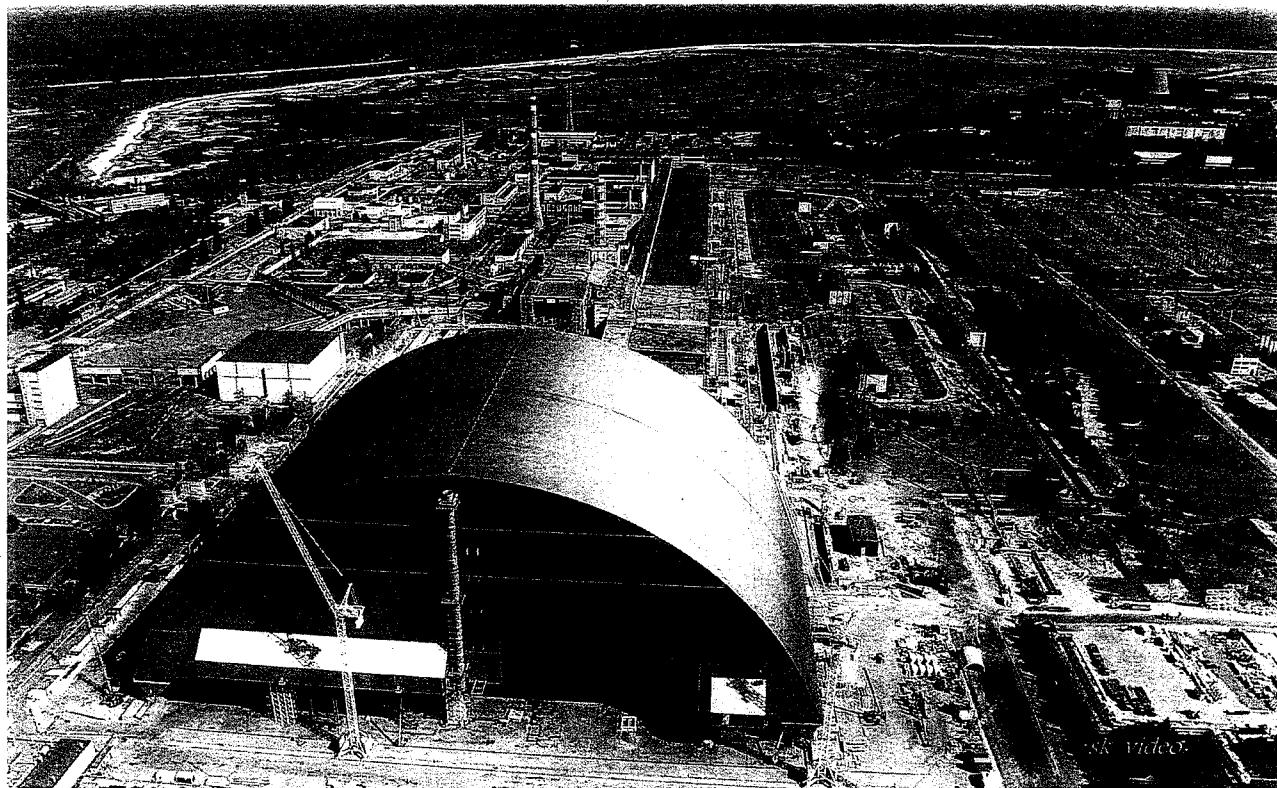
Smithsonian Institution

## **ALTERNATIVES**

## Easy Encapsulation Dome

Lower Cost

Safe Storage



## Other Alternatives and Solutions

Transmutation

Detritiation

Microorganisms

LENR

LakerTRF AWD

Xelite

SOY Gelly

Veolia MDS

Encapsulation

Pulsed Laser

Electrocoagulation

Watershed  
Management

Geopolymer

Simply Waiting

Dilution is not the solution to pollution

## Conclusion

Ocean dumping nuclear waste is a radiological

" dose commitment " for humans and animals

but does NOT solve root problem at site.

Cores Remain: More Contamination Imminent

It is time to care about clean water

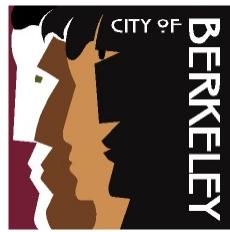
Pure Water Makes it all Possible :)



Our Water Planet is Alive and Connected to our Heart



Thank Yourself



Office of the City Manager

## **REVISED AGENDA MATERIAL for Supplemental Packet 1**

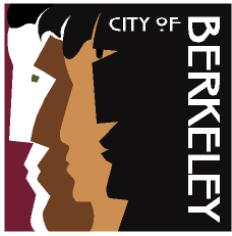
**Meeting Date:** July 11, 2023

**Item Number:** 33

**Item Description:** Civic Center Phase II – Design Concept

**Submitted by:** Eleanor Hollander, Office of Economic Development

The attached supplemental item provides edits to the original item that are not intended to change the substance of the item, but just clarify (1) that Council is asked to only affirm a high-level design concept for Civic Center with this item, and (2) that all subsequent project decisions will be subject to the proper environmental review. The edits contained herein also ensure that terminology in the report is used precisely; as the word “project” has a specific definition with respect to environmental review.



Office of the City Manager

**ACTION CALENDAR**  
July 11, 2023

To: Honorable Mayor and Members of the City Council  
From: Dee Williams-Ridley, City Manager  
Submitted by: Liam Garland, Public Works Director  
Subject: ~~Adoption~~—Civic Center Phase II - Design Concept

**RECOMMENDATION**

Adopt a Resolution approving *Berkeley's Civic Center Design Concept Plan*, and declaring Council's intention to support the preferred design concept and necessary future studies ~~and projects~~ articulated in the plan and directing staff to pursue the next steps identified in the plan, including seeking funding and conducting further studies.

**SUMMARY**

This item presents City Council with the culmination of the work to build on the adopted Civic Center Vision and Implementation Plan for Berkeley's Civic Center area ("Vision"), which

includes a vision for the following:

- Veterans Memorial Building;
- Maudelle Shirek Building ("Old City Hall"); and
- Martin Luther King Jr. Civic Center Park ("Civic Center Park").

The ~~v~~Avision for Berkeley's Civic Center is: *Civic Center will be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history, and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space.*

The City's Veterans Memorial Building, Maudelle Shirek Building, and Civic Center Park are important cultural resources, not only due to their age, but also their architectural significance, central location, and history as the center of City government. Adopting a shared Vision for Civic Center was an important Phase 1 accomplishment. Phase II-~~of the Civic Center project~~ sought to sharpen the vision-aligned consensus design concept for Civic Center and set a describe a potential course for the next steps of implementation. Phase I (Vision) of the project commenced in summer 2019 and was funded through Phase 1 of the Measure T1 infrastructure bond designated to repair, renovate, replace, or reconstruct the City's infrastructure, facilities, and buildings. Phase

II (Design Concept Plan) ~~of the Civic Center project~~ was funded via a General Fund budget referral approved in the City Council's adoption of the FY 2022 Budget. Staff work on Phase II began in September of 2022. The 156-page final report entitled *Berkeley's Civic Center Design Concept Report* (May 2023) is presented as Exhibit A in Attachment 1. The accompanying resolution adopting *Berkeley's Civic Center Vision Aligned Design Concept Plan* provides direction for the Civic Center's next act.

The Public Works Department and Office of Economic Development (OED) worked with a consultant team led by Siegel & Strain Architects. The consultant team spent the fall of 2022 and winter/early spring of 2023 conducting a public workshop about Civic Center, holding focus group interviews, hosting site tour(s), facilitating two "youth focused" workshops, and an in-depth session with Berkeley's art and culture organizations, attending approximately eight briefings with the Community for a Cultural Civic Center (CCCC) group, and engaging with five city commissions and the project's technical advisory group composed of city staff in a wide variety of departments. In March of 2023, the team presented a draft design concept for Civic Center to Berkeley's City Council for feedback.<sup>1</sup>

The consultant team continued to work throughout the spring of 2023 to deliver a refined conceptual design, update cost estimates, provide an in-depth set of funding strategies, and develop a robust implementation plan or "next steps" for further study. This report presents the final report from the consultant team (Attachment 1) which includes a design concept for Berkeley's Civic Center, a summary of the community engagement conducted through May of 2023 and the resulting design drivers, next steps including future studies needed to accommodate a design with a daylit creek, and an appendix with the updated cost estimate for this once-in-a-generation project.

#### *Design Concept – Recommendations*

Integrating the input received through the engagement efforts, additional study on the changing context of the Civic Center, and the programmatic requirements heard from current and potential users, the Civic Center ~~D~~esign ~~C~~oncept Plan ("Plan") ~~proposes includes~~ the following vision:

- *Maudelle Shirek Building* - seat of Berkeley's democracy with flexible meeting spaces and supportive and vision-aligned city services and educational uses.
- *Veterans Memorial Building* – a Community Arts Center, run by the City, with performance venues, teaching and exhibit space, accessible by all in the community.
- *Civic Center Park & Surrounding Streets* - a safe nature-based urban oasis for all of Berkeley, supporting community use throughout the day and strolling, relaxing, having lunch, visiting, and attending an impromptu gathering or organized event on evenings or weekends.

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<sup>1</sup> Berkeley City Council Agenda Worksession, *Civic Center Phase II - Design Concept*, [Item #2](#) March 21, 2023.

The preferred design concept, visualized on pages 70-71 of the Plan is detailed in *Section 5: Design Concept* (Attachment 1).

## FISCAL IMPACTS OF RECOMMENDATION

Adoption of the Plan does not commit Council to completing the design elements described therein. The exact fiscal impacts of the finalized design concept plan for Civic Center are to be determined. Preliminary construction cost estimates to achieve the design concepts discussed in the final report range from \$103,753,000 to \$131,587,000. These estimates assume additions and improvements that support the desired uses for the buildings, associated required seismic upgrades, and other park and street improvements.<sup>2</sup>

# CURRENT SITUATION AND ITS EFFECTS

## Project Timeline

Phase II (development of the Plan) of the Civic Center project began in September 2022 and will be completed by June of 2023:

- Phase II Funding for Conceptual Design Plan Authorized by Council June 29, 2021
  - Project Phase II Commencement Sept. 1, 2022
  - Public and City Engagement: Design Approach
    - Technical Advisory Committee Sept. 29, 2022
    - “Super” Subcommittee Meeting of the Public Works/Transportation, Landmarks, Parks and Civic Arts Commissions Sept. 29, 2022
    - 25+ Small Focus Group Interviews Sept. ‘22 – Feb. ‘23
    - Monthly meetings with Community for a Cultural Civic Center (CCCC) Sept. ‘22 – Feb. ‘23
    - Workshop #1: Open House (Berkeley Public Library) Nov. 16, 2022
    - Online Community Survey: Berkeley Civic Center Vision Project Nov. ‘22 – Jan. ‘23
    - Art Organizations Survey: Berkeley Arts Space Needs Assessment Jan. ‘23 – Feb. ‘23
  - Public and City Engagement: Draft Design Concept
    - Technical Advisory Committee Meeting #2 Feb. 9, 2023

<sup>2</sup> Berkeley's Civic Center Design Concept, Attachment 1, Sections 5.3, 5.4. The design concept recommends a Building Performance Objective for New Buildings Plus (BPON+) seismic upgrade scheme for the Veterans Memorial Building (Attachment 1, Section 5.4). A combined Damage Control Plus (DC+) / Immediate Occupancy (IO) scheme, abbreviated as "DC+/IO" is recommended for the Maudelle Shirek building (Attachment 1, Section 5.3).

- Commission Engagement - Super Subcommittee Meeting #2 Feb. 9, 2023
- Workshop #2: Youth Focus at Berkeley High Feb. 15, 2023
- Workshop #3: Education Focus at Berkeley City College Feb. 15, 2023
- Veterans Memorial Building Arts Space Focus Group Meeting Feb. 24, 2023
- Council Work Session - Emerging Preferred Design Concept March 21, 2023
- Monthly meeting with CCCC group April 25, 2023
- Four Arts Organization Meetings April - May 2023
- Super Sub Committee of the Commissions Briefing May 16, 2023
- Council Adoption (anticipated) - Design Concept July 11, 2023

*Summary of Meetings and Outreach*

The consultant team, led by Sigel & Strain Architects and supported by staff from PW, OED, and other City departments, kicked off this phase with a series of public meetings in September 2022. The public outreach effort is described in more detail in Attachment 1, Section 2.

**Technical Advisory Committee (TAC).** The TAC is composed of City of Berkeley staff from a variety of departments, and its purpose is to provide subject matter expertise and feedback throughout the process. TAC members represent a cross-section of knowledgeable participants with an interest and stake in the Civic Center. The TAC met for the first time prior to releasing the RFQ for the Vision Plan ~~project RFQ~~ in late 2018, and has since gathered formally in this ~~project~~ phase twice with the consultant team: at the Phase II ~~project~~ kick-off meeting in September 2022, and to review the draft consensus design concept in February 2023. In addition to formal meetings, ad hoc consultations with individual TAC members (e.g., the City's special events coordinator, real estate manager, City Clerk, Public Safety, and PW Facilities Maintenance) have made essential contributions to the ~~project~~Plan.

**Super Subcommittee of City Commissions.** To efficiently engage with City Commissions that have an interest in this ~~project~~Plan, a “super” subcommittee meeting structure was established. Three City of Berkeley Commissions—the Public Works, Parks Recreation and Waterfront, and the Landmarks Preservation Commissions—already had established ad-hoc subcommittees to address projects funded by Measure T1 bond improvements, and the Civic Arts Commission established an ad-hoc standing subcommittee for the Civic Center visioning process. During Phase II ~~of the Civic Center project~~, the super sub-committee structure continued. This larger group of subcommittees met twice in publicly noticed meetings on Zoom in the webinar format, first to kick off ~~the project Phase II~~ and discuss design approaches in September of 2022 and then to review and comment on the draft design concept in February 2023. The Super Subcommittee of the Commissions, and representatives of a fifth commission,

the Commission on Disability, had an in-person briefing in May 2023 to go over the final design concept report and discuss engagement of their “home” commissions prior to the final report publication in June of 2023. See <https://berkeleyca.gov/your-government/our-work/capital-projects/civic-center-vision-plan-project> for a complete list of materials presented at the Super Subcommittee meetings during Phase II.

**Site Tours.** City staff members have received many requests to tour the two buildings. During ~~this project~~ Phase II, the consultant team has toured the buildings with PW, and the park with the City’s urban forester and arborist. Members of CCCC, TAC, Super Subcommittee of the commissions, and arts organizations have also toured the buildings to help envision programmatic uses. Several site tours were also conducted in the Vision phase of this planning effort (2019-2020).

**Focus Groups and Interviews.** From September 2022 through February 2023, staff and the consultant team conducted 25+ one-on-one or small group interviews with Civic Center stakeholders, including the current Civic Center tenants, several City Council Members (and/or their staff) and the Mayor’s office, representatives from the Berkeley Unified School District including the principal of Berkeley High School, planners of annual community events that occur in Civic Center, arts organizations, business associations, local media outlets, ecological and riparian experts, city staff, and local community groups including the CCCC. See Attachment 1, Section 2.2 for a complete list of interviewees.

**Open House, Workshops & Survey.** On November 16, 2022, staff and the consultant team hosted an in-person Open House Workshop at the Berkeley Public Library. Approximately 40 community members attended the session, which was designed to generate thoughts about the underlying purposes and functions of our Civic Center, and to inform the ~~project's~~ Preferred Design Concept development. The consultant team organized the session into stations, with opportunities for discussion in small groups and written feedback on postcards at each station. This was supplemented with an **Online Survey** that asked the same questions of respondents as the in-person workshop did. The online survey recorded 694 responses, far exceeding the stated survey goal of 400 responses. Highlights of the survey responses are summarized in Attachment 1, Section 2.2. On February 15, 2023, staff and the consultant team hosted two **Youth-Focused Workshops**, one at Berkeley High School and one at Berkeley City College. Staff led students through a series of activities where participants were asked to identify what they liked and disliked about the draft design concept for Civic Center and asked participants to complete comment cards about their opinions related to the park and street design approach. Highlights and key takeaways of the youth focused workshops are summarized in Attachment 1, Section 2.2.

**Arts Organizations.** A tailored workshop, the *Veterans Memorial Building Arts Space Focus Group Meeting*, was hosted by the City of Berkeley’s Civic Arts team on February 24, 2023 and included a detailed tour of the Veterans Building and dedicated focused discussions by artistic discipline. The goal of the meeting was to identify priority space needs for the Community Arts Center and to get input on the development of a spatial

program to help determine if the Veterans Memorial Building has sufficient spaces to serve the programmatic needs of the community. This workshop was not open to the general public, but instead sought to elicit targeted feedback from individuals that are representative of Berkeley's diverse arts community. Sixteen arts professionals from the disciplines of theater, dance, music, visual arts, and literary arts participated in the focus group meeting with the aim to have representation from various areas of Berkeley, racial and ethnic diversity, and a wide range of arts disciplines and organization sizes. Feedback gathered from this workshop is summarized in Attachment 1, Section 2.2.

**City Council Worksession.** The consultant team, in consultation with staff, developed an emerging preferred design concept, and draft concept design report that was presented to the Berkeley City Council members and the general public for feedback at a Berkeley City Council Worksession on March 21, 2023. The final report (Attachment 1) incorporates feedback received at the March 2023 Council Worksession and hews closely to the draft concept design presented in March 2023. The construction cost estimates and the Implementation chapters (Sections 6 and 7) are the areas of the report with the most updates since March 21, 2023.

#### *Civic Center Design Concept*

The outreach effort during ~~this phase of the project~~Phase II (2022-23) affirmed the Vision Statement adopted in 2020. With the adopted Civic Center Vision serving as the north star for this projectPlan, four points on a compass emerged to further guide the design concept:

- **Community** – an inclusive and caring community;
- **The Arts** – expressive artistic and cultural events;
- **Governance** – good governance demonstrated through progressive policies;
- **Education** – powerful educational activities tied directly to history and nature.

Integrating the input received through outreach efforts, and the programmatic requirements heard from current and future users of the Civic Center, the project Plan proposes the following current and potential future uses for each project-element:

**Maudelle Shirek Building** will be the seat of Berkeley's democracy with flexible meeting spaces and supportive and vision-aligned city services and educational uses, accessible by all in the community. As the historic seat of government in Berkeley, this project Plan proposes returning city functions back to the Maudelle Shirek Building. In the public engagement efforts, Hearing & Meeting Rooms, Council Chambers, and flexible spaces for public-facing city services all scored high as priority uses for the building. Adding these functions to the heart of Berkeley's Civic Center will bring residents to the area throughout the day and into the evenings, to attend meetings, speak at hearings, and organize with their community.

Public outreach also showed strong support for vision-aligned organizations finding a home in the Maudelle Shirek Building, including the Berkeley Historical Society & Museum and Berkeley Community Media. In order to support these functions, a number

of improvements to the building will be required, including accessible improvements to the main entry and throughout, upgraded mechanical, electrical and plumbing systems, improved fire and egress systems, seismic retrofit, and an addition to provide space for the uses. For further discussion of the proposed uses, improvements, and management structure for the Maudelle Shirek building see Attachment 1, Sections 5.3 and 7.1.

**Veterans Memorial Building** will be a community Arts Center, run by the city, with performance venues, teaching and exhibit space, accessible by all in the community. This project identifies the building as a future Community Arts Center for the City of Berkeley, a use broadly supported by the public, Civic Arts Program, and the Community for a Cultural Civic Center. In a survey and workshop with local arts organizations who expressed interest in using the building, they identified exhibition and performance space as priorities, which aligns with the perception of need discovered in the public engagement process. Further, arts survey respondents identified a need for flexible multi-disciplinary spaces that are available to rent by the larger community, rather than controlled by a single anchor tenant.

The arts functions will require improvement to the Veterans Memorial building including accessible improvements throughout, upgraded mechanical, electrical and plumbing systems, improved fire and egress systems, seismic retrofit, and possibly additions to the sides of the main stage, and at the rooftop. For further discussion of the approach to this building, see Attachment 1, Sections 5.4 and 7.1.

**Civic Center Park & Surrounding Streets** will become a safe nature-based urban oasis for all of Berkeley. The park design will support community use throughout the day, evening and weekend for strolling, relaxing, sharing or having a meal, visiting, and attending an impromptu gathering or organized event.

#### *Park Uses & Improvements*

The design concept for MLK Jr. Civic Center Park builds from the existing condition of the park, and layers in new design elements and programs that support the desired everyday vibrancy of the park. It simplifies the path layout and reclaims underutilized space to fit new activity areas where possible. The proposed design preserves and builds upon the existing structure of the park, including the mature tree canopy, the central green open space, and the planned Turtle Island Monument terrace.

Recommended improvements include simplified and widened path systems, native and biodiverse planting areas, a multi-use plaza with skate-able elements, a multi-age playground, an arts and market plaza to support the Farmers Market, expanded seating opportunities, and food and beverage vendors. For further discussion of the proposed park improvements, see Attachment 1, Section 5.2.

#### *Creek Daylighting Considerations*

Throughout the public engagement process in Phase II, the **project** team heard a consistent desire from some members of the community to “daylight” or bring Strawberry Creek to the surface area of Civic Center Park, and consistent concerns

from others about cost, maintenance, and safety of a daylight creek. An alternate design concept layout (Attachment 1, Section 5.2, pages 104-107) illustrates a partial-flow daylighting scenario. The placement of the creek along Center Street aligns with the current location of the culvert under the park, and minimizes disruption to the overall park layout and monuments. However, it does have a number of impacts that need to be considered more carefully through additional study:

- Center Street – The daylit creek reduces the width of Center Street to 26' travel path, allowing for emergency vehicle access. Parking and other vehicular traffic flow is removed. A parking & traffic study should be completed to understand the impact of closing Center Street to public traffic, and design solutions will need to be developed for providing delivery/drop-off to the buildings along Center Street. The Farmers Market also may need to be relocated to a new site with sufficient width for the market.
- Hydrology – The partial flow scenario is based on the 1999 Creek Study by Wolf Mason Associates. This report notes that the culvert is likely 18' under the surface of the park, sloping down to the west. A full restoration of the creek would require 150' in width and was determined infeasible. A partial flow scenario would require that the existing culvert remain, and that water is diverted through a flow control structure somewhere upstream of the park and downstream from the BART station to bring water closer to the surface. The exact width, depth, and design of a partial flow creek would need to be developed through a detailed hydrological study and will likely call for an engineered solution.
- Maintenance – any creek feature would involve new maintenance requirements, flooding mitigation considerations, and associated costs.

#### *Parking and Circulation*

In addition to the pedestrian pathway changes within the park, the concept design proposes changes to parking and circulation at both Center Street and Martin Luther King Jr Way.

- *Center Street* – aligned with the City's goal of a Green Center Street, the design proposes making this a pedestrian priority shared street, with a flush, curb-less transition from street to sidewalk, along with adding additional street trees and bioswales for stormwater management. A curve has been introduced in the road to create a more gracious entry plaza for the Veterans Memorial Building. The proposal shows 16 parallel parking spaces, in place of the 59 paid parking spaces currently on Center Street. These parking spaces generated \$156,860 in calendar year 2022 (at a rate of \$3.50/hour). There are also currently reserved parking spaces on this block – five for judges at the Alameda County Courthouse, one loading spot for the City mail truck, and four accessible “blue curb” spaces. The remaining 16 parallel spaces articulated in the plan could

serve as reserved parking, or a small number of paid parking spaces could be maintained.

- *Martin Luther King Jr Way* – the primary concern at this road is pedestrian safety crossing between the park and the Maudelle Shirek Building. Currently, the edge of the curb between Allston and Center does not align with the curb on the blocks to the north or the south – the road widens along the park’s edge. The concept design proposes reclaiming the portion of the road currently used as parallel parking to re-align the curbs in this area, and to create pedestrian bulb-outs at the street crossings. While the traffic lanes are not impacted, eight parking spaces would be removed. Another consideration for a future design phase will be raised pedestrian crosswalk or tables at Center and Allston.

In a next planning phase-of-work, a full traffic study should be implemented for this area to understand the impacts of the proposed improvements on traffic flow, circulation delays, intersection capacity, parking, and emergency response times.

#### Project Costs

The following high-level construction cost range estimations (Table 1) have been developed by staff and the consulting team (TBD Consultants working with Siegel & Strain) based on the design concept as presented in Attachment 1, Section 5. The total construction costs from TBD Consultants are very similar to the draft report presented at the March 21, 2023 Council Worksession. Additional cost information has been provided; including the construction costs of photovoltaic panels at both buildings and an addition at the Veterans Memorial building. In addition, a discussion on Operations & Maintenance Costs, a 10% construction contingency and 20% City costs have been added to the report (Section 6.1).

#### Other Costs

With an approved design concept, ~~this project~~the City can move into ~~its~~ the next phase of additional recommended studies, environmental reviews, and initiating specific design projects. This work, to get to the “shovel ready” stage is estimated to cost approximately \$15 million dollars and take 2-3 years to complete (Attachment 1, Sections 0.2 and 7.2).

Table 1: High-Level Construction Cost Estimate Range

SUMMARY PROJECT COSTS	SITE AREA (Total Square Foot, or SF)	\$/SF MIDRANGE	MID- RANGE (\$ in Millions)	LOW (-10%) \$ in Millions	HIGH (+10%) \$ in Millions
<b>Maudelle Shirek Building</b> <i>(Assumes 27,000 Gross Square Feet (GSF) Existing + 15,500 GSF Addition, DC+/IO seismic retrofit, upgraded building envelope &amp; systems)</i>	43,000	\$1,323	\$56.9	\$51.2	\$62.6

<b>Veterans Memorial Building</b> <i>(Assumes 28,000 GSF Existing + 5,950 GSF addition, BPON+ seismic retrofit, upgraded building envelope &amp; systems)</i>	33,950	\$987	\$33.5	\$26.3	\$36.9
<b>MLK Jr Civic Center Park &amp; Streets</b> <i>(4.6 acres including park &amp; streets with improved paths/paving, planting/irrigation, trees/tree protection, utilities, furnishings, lighting, public restroom improvements)</i>	223,000	\$82	\$18.3	\$16.47	\$20.13
<b>SUBTOTAL CONSTRUCTION COST</b>		\$1,413	\$108.7	\$93.97	\$119.63
CONTINGENCY Cost (Construction)	10%	\$141	\$10.87	\$9.783	\$11.957
<b>CONSTRUCTION COST (with contingency)</b>		\$1,554	\$119.570	\$103.753	\$131.587
<b>SUMMARY PROJECT COSTS, continued</b>	SITE AREA (Total Square Foot, or SF)	\$/SF MIDRANGE	MID-RANGE (\$ in Millions)	LOW (-10%) \$ in Millions	HIGH (+10%) \$ in Millions
<b>CITY COSTS</b> (including permitting, inspections, design fees, technical reports, consultants, Construction Management and Project Management)	20%	\$311	\$23.914	\$21.523	\$26.305
<b>TOTAL PROJECT COST</b> Including contingency (10%) and city costs (20%)		\$1,865	\$143.484	\$125.276	\$157.892

***Project Funding Plan***

A variety of funding sources could contribute to the City's approach to funding. The first approach would involve many different sources of funding all leading to one large project, phased in over the course of years. If full project funding isn't secured quickly, an opportunistic approach might be available. Instead, City staff would identify discrete project components that could be built without the entire project moving forward. When successful in gaining grants or other funding for these components, work could proceed. This approach would likely take more time and involve more ~~project~~ cost overall, given fewer opportunities for efficiencies of scale. See Attachment 1, Section 7.2 for a detailed discussion of funding strategies. In any case, ~~the Civic Center project~~ implementing the Vision will be significantly more attractive for funding with an adopted conceptual design. Strong plans need funding, and funding is attracted to strong plans.

**Next Steps**

The next steps ~~for project implementation~~ for implementing the Civic Center Vision are outlined below and described in greater detail in Attachment 1, Section 7.3. They include:

- Identify, fund and realize early activation projects.
- Initiate efforts for next phase of work including further studies and specific designs including environmental review as appropriate.
- Develop funding and phasing plans for each of the project components.

**Effect of Approving the Design Concept Plan**

The proposed Design Concept Plan is not a “project” for purposes of CEQA or NEPA because it does not commit the City to a definite course of action. Council retains full discretion to mitigate environmental impacts, select other feasible alternatives that will avoid environmental impacts, balance the benefits of any future actions against the environmental impacts, or decline to carry out any of the design concept elements, all based upon information generated by the environmental review process.

## BACKGROUND

Originally conceived at the turn of the 20th Century, the Civic Center was planned and molded by City Beautiful Movement principles, and anchored by the 1909 construction of Berkeley's second City Hall (now known as the Maudelle Shirek Building at 2134 Martin Luther King Jr Way). The plan transformed the City's center into a cohesive group of civic buildings surrounding a central park by the 1940s. Today the Civic Center comprises portions of the area surrounding Martin Luther King Jr. Civic Center Park including the Maudelle Shirek Building 'Old City Hall' (1909) and the Veterans Memorial Building (1928) which flank the Park on the west and north sides. The larger Berkeley Civic Center District (codified by the Civic Center Overlay Zone, 2014) itself was listed on the National Register of Historic Places in 1998. In addition, many of the buildings in the Civic Center District, including the Maudelle Shirek Building, the Veterans Memorial Building, and the Park itself, have been individually recognized as City Landmarks. Since the 1940s seismic building codes have evolved, requiring different thresholds of required maintenance and upkeep depending on use, and presently the historic buildings show signs of deferred maintenance.

### *Seismic Safety and Analysis*

The Maudelle Shirek Building and the Veterans Memorial Building were evaluated in 2002 for seismic safety. The assessment included rough cost estimates for retrofitting the structures. In 2019, the 2002 figures were updated for consideration of current building code. In 2022, City Council received further information on both the buildings' seismic analysis and costing, and the buildings' leak study. The seismic analysis from Tipping Engineering and the costing from Public Works Department have contributed to the development the high-level cost estimates presented in Table 1 above. Public Works' leak study identified \$1.48 million in necessary repairs for the Maudelle Shirek Building and \$1.9 million in repairs for the Veterans Building. These repairs primarily involve roof replacements and spot repairs to better prevent water intrusion.

Based on the adopted Vision-~~Plan~~, and the proposed ~~design concept and building program~~Plan, the following building seismic retrofit levels are recommended:

**Veterans Memorial Building** is a three story, heavy concrete perimeter wall building with wood framed floors and roof that is seismically deficient and could pose life safety hazards to building occupants. For the design concept, the City's Public Works Department recommends a seismic upgrade for the Veterans Memorial Building to the level of Building Performance Objective for New Buildings Plus (BPON+). At this level of seismic retrofit, the building would be reoccupied several months to a year after a major seismic event.

**Maudelle Shirek Building** is a three story, non-ductile concrete building that is seismically deficient and could pose life safety hazards to building occupants, as the building could collapse or partially collapse in a major earthquake proximate to the site. For the proposed design concept, the City's Public Works Department recommends a seismic upgrade for the Maudelle Shirek Building to the level of Damage Control Plus (DC+) at the historic structure and the new addition be built to the Immediate Occupancy (IO) level. At the DC+ level of seismic retrofit, the Maudelle Shirek Building would be occupiable weeks to months after a major seismic event. The addition, built at the IO level, could be re-opened days after a major seismic event.

### ENVIRONMENTAL SUSTAINABILITY

Successful initiatives that repurpose existing buildings and civic space for subsequent generations' fruitful use promotes beneficial environmental, civic, and economic sustainability. In addition, future action to renovate the existing buildings and park will incorporate specific sustainable measures into the design concept. These will include but are not limited to: electrifying buildings, installing solar systems, incorporating native/pollinator friendly plantings, deploying best practices in bioswales & stormwater management, permeable paving, and the protection of mature tree canopy.

Any required environmental review under California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA), including consideration of mitigation measures and alternatives, will be conducted prior to committing to construct any of the above Plan elements.

### RATIONALE FOR RECOMMENDATION

The preferred design concept for the adaptive reuse of both buildings and the Park articulates how the Veterans Memorial Building, the Maudelle Shirek Building, and Civic Center Park can be used going forward. The accompanying research includes cost estimates and potential revenue strategies to support renovation and ongoing operations for programs in Civic Center. By adopting the *Civic Center Design Concept Plan* the City Council sets a clear direction for achieving the Vision.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

Liam Garland, Public Works Director, (510) 981-6303

Eleanor Hollander, Economic Development Manager, (510) 981-7536

Elmar Kapfer, Supervising Civil Engineer, Public Works, (510) 981-6435

Attachments:

- 1: Resolution Adopting Berkeley's Vision Aligned Civic Center Design Concept  
Exhibit A: Final Report: *Berkeley Civic Center Design Concept*, May 2023.

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

**APPROVING BERKELEY'S VISION-ALIGNED CIVIC CENTER DESIGN CONCEPT**

WHEREAS, in September 2020, the Berkeley City Council adopted a Vision for Berkeley's Civic Center to, “*be the heart of Berkeley's community. Civic Center will be the prime space for civic life, culture, and the arts. It will reflect the city's diverse identities, celebrating its history, and contributing to shaping its future. A place of shared resources and a platform for free expression accessible to all, Civic Center aims to manifest the city's values, advance social justice, and demonstrate the power of true public space.*”; and

WHEREAS, the development of the Civic Center Vision Plan (2019-2020) was underwritten by the *T1 Bond Funding for Infrastructure and Facilities*, to repair, renovate, replace, or reconstruct the City's aging infrastructure and facilities, including the Veterans Memorial Building, the Maudelle Shirek Building, and Civic Center Park, to help determine a direction for future capital improvements to restore and secure these facilities to maximize their community benefit; and

WHEREAS, in August of 2022, the city engaged a qualified project consultant team underwritten by general fund dollars to assist in the completion of Phase II, ~~of the project and~~ the development of a consensus design concept aligned with the adopted vision for Civic Center; and

WHEREAS, the City of Berkeley's project team has conducted an inclusive and transparent community process, engaged meaningfully with stakeholders, and provided a compelling and shared design concept for the Civic Center area that supports current and future community needs while respecting and celebrating the area's rich past and historically significant structures; and

WHEREAS, *Berkeley's Civic Center Design Concept Plan* ~~determines~~describes a direction for future capital improvements to restore and secure these facilities, park, and surrounding area to maximize their community benefit; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council approves and adopts *Berkeley's Civic Center Design Concept Plan* (Exhibit A) and ~~declares its intent to support the vision and design concept articulated in the plan~~ directs staff to pursue the next steps identified in the Plan, including any necessary environmental review.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that Council retains full discretion to mitigate environmental impacts, select other feasible alternatives that will avoid environmental impacts, balance the benefits of any future actions against the environmental impacts, or decline to carry out any of the design concept elements, all based upon information generated by the environmental review process.

~~BE IT FURTHER RESOLVED by the Council of the City of Berkeley that, to the extent that prior environmental review is not required, the City Manager is hereby authorized to further the implementation of the design concept as it embodies, reflects, and advances Berkeley's ambitious vision for its Civic Center.~~

Exhibits:

A: ~~Final Report: Berkeley's Civic Center Design Concept~~, May 25, 2023

1660866.1

**Benado, Tony**

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**From:** Mike Vandeman <mjvande@pacbell.net>  
**Sent:** Sunday, June 25, 2023 10:16 PM  
**To:** All Council  
**Subject:** Please daylight Strawberry Creek as much as possible!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Remember Half Earth and 30x30!

--  
Machine-Free Trails Association

I am working on creating wildlife habitat that is off-limits to humans ("pure habitat"). Want to help? (I spent the previous 8 years fighting auto dependence and road construction.)

Wildlife must be given top priority, because they can't protect themselves from us.

Please don't put a cell phone next to any part of your body that you are fond of!

Stop obeying dictators and incompetent leaders from this time forward! Please share this message as widely as possible!

<https://mjvande.info>

To not receive email from me, just reply and ask to be removed.

**Benado, Tony**

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**From:** Charlene Woodcock <charlene@woodynet.net>  
**Sent:** Monday, July 3, 2023 11:04 AM  
**To:** All Council  
**Subject:** Daylight Strawberry Creek! Civic Center Vision, July 11 docket

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Mayor and City Council,

I write to express strong support for the Alternate Plan with a daylighted Strawberry Creek in Civic Center Park. To force underground the creek that flows through the UCB campus when it leaves the campus is to sacrifice needlessly the natural character of the main waterway through our city.

Supporters of daylighting the creek have been invited by the Wildlife Conservation Board of the California Natural Resources Agency to submit a grant proposal for planning and design, which would facilitate the project.

With so very many tall buildings now going up in Berkeley it is essential to enhance the few green public spaces still available, to provide city residents respite from an increasingly urbanized environment.

Thank you.

Sincerely,  
Charlene M. Woodcock  
2355 Virginia Street  
Berkeley 94709

**Benado, Tony**

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**From:** Sally S Hughes <[sshughes@berkeley.edu](mailto:sshughes@berkeley.edu)>  
**Sent:** Thursday, June 29, 2023 7:53 PM  
**To:** All Council

**WARNING:** This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Dear Council,

Please approve the plan for the Civic Center Vision. It's an important step towards greening Berkeley, with all the benefits that entails.

Sincerely,

Sally Hughes  
2210 Stuart St.  
Berkeley

**Benado, Tony**

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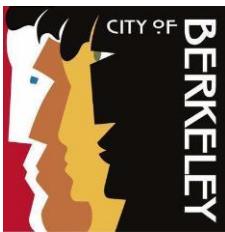
**From:** Diana <nicca@igc.org>  
**Sent:** Sunday, July 2, 2023 9:34 AM  
**To:** All Council  
**Subject:** Please make sure City Buildings are retrofitted!

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Please do everything you can to raise the money to retrofit Old City Hall and the Veterans' Building.

Thank you!

Sincerely,  
Diana Bohn  
94707



**Councilmember Sophie Hahn  
City of Berkeley, District 5**

## **SUPPLEMENTAL AGENDA MATERIAL for Supplemental Packet 1**

**Meeting Date:** July 11, 2023

**Item Number:** 35

**Item Description:** De-Prioritizing the enforcement of laws imposing criminal penalties for Entheogenic/Psychedelic plants and fungi for personal use

**Submitted by:** Councilmember Sophie Hahn

The City Attorney's Office has reviewed the proposed resolution presented and passed with a qualified positive recommendation at the June 12, 2023 meeting of the Health, Life Enrichment, Equity & Community Committee.

The attached, revised resolution reflects clarifying language suggested by the City Attorney's Office.

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

RESOLUTION DE-PRIORITIZING THE ENFORCEMENT OF LAWS IMPOSING CRIMINAL PENALTIES FOR ENTHEOGENIC/PSYCHEDELIC PLANTS AND FUNGI AND THEIR BIOSYNTHESIZED COMPOUNDS FOR PERSONAL USE

WHEREAS, entheogens, also known as “psychedelic drugs” or “psychedelics,” are a subset of compounds that are considered to exert psychoactive and physiological effects and are reported to induce extra-ordinary, altered states of consciousness involving changes in thought, feeling, and perception; and

WHEREAS, individuals and groups are known to use entheogens in a wide variety of ways including for recreational, medical, therapeutic, spiritual, and religious purposes; and

WHEREAS, entheogenic plants and fungi have a long history of use in some indigenous societies, with this use typically occurring within intentional, structured, time-tested ceremonial containers that include the guidance of trained practitioners, integration practices, and occur within cultural contexts that differ significantly from contemporary American society; and

WHEREAS, in recent years, there has been a resurgence of scientific research into the use of psychedelic-assisted psychotherapies for treating mental health conditions such as depression and substance abuse, with some studies showing promising preliminary evidence<sup>15</sup> for therapeutic benefits, in controlled clinical settings; and

WHEREAS, while psychedelic therapies have not been approved by the ~~FDA, the federal government, U.S. Food and Drug Administration, through the federal~~ Substance Abuse and Mental Health Services Administration, has stated that it is “exploring the prospect of establishing a Federal Task Force to monitor and address the numerous complex issues associated with emerging substances;” and

WHEREAS, there is a long history of public health authorities implementing harm reduction efforts to mitigate risks associated with use of both legal and illegal drugs, to improve the physical, mental, and social well-being of drug users, and in recent years public health authorities have increasingly focused on harm reduction approaches to drug use, with, for example, the Centers for Disease Control launching a harm reduction campaign to address the fentanyl crisis, and the City of Berkeley Public Health Division maintaining a longstanding partnership with Needle Exchange Emergency Distribution (NEED); and

WHEREAS, given this public health precedent, it would be appropriate for the City of Berkeley Public Health Division to support a harm reduction effort for entheogenic/psychedelic drug use in the Berkeley community; and

WHEREAS, while the possession, production, and transfer of psychedelic substances are illegal at the federal level in the United States, arrests and prosecutions for engaging in psychedelic drug offenses are ~~usually generally~~ grounded in state law, with enforcement occurring at the local level; and

WHEREAS, several local jurisdictions have de-prioritized the enforcement of laws prohibiting psychedelic-drug-related activities such as possession and production of psychedelic drugs for personal use; and

WHEREAS, there are criminal justice concerns associated with investigating, arresting, and incarcerating people for personal use of entheogens/psychedelics, and it is important to balance criminal justice concerns with public health concerns when crafting just and responsible policy; and

WHEREAS, in order to balance these concerns and avoid the development of gray and illicit markets, the City of Berkeley should only de-prioritize the enforcement of laws imposing criminal penalties for the possession of plant or fungus biosynthesized psychedelics for personal use (except Peyote) and laws imposing criminal penalties for the cultivation, processing, and preparation of psychedelic-drug-containing plants and fungi for personal use (except Peyote), while maintaining enforcement of laws prohibiting the possession of psychedelic drugs produced through artificial synthesis and enforcement of laws prohibiting the transfer of all categories of psychedelic drugs; and

WHEREAS “plant or fungus-biosynthesized psychedelic drugs” for purposes of this resolution means drugs that were produced by plants or fungi through biosynthesis, rather than produced ~~in a laboratory~~ through artificial synthesis, and “psychedelic-containing plants and fungi” refers to plants and fungi, living or not, that contain psychedelic drugs that the plants or fungi have themselves produced through biosynthesis; and

WHEREAS, “personal use of plant or fungus biosynthesized psychedelic drugs” for purposes of this resolution means an individual self-ingesting or self-administering plant or fungus biosynthesized psychedelic drugs; and

WHEREAS, “possession of plant or fungus biosynthesized psychedelic drugs for personal use” for purposes of this resolution means an individual possessing plant or fungus biosynthesized psychedelic drugs for the purpose of being ingested or self-administered by that same individual, and not by any other person or people; and

WHEREAS, “cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use” for purposes of this resolution means an individual cultivating, processing, and preparing any of these plants and fungi for the purpose of the resulting material being self-ingested or self-administered by that same individual, and not by any other person or people; and

WHEREAS, an individual can produce their own personal use plant or fungus-biosynthesized entheogenic/psychedelic drugs through home cultivation without engaging with illicit markets or sources; and

WHEREAS, the City Council wishes to enable Berkeley Public Health Division staff to engage with reputable experts developing harm reduction strategies that can be disseminated within Berkeley; and

WHEREAS, the City of Berkeley should de-emphasize expending City resources to assist in the enforcement of laws imposing criminal penalties for the possession of plant or fungus biosynthesized psychedelic drugs for personal use, and for the cultivation, processing, and preparation of psychedelic-containing plants and fungi for personal use;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that it shall be the policy of the City of Berkeley to de-emphasize the use of City funds and resources to assist in

the enforcement of laws imposing criminal penalties for the possession of plant- or fungus-biosynthesized psychedelic drugs for personal use and for the cultivation, processing, and preparation of psychedelic-drug-containing plants and fungi for personal use. This de-prioritization policy does not apply to the mescaline-containing cactus Peyote (*lophophora williamsii*), or to mescaline that was biosynthesized by the Peyote cactus, due to sustainability and poaching concerns raised by the National Council of Native American Churches and the Indigenous Peyote Conservation Initiative, who have released a statement requesting that decriminalization policies not include this species.

BE IT FURTHER RESOLVED that this resolution does not authorize or enable any of the following activities: giving away, sharing, distributing, transferring, dispensing, or administering of plant or fungus biosynthesized or other psychedelic drugs to another individual, organization, or group of individuals.

BE IT FURTHER RESOLVED that the City of Berkeley declares its support for a transparent, comprehensive public conversation about the potential to open access to psychedelic drugs in ways that might be safe, beneficial, ethical, and equitable, and urges the California State Legislature to take part in this conversation and consider passing legislation that addresses the relevant issues.

BE IT FURTHER RESOLVED that the City Council hereby enables the Public Health Division to make themselves available to academic and other reputable institutions to discuss opportunities for resources addressing use of psychedelics to be made available to the Berkeley community that address the use of psychedelics.

BE IT FURTHER RESOLVED that any organization or individual who may collaborate with the City to provide resources addressing use of psychedelics shall not, through their work with the City, facilitate access to psychedelic drugs or psychedelic administration sessions.

BE IT FURTHER RESOLVED that the City Council hereby enables the Public Health Division to make themselves available to academic and other reputable institutions to potentially assist in a strategy for collecting and analyzing public health data on psychedelic use in Berkeley.

BE IT FURTHER RESOLVED that the City of Berkeley encourages other public health departments and authorities, including at state and federal levels, to explore implementing psychedelic harm reduction and public health data collection efforts.

BE IT FURTHER RESOLVED that this resolution does not rely upon nor accept as fact assertions made in materials submitted with the original item or in the Community Health Commission Referral Response.