

**CITY OF BERKLEY PUBLIC NOTICE**  
**REGULAR CITY COUNCIL MEETING**  
**Monday, November 21, 2022**  
**7:00 P.M. – City Hall**  
**248-658-3300**

**CALL 39<sup>th</sup> COUNCIL TO ORDER**  
**APPROVAL OF AGENDA**  
**PLEDGE OF ALLEGIANCE**  
**PUBLIC COMMENT**  
**ORDER OF BUSINESS**

**Consent Agenda**

1. **APPROVAL OF THE MINUTES:** Matter of [approving the minutes](#) of the 39<sup>th</sup> Regular City Council meeting on Monday, October 17, 2022.
2. **WARRANT:** Matter of [approving Warrant](#) No.1380.

**Regular Agenda**

1. **RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.
2. **MOTION NO. M-102-22:** Matter of [authorizing the City Manager](#) to execute two contracts for Senior Home Chore Snow Removal Service with Tinsley Landscape and Hardscape LLC, 30728 Osmon Street, Madison Heights, MI 48071. One contract will be for remaining CDBG funds of \$2,604 and one will be pending for release of CDBG funds of \$3,887.
3. **RESOLUTION NO. R-23-22:** Matter of a [resolution of authorization](#) and support for a SPARK grant application from the DNR in the amount of \$300,000 with a \$100,000 match for Jaycee Park improvements. Funds for this expenditure will come from account 614-950-974-000.
4. **MOTION NO. M-103-22:** Matter of [authorizing the City Manager](#) to approve the proposal from Hubbell, Roth & Clark, Inc. (HRC) to provide professional engineering services at a cost not to exceed \$31,727.82 for Jaycee Park grant work for the Building and Utility Improvement Project. Funds for this expenditure will come from account 614-950-974-000.
5. **MOTION NO. M-104-22:** Matter of [authorizing the City Manager](#) to approve the proposal from Hubbell, Roth & Clark, Inc. (HRC) to provide professional engineering services at a cost not to exceed \$14,512.65 for Jaycee Park walkway work. Funds for this expenditure will come from account 614-950-821-000.
6. **MOTION NO. M-105-22:** Matter of [considering the recommendations](#) of the Coolidge Task Force regarding the Complete Streets Pilot Project.
7. **RESOLUTION NO. R-24-22:** Matter of [adopting the Berkley Downtown Design Guidelines](#).
8. **ORDINANCE NO. O-06-22:** Matter of [considering the First Reading](#) of an Ordinance to amend Section 94-5, Exempt Signs (signs permitting in nonresidential districts), in Chapter 94 Signs of the City of Berkley Code of Ordinances and Sections 138-32, 138-143, 138-222, 138-526, 138-527, 138-679 and 138-680 of Chapter 138 Zoning to implement the Downtown Design Guidelines.
9. **ORDINANCE NO. O-07-22:** Matter of [considering the First Reading](#) of an Ordinance to amend Article XII, Residential Grading & Drainage Standards, to Chapter 26, Buildings and Building Regulations of the City of Berkley Code of Ordinances to modify standards for residential grading and drainage and to prescribe a penalty for violations.
10. **ORDINANCE NO. O-08-22:** Matter of [considering the First Reading](#) of an Ordinance to amend Section 30-187, General Provisions and Section 30-188, Registration of Rental Properties in Chapter 30, Businesses

of the City of Berkley Code of Ordinances to require registration and inspection of short-term rentals of an entire structure.

11. **MOTION NO. M-106-22**: Matter of [considering the formation](#) of an Ad Hoc Committee to fill a City Council vacancy.
12. **RESOLUTION NO. R-25-22**: Matter of [designating the time and place](#) of City Council Meetings and approving its Rules and Order of Procedure.

## COMMUNICATIONS

## ADJOURN

Note: The City of Berkley will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon four working days' notice to the City. Individuals with disabilities requiring auxiliary aids or services should contact the City by writing or calling: Victoria Mitchell, ADA Contact, Berkley City Hall, 3338 Coolidge Highway, Berkley, MI 48072 (1-248-658-3310).

Note: Official minutes of City Council Meetings and supporting documents for Council packets are available for public review in the City Clerk's Office during normal working hours. Anyone wishing to submit correspondence for the meeting may send an email to [clerk@berkleymich.net](mailto:clerk@berkleymich.net) or call 248-658-3310 by 5 p.m. on the day of the meeting.

**THE REGULAR MEETING OF THE THIRTY-NINTH COUNCIL OF THE CITY OF BERKLEY, MICHIGAN  
WAS CALLED TO ORDER AT 7:00 PM ON MONDAY, OCTOBER 17, 2022 BY MAYOR TERBRACK**

**PRESENT:** Steve Baker                      Bridget Dean  
                 Ross Gavin                      Dennis Hennen  
                 Natalie Price                      Jessica Vilani  
                 Daniel Terbrack

**APPROVAL OF AGENDA:**

Councilmember Baker moved to approve the Agenda  
Seconded by Councilmember Gavin  
Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker, and Terbrack  
Nays: None  
Motion Approved.

**INVOCATION:** Pastor Zack Dunlap

**PLEDGE OF ALLEGIANCE**

**PUBLIC COMMENT:**

Berkley Downtown Development Authority Executive Director Michael McGuinness addressed Council and thanked all the volunteers and businesses who helped with decorating the city. He especially thanked Lisa Kempner for her assistance.

**CONSENT AGENDA:**

Councilmember Price moved to approve the following Consent Agenda  
Seconded by Mayor Pro-Tem Dean:

**APPROVAL OF THE MINUTES:** Matter of approving the minutes of the 39th Regular City Council meeting on Monday, October 3, 2022.

**WARRANT:** Matter of approving Warrant No.1379.

**MOTION NO. M-96-22:** Matter of casting Berkley's official vote for the election of the Board of Directors for the MML Liability and Property Pool, directing the City Clerk to send in the marked ballot.

**MOTION NO. M-97-22:** Matter of authorizing the Mayor to sign the renewal of the Animal Shelter Services and Disposal Interlocal Agreement between Oakland County and the City of Berkley for fiscal years 2023 through 2025.

**PROCLAMATION P-34-22:** Matter of proclaiming November 2022 as Native American Heritage Month.

**PROCLAMATION P-35-22:** Matter of proclaiming Movember 2022 as Men's Health Awareness Month.

Ayes: Gavin, Hennen, Price, Vilani, Baker, Dean, and Terbrack  
Nays: None  
Motion Approved.

**REGULAR AGENDA:**

**RECOGNITIONS/PRESENTATIONS:** Matter of any recognitions or presentations from the Consent Agenda.

Mayor Terbrack stated there were none.

**MOTION NO. M-98-22:** Matter of approving marihuana business license #PMA20-0007 for Yellow Tail Ventures LLC #1 dba Moses Roses Provisioning Center to be located at 3120 11 Mile Road.

Councilmember Price moved to approve Motion No. M-98-22

Seconded by Mayor Pro-Tem Dean

Ayes: Hennen, Price, Vilani, Dean, and Terbrack

Nays: Baker, Gavin

Motion Approved.

**MOTION NO. M-99-22:** Matter of approving the City of Berkley and the Department of Public Safety, to enter into an Inter-Local Agreement with the County of Oakland to participate in the "Oakland County Gun Buyback Pilot Program." This Oakland County-funded event will take place on Saturday, October 22, 2022, from 10 a.m. to 2 p.m. in conjunction with the Royal Oak Police Department at the ROPD Station.

Councilmember Baker moved to approve Motion No. M-99-22

Seconded by Councilmember Vilani

Ayes: Price, Vilani, Baker, Dean, Gavin, Hennen, and Terbrack

Nays: None

Motion Approved.

**RESOLUTION NO. R-22-22:** Matter of designating Saturday, December 3, 2022, for the Annual Holiday Parade and Tree Lighting Ceremony in Berkley. The approval is conditional upon the submission of required items and documents prior to event dates.

Councilmember Gavin moved to approve Resolution No. R-22-22

Seconded by Mayor Pro-Tem Dean

Ayes: Vilani, Baker, Dean, Gavin, Hennen, Price, and Terbrack

Nays: None

Motion Approved.

**MOTION NO. M-100-22:** Matter of awarding the 2022-2023 Preventative Pavement Maintenance Contract to the lowest qualified bidder, SJR Pavement Repair, in the amount of \$82,220 with an additional \$14,222 held in reserve for contingency and engineering costs for a total cost of \$96,442.

Councilmember Hennen moved to approve Motion No. M-100-22

Seconded by Councilmember Vilani

Ayes: Baker, Dean, Gavin, Hennen, Price, Vilani, and Terbrack

Nays: None

Motion Approved.

**MOTION NO. M-101-22:** Matter of authorizing the City Manager to approve the proposal from Fishbeck to provide professional services to conduct a parking study and strategic planning at a cost of \$32,000 to be split evenly with the Downtown Development Authority. Funds from this expenditure will come from account 101-801-817-000.

Councilmember Baker moved to approve Motion No. M-101-22

Seconded by Councilmember Hennen

Ayes: Dean, Gavin, Hennen, Price, Vilani, Baker, and Terbrack

Nays: None

Motion Approved.

## **COMMUNICATIONS:**

### **COUNCILMEMBER GAVIN:**

- Environmental Advisory Committee will have its next meeting on October 20<sup>th</sup> at 6:30 pm in the 2<sup>nd</sup> Floor Conference Room in the Public Safety Building.
- The Planning Commission held a special meeting on October 11<sup>th</sup> and the item was on tonight's agenda - the next regular meeting will be on October 25<sup>th</sup> at 7 pm in the Council Chambers.

### **COUNCILMEMBER VILANI:**

- Nothing to update from the Technology Advisory Committee.
- From the Berkley Area Chamber, the next Chamber Chat is 8:30 am on October 21<sup>st</sup> at the Public Library – join us for networking and the unveiling of the community interactive artwork by Daniel Cascardo from the Berkley Street Art Festival. No need to register, just show up.
- On October 27<sup>th</sup> the Annual State of the Cities will take place from 8-10 am held in person at Levels Events in Berkley. Registration is now open for this event.
- Purchase a Berk Perk Discount Card at Ullmans, Toadvine, Vitrine, Berkley Medical Pharmacy, City Hall, and Library - purchase provides you access to discounts on retail, shopping, and dining within the Berkley Area including Woodward Corners.

### **MAYOR PRO-TEM DEAN:**

- Registration is open now for Craft with Sam in October, November, and December. October's craft time is Wednesday, October 19<sup>th</sup> at 4 pm - 7 spots open – craft times are open for kindergarten through fifth graders. Register at [recreation.berkleymich.org](http://recreation.berkleymich.org)
- Coming soon PJs and the “Polar Express” Friday, December 2<sup>nd</sup> at the Community Center. Pizza, cookies, and hot chocolate are provided – the cost is \$5 per person and registration is open the first week of November.
- Senior trip – Van Gogh in America – on November 2<sup>nd</sup> Cost is \$20. Registration is required.
- Senior Holiday Jingle and Mingle will be at the Community Center – on December 7<sup>th</sup> at noon - \$10 fee for that and you can register online, by phone, or in person.
- Movies at the Community Center on November 9<sup>th</sup> at 1 pm – will be showing “Elvis” – no registration and no fee required.

### **COUNCILMEMBER BAKER:**

- Happy October and here's to a great Boo!kley month. The Historical Committee met on October 11<sup>th</sup>. Preparations are underway for a time capsule as committee members continue to plan for 100 years as a village celebration. Also, preparing for sale oval plaques for homeowners to display when their home was built will be available for sale through the museum. The Committee continues to welcome any stories and photos that can be shared dating back that far and any time in between. Visitors are always welcome at the Museum on most Wednesdays from 10 am-1 pm and Sundays from 2-4 pm and you can also visit them online at [berkeleyhistory.com](http://berkeleyhistory.com).
- Downtown Development Authority Board met on October 12<sup>th</sup> – progress continues with reopening the crosswalks on Coolidge. As noted a moment ago, we will be moving forward with the parking study as discussed and approved tonight.
- Boo!kley month continues this month – Thank you to those that came out and participated in witches' night on October 13<sup>th</sup> – and that's not the end of it. Boo!kley Ghost Chase coming up on Friday, October 21<sup>st</sup> from 6-9 pm – like a scavenger hunt through the downtown.
- Trick or Treat Stroll on Saturday, October 29<sup>th</sup> – from noon -3 pm along downtown businesses – wear costumes. Finally, the Monster Mash takes place from 2-6 pm on Coolidge. Plenty of activities for kids of all ages. For more information, please visit [downtownberkeley.com/Boo!kley](http://downtownberkeley.com/Boo!kley)
- You will start to see a project along the Woodward corridor called Woodward Moves – it is led by Pleasant Ridge, Ferndale, MDOT, and SEMCOG - it's not a diet, it's a positive lifestyle change. The construction project is designed to promote increased safety, promote inclusivity, and foster prosperity to welcome people to enjoy the Woodward Corridor for years to come. Work will start on

the 17<sup>th</sup> and will go through next year. The project will include Woodward resurfacing, curb work, visibility, bus islands, and drainage improvements.

- Stay safe everybody and hug someone you love because they need it more than you think.

#### **COUNCILMEMBER PRICE:**

- Library Board will meet on Wednesday, October 19<sup>th</sup>. Members will review circulation statistics, material selection policy, and the code of conduct. Berkley is fortunate to have such thoughtful and engaged volunteers on this board, and so many of our boards and commissions, and she is grateful for the work that they do.
- The midterm general election is coming up on Tuesday, November 8<sup>th</sup>. Thank you to all of the City Staff and poll workers and everyone who participates in our safe and secure election process. When more people participate, our democracy gets stronger. If you are eligible to vote, please vote, as our democracy depends on you.

#### **COUNCILMEMBER HENNEN:**

- The Zoning Board of Appeals met and heard a request from a residential property to add an addition. They approved the side addition but did not allow an addition in the rear. No applications for November so they will not have a meeting until December.
- Tree Board has not met since the last council meeting but will be holding its next regular meeting on October 24<sup>th</sup> at 7 pm in the Public Safety Conference Room.

#### **CITY MANAGER BAUMGARTEN:**

- Curbside leaf season has begun in the City – DPW will be by to pick up leaves throughout the city but all other yard debris needs to be placed in bags. The route map is on the city website or you will receive email updates if you are signed up to see where they are in the city. We can also collect leaf bags through mid-December if you choose to do that.

#### **CITY CLERK MITCHELL:**

- General Election is on November 8<sup>th</sup> – City Clerk's Office will be open along with all seven Precincts from 7 am to 8 pm. Sample ballots are available at City Hall and on our website at [berkleymich.org/vote](http://berkleymich.org/vote). You can still obtain an Absentee Ballot through the City Clerk's office via in-person, email, and calling. Also, please return the absentee ballots if you are waiting on turning them in as that helps our process. You have by law to turn it in by 8 pm election night.
- Additional hours being offered by the Clerk's Office are from 5-7 pm on Thursday, October 20<sup>th</sup> and Saturday, November 5<sup>th</sup> from 8:30 am–4:30 pm for election work.

#### **CITY ATTORNEY STARAN:**

- Nothing this evening to report.

#### **MAYOR TERBRACK:**

- Wished all of the youngsters and not-so-youngsters a happy, healthy, and safe Halloween. He has been impressed by the participation of residents in celebrating the Halloween spirit.
- He stated that his father was mentioned this evening but wanted to take a moment to acknowledge his mother and wish her a Happy Birthday.

#### **ADJOURNMENT:**

Mayor Pro-Tem Dean moved to adjourn the Regular Meeting at 7:57 p.m.

Seconded by Councilmember Vilani

Ayes: Hennen, Price, Vilani, Baker, Dean, Gavin, and Terbrack

Nays: None

Motion Approved.



CITY OF BERKLEY  
CHECK WARRANT  
#1380  
OCTOBER 2022

Check Date	Check	Vendor Name	Description	Amount	Voided?
10/13/2022	70215	EVA MITCHELL	PRECINCT WORKER	60.00	
10/13/2022	70216	MISDU	CHILD SUPPORT CASE NO. 913340822 - PR #2	82.99	
10/13/2022	70217	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #21 EMPL. DEDUCT. - (ROTH) - PR #21	5,474.92 1,604.54	
				<b>7,079.46</b>	
10/13/2022	70218	RACHEL PATTERSON	PRECINCT WORKER	1,282.50	
10/13/2022	70219	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #21	662.31	
10/13/2022	70220	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #21 EMPLOYEE DEDUCT. - LOAN - PR #21	3,472.00 79.90	
				<b>3,551.90</b>	
10/13/2022	70221	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #21	205.00	
10/17/2022	70222	21ST CENTURY MEDIA - MICHIGAN	CC/MARIHUANA NOTICE LEGAL NOTICE LEGAL NOTICE	132.51 243.77 213.41	
				<b>589.69</b>	
10/17/2022	70223	AIR HANDLERS SERVICE CORP.	PERMIT OBTAINED BY ANOTHER CONTRACTOR	40.50	
10/17/2022	70224	AIRGAS USA, LLC	CYLINDER RENTAL SEPTEMBER 2022 CYLINDER RENTAL HAZMAT FEE / JUNE 2022	31.98 7.08	
				<b>39.06</b>	
10/17/2022	70225	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES NEW CART PHONE CASE CASE & SCREEN PROTECTOR DUAL MONITOR ARM HARDWARE TO HANG NEW SIGNS WATER SUPPLIES MISC. HYDRANT TAGS WHITE BOARD ICE BAGS	107.99 16.99 42.97 98.98 82.37 192.64 62.71 67.92 14.69	
				<b>687.26</b>	
10/17/2022	70226	AMERICAN FIRE PROTECTION SERVICES	DPW FIRE ALARM MONITORING OCTOBER - DEC	153.00	
10/17/2022	70227	ANTHONY RETKA	DOWNTOWN MUSICAL PERFORMANCE	150.00	
10/17/2022	70228	APPLIED INNOVATION	FINANCE COPIER FINANCE COPIER DPW COPIER	98.98 42.70 0.19	
				<b>141.87</b>	
10/17/2022	70229	AT&T	ACCT. NO. 24854624000218 - 09/25/22 - 10	800.51	
10/17/2022	70230	AXON ENTERPRISE, INC.	BODY CAMS, TASERS, CLOUD STOR.	73,548.58	
10/17/2022	70231	BELL EQUIPMENT COMPANY	#22 OUTSIDE REPAIR	2,960.68	
10/17/2022	70232	BIG D LOCK CITY	KEYS KEYS FOR LARSEN & SARRIS	12.00 3.78	
				<b>15.78</b>	
10/17/2022	70233	BLUE CROSS BLUE SHIELD OF MICH	SEPTEMBER 2022 CLAIMS	175,818.08	
10/17/2022	70234	BOOK BEAT	BOOKS FOR TAIL ON THE TRAIL	28.78	
10/17/2022	70235	BRENTWOOD DET	TROLLEY, RESERVATION #82256	1,425.40	
10/17/2022	70236	C & G NEWSPAPERS	NEWSPAPER AD	1,457.00	
10/17/2022	70237	CAMELOT CLEANERS	PRIS. BLANKETS - SEPTEMBER	121.40	
10/17/2022	70238	CARDCONNECT	CONTRACTUAL SERVICES	25.00	
10/17/2022	70239	CBTS	MAINTENANCE AGREEMENT	4,560.00	

10/17/2022	70240	CHRISTINE DASCHKE	SOFTBALL CONTRACTUAL	90.00
10/17/2022	70241	CINTAS	BUILDING MAINTENANCE FLOOR MATS CONTRACTUAL SERVICES	203.33 142.99
				<b>346.32</b>
10/17/2022	70242	CLEARGOV INC.	SUBSCRIPTION FOR 10/01/22 - 06/30/23	<b>4,230.00</b>
10/17/2022	70243	CMV LANDSCAPE & EQUIPMENT COMPANY	2233 EARLMONT LOCAL/CONCRETE REPAIR 2265 HAMILTON - WATER/CONCRETE REPAIR 2116/2111/2091 BUCKINGHAM WATER/CONCRETE 1272 COLUMBIA LEAD SERVICE/CONCRETE RPR 1817 MORTENSON WATER/CONCRETE REPAIR 2816 COOLIDGE WATER/CONCRETE REPAIR 2238 FRANKLIN LEAD SERVICE/CONCRETE REPA 2125 DOROTHEA LEAD SERVICE/CONCRETE REPA 2088 EARLMONT WATER/CONCRETE RPR 2309 ROSEMONT / WATER BREAK CONCRETE REP 1885 GARDNER LEAD SERVICE/CONCRETE RPR 2145 KIPLING LEAD SERVICE/CONCRETE REPAI 2668 PHILLIPS CONCRETE RPR/LEAD SERVICE 2880 CUMBERLAND LEAD SERVICE/CONCRETE RP 3813 ELLWOOD LEAD SERVICE/CONCRETE RPR 4028 GRIFFITH LEAD SERVICE/CONCRETE RPR 4070 GRIFFITH LEAD SERVICE/CONCRETE RPR 4191 GRIFFITH LEAD SERVICE/CONCRETE RPR ROBINA PLAZA WALK, CURB, ROAD 1096 LARKMOOR WATER/CONCRETE REPAIR	5,376.00 3,400.00 12,207.00 1,205.00 4,663.00 2,705.00 2,574.00 520.00 3,955.00 9,039.00 400.00 1,725.00 595.00 400.00 600.00 595.00 518.00 3,053.00 17,104.00 1,650.00
				<b>72,284.00</b>
10/17/2022	70244	CONTRACTORS CLOTHING CO.	UNIFORMS - K. OZANICH UNIFORMS B. LAPINE UNIFORMS A. WOZNIAK UNIFORMS R. RZECZKOWSKI UNIFORMS K. OZANICH	58.49 168.30 44.99 67.47 125.27
				<b>464.52</b>
10/17/2022	70245	CONTRACTORS CONNECTION	FILTERS DPW	<b>72.33</b>
10/17/2022	70246	CUMMINS SALES AND SERVICE	ANNUAL GENERATOR MAINT.	<b>270.33</b>
10/17/2022	70247	DAVID SMITH	SOFTBALL CONTRACTUAL SOFTBALL CONTRACTUAL	96.00 220.00
				<b>316.00</b>
10/17/2022	70248	DEALER AUTO PARTS SALES	P.S. BATTERY - APPLY CM 816112 P & R - SMART BUS SEALS P & R SMART BUS BRAKE PADS/ROTORS SMART BUS #85	119.96 52.80 214.47 37.84
				<b>425.07</b>
10/17/2022	70249	DELANG FLUID POWER, INC.	DPW - GARAGE CRIMPER PARTS	<b>235.16</b>
10/17/2022	70250	DISCOUNT OFFICE EQUIPMENT	CABINETS - BLDG. RENO	<b>2,611.22</b>
10/17/2022	70251	ED RINKE CHEVROLET	P & R SMART BUS MODULE KIT P & R #79 SENSOR P & R SMART BUS RESERVOIR - APPLY CM 260	415.80 140.00 59.91
				<b>615.71</b>
10/17/2022	70252	FAIR-WAY TILE & CARPET, INC.	CARPET REPLACEMENT CITY HALL RENOVATION	<b>1,652.00</b>
10/17/2022	70253	FEDERAL PIPE & SUPPLY CO	EQUIPMENT SUPPLIES	<b>100.00</b>
10/17/2022	70254	FERGUSON WATERWORKS #3386	COUP 12 X 12 ANTENNAS	302.61 30,757.82
				<b>31,060.43</b>
10/17/2022	70255	FORTINO YBARRA	DOWNTOWN MUSICAL PERFORMANCE	<b>150.00</b>
10/17/2022	70256	FRANKS LANDSCAPING & SUPPLIES LLC.	FLOWER BASKETS AND LANDSCAPING	<b>2,584.17</b>

10/17/2022	70257	FRONT LINE SERVICES, INC.	FIRE HELMETS FIRE GEAR PARTS	1,645.51 162.95
				<b>1,808.46</b>
10/17/2022	70258	GDI SERVICES INC.	MONTHLY JANITORIAL	<b>1,666.45</b>
10/17/2022	70259	GOODYEAR AUTO SERVICE CENTER	TIRES	<b>166.14</b>
10/17/2022	70260	GUNNERS METERS & PARTS INC.	METER COUPLINGS CLAMPS CLAMP ANODE	1,000.00 870.00 955.00 625.00
				<b>3,450.00</b>
10/17/2022	70261	HAFELI, STARAN, & CHRIST, P.C.	SEPT. 2022 CITY ATTORNEY	<b>8,029.88</b>
10/17/2022	70262	HENRY FORD @ WORK	PRE-EMPLOYMENT PHYSICALS/CDL	<b>1,181.00</b>
10/17/2022	70263	HENRY FORD HEALTH SYSTEM	3RD QUARTER EAP SERVICES	<b>725.00</b>
10/17/2022	70264	HIGH LIGHTING SERVICE COMPANY	LED LIGHTS AT HARVARD TENNIS COURTS	<b>2,175.00</b>
10/17/2022	70265	HOME DEPOT CREDIT SERVICES	JIM'S ROOM / ANIMAL CONTROL WATER COOLERS	387.47 167.94
				<b>555.41</b>
10/17/2022	70266	HUNT SIGN CO LTD	ROGERS SCHOOL SIGNS MAJOR	<b>1,344.00</b>
10/17/2022	70267	HYDROCORP	SEPTEMBER 2022 CROSS CONNECTION SERVICES	<b>1,658.00</b>
10/17/2022	70268	INTERSTATE BILLING SERVICE	DPW FILTERS	<b>224.88</b>
10/17/2022	70269	ISCG	DEPOSIT FOR ADDITIONAL CUBICLE IN CLERK'	<b>1,314.00</b>
10/17/2022	70270	J.H. HART URBAN FORESTRY	TREE TRIM, LOGGING, REMOVAL 10/3/22 - 10 TREE TRIM, LOGGING, REMOVAL 9/26/22 - 9/	7,255.22 7,492.82
				<b>14,748.04</b>
10/17/2022	70271	JACK DEMMER FORD, INC.	P.S. LIGHTS P.S. - MOLDING MGC31577 P & R SMART BUS ROTOR & BOLTS P & R SMART BUS	1,131.84 90.33 246.17 340.74
				<b>1,809.08</b>
10/17/2022	70272	JOHN R. SPRING & TIRE CENTER	DPW #40 OUTSIDE REPAIR	<b>2,131.54</b>
10/17/2022	70273	JONATHAN ROBERTS	CREDIT CARD REIMBURSEMENT	<b>86.91</b>
10/17/2022	70274	JORDAN SANDERCOCK & ZACHARY RESNICK	HOMEOWNER CANCELLED WORK	<b>54.00</b>
10/17/2022	70275	JULIE TYBURSKI	SOFTBALL CONTRACTUAL	<b>490.00</b>
10/17/2022	70276	JUMP-A-RAMA, INC.	CONTRACTUAL SERVICES	<b>2,205.00</b>
10/17/2022	70277	KANOPIY, INC.	DIGITAL CONTENT	<b>190.40</b>
10/17/2022	70278	KELLY GARBIG	SOFTBALL CONTRACTUAL	<b>90.00</b>
10/17/2022	70279	KONICA MINOLTA BUSINESS SOLUTIONS	PDF OPTION DPW COPIER / SEPTEMBER 2022 COPIER CHARGES FAX MODULE OFFICE EQUIPMENT RENTAL OFFICE EQUIPMENT RENTAL	9.10 79.42 14.62 325.26 108.90 4.30
				<b>541.60</b>
10/17/2022	70280	KYLE LAPORTE	SOFTBALL CONTRACTUAL	<b>90.00</b>
10/17/2022	70281	LARRY'S WELDING SUPPLY	SEPTEMBER 2022 CYLINDER RENTAL	<b>62.65</b>
10/17/2022	70282	LAWSON PRODUCTS, INC.	GARAGE TOOL (SHIPPING - HANDLING)	<b>15.58</b>
10/17/2022	70283	LIGHTING SUPPLY COMPANY	PHOTOCELL FOR OUTDOOR LIGHTS	<b>12.03</b>
10/17/2022	70284	MAJIK GRAPHICS, INC.	BREAST CA DETAILING FOR #412	<b>1,919.00</b>
10/17/2022	70285	MARY ANN BUCIA	SOFTBALL CONTRACTUAL	<b>90.00</b>
10/17/2022	70286	MERS OF MICHIGAN	SERVICE CREDIT PURCHASE FOR REBECCA STOU	<b>7,433.00</b>
10/17/2022	70287	MICHAEL MCGUINNESS	SKELETONS PURCHASE REIMBURSEMENT MUSICIAN PAYMENTS REIMBURSEMENT	2,345.25 550.00
				<b>2,895.25</b>
10/17/2022	70288	MICHIGAN GRAPHICS & AWARDS	PLAQUES FOR STAINED GLASS OFFICE SUPPLIES NAMEPLATES	160.00 80.00

				<b>240.00</b>
10/17/2022	70289	MICHIGAN LIBRARY ASSOC.	MLA MEMBERSHIP (REBECCA)	<b>85.00</b>
10/17/2022	70290	MIDWEST TAPE	DIGITAL CONTENT	<b>1,265.91</b>
10/17/2022	70291	MOUND ROAD CRUSHED CONCRETE	21A CRUSHED CONCRETE	<b>364.00</b>
10/17/2022	70292	NATHAN PAPKE	CREDIT CARD PURCHASE REIMBURSEMENT	<b>1,653.30</b>
10/17/2022	70293	NELSON BROTHERS SEWER & PLUMBING	SUMP PUMP REPLACEMENT	475.00
			1881 BACON SEWER RETAP	7,000.00
			CELL #2 REPAIR TOILET	1,125.00
			2668 PHILLIPS AVE.	5,000.00
			3643 THOMAS AVE.	5,000.00
				<b>18,600.00</b>
10/17/2022	70294	NORFIELD DEVELOPMENT PARTNERS, LLC	ANNUAL NOV. 22 - NOV. 23 MISS DIG SOFTWA	<b>2,488.00</b>
10/17/2022	70295	NYE UNIFORM	ONESKO 3 L/S, 3 S/S POLOS	294.00
			FOREMAN 1 PANTS / 1 JOB SHIRT	171.50
				<b>465.50</b>
10/17/2022	70296	O'REILLY AUTOMOTIVE, INC.	DPW - MISC.	<b>635.17</b>
10/17/2022	70297	OAK CO ASSOC OF CHIEFS OF POLICE	2023 MEMBERSHIP	<b>120.00</b>
10/17/2022	70298	OAKLAND COUNTY	AUGUST AVCB	2,108.40
			AUGUST ELECTION COSTS FOR BALLOTS	858.00
			CLEMIS USER FEE MDC & MUG SHOT MAINT.	5,668.75
			FRMS DEPT. FEE - JULY - SEPT. 22	1,137.75
			SEPTEMBER 2022 / SEWAGE TREATMENT	248,648.50
				<b>258,421.40</b>
10/17/2022	70299	ON DUTY GEAR	BODY ARMOR - ROSS	<b>1,155.00</b>
10/17/2022	70300	PITNEY BOWES INC.	INK FOR MAILING MACHINE	<b>246.49</b>
10/17/2022	70301	POMP'S TIRE SERVICE, INC.	DPW OUTSIDE REPAIR	<b>46.00</b>
10/17/2022	70302	POSTMASTER	TO REPLENISH OVERDUE POSTAGE ACCOUNT	<b>500.00</b>
10/17/2022	70303	PRECISION DATA PRODUCTS	HP TONER	<b>201.50</b>
10/17/2022	70304	PRESIDIO NETWORKED SOLUTIONS GROUP	SECURITY CAMERA SERVER MAINTENANCE	<b>765.00</b>
10/17/2022	70305	QUANTUM SERVICES GROUP, LLC	SERVER/FIREWALL MONITORING	539.00
			SERVER BACKUP SYSTEM	400.00
				<b>939.00</b>
10/17/2022	70306	RAD HATTER MARKETING	OCTOBER 2022 SERVICES	<b>4,200.00</b>
10/17/2022	70307	RKA PETROLEUM COS, INC	89 MIDGRADE FUEL	22,592.25
			#2 ULTRA LOW SULFUR DIESEL	1,841.51
				<b>24,433.76</b>
10/17/2022	70308	ROBERT & MARYSUE LIVINGSTON	REFUND OF PERMIT FOR 3076 BROOKLINE BLVD	<b>45.00</b>
10/17/2022	70309	ROCHESTER MIDLAND	SANOR SERVICE FOR CITY HALL	<b>80.01</b>
10/17/2022	70310	ROSEN PUBLISHING GROUP, THE	YOUTH BOOKS	<b>276.85</b>
10/17/2022	70311	S/E OAK. CTY WATER AUTHORITY	SEPTEMBER 2022 BULK WATER	<b>75,872.07</b>
10/17/2022	70312	S/E OAK.CTY RESOURCE REC. AUTH	TRASH, RECYCLE, PICKUPS - SEPTEMBER 2022	<b>53,058.00</b>
10/17/2022	70313	SARAH FISHER	SOFTBALL CONTRACTUAL	<b>30.00</b>
10/17/2022	70314	SHIFMAN FOURNIER	LEGAL SERVICES LABOR - SEPTEMBER 2022	<b>870.00</b>
10/17/2022	70315	STAPLES	OFFICE SUPPLIES	1,945.87
			MISC. OFFICE SUPPLIES	1,077.50
			OFFICE SUPPLIES - SEPT.	156.50
			MISC. OFFICE SUPPLIES	120.91
				<b>3,300.78</b>
10/17/2022	70316	STATE OF MICH-DEPT OF TREASURY	SEPTEMBER 2022 MI TAX WITHHOLDING FOR AC	<b>28,812.06</b>
10/17/2022	70317	STATE OF MICH-DEPT OF TREASURY	SEPTEMBER 2022 MI TAX WITHHOLDING FOR RE	<b>3,769.34</b>
10/17/2022	70318	STATE OF MICHIGAN	FIRE INVEST. II - ROBERTS	<b>250.00</b>
10/17/2022	70319	SYSTEMP CORPORATION	QUARTERLY HVAC MAINTENANCE	<b>625.00</b>
10/17/2022	70320	T-MOBILE	WIFI HOTSPOTS - ACCT. NO. 971364489	<b>238.88</b>
10/17/2022	70321	TERMINAL SUPPLY CO	#40 DPW LIGHTS	<b>80.36</b>
10/17/2022	70322	THE LIBRARY NETWORK	TECHNOLOGY LICENSES	<b>357.90</b>

10/17/2022	70323	THE PRINT STOP, INC	OFFICE SUPPLIES CODE BUSINESS CARDS	45.00
			PROGRAM SUPPLIES	45.00
				<b>90.00</b>
10/17/2022	70324	TRANSUNION RISK AND ALTERNATIVE	TLOXP INVEST. SERVICES - SEPT.	117.00
10/17/2022	70325	U.S. TRUCK DRIVER TRAINING SCHOOL	CDL TRAINING FOR B. DAUGHERTY	3,395.00
10/17/2022	70326	UNITED FACILITY SUPPLIES	BATH TISSUE, TRASH LINERS & PAPERTOWELS	150.02
			HAND TOWELS	145.24
			SOAP FOR DISPENSERS DPW	146.73
				<b>441.99</b>
10/17/2022	70327	UNITED RENTALS	2 CONTAINERS - BLDG. RENOVATION 9/27/22	250.00
10/17/2022	70328	VERIZON WIRELESS	FOR SERVICE 09/02/22 - 10/01/22	266.09
10/17/2022	70329	VESCO OIL CORPORATION	PARTS CLEANER GARAGE	104.50
10/17/2022	70330	WINDER POLICE EQUIPMENT	416 - NOPTICS	3,601.00
10/17/2022	70331	WINDSTREAM	PHONE SERVICE	619.11
10/17/2022	70332	WORRY FREE LAWN CARE & SNOW REMOVAL	LAND IMPROVEMENTS	3,450.00
			LAND IMPROVEMENTS	2,000.00
			LAND IMPROVEMENTS	2,000.00
				<b>7,450.00</b>
10/17/2022	70333	XEROX CORPORATION	XEROX USER FEES 8/21 - 9/21/22	110.88
10/27/2022	70334	MISDU	CHILD SUPPORT CASE NO. 91334082 - PR #22	82.99
10/27/2022	70335	NATIONWIDE RETIREMENT SOLUTIONS	EMPL. DEDUCT. (NATIONWIDE 457) - PR #22	5,241.27
			EMPL. DEDUCT. (ROTH) - PR #22	1,584.40
				<b>6,825.67</b>
10/27/2022	70336	VANTAGEPOINT TRNSFR AGENTS-107930	EE/ER CONTRIB. (401) - PR #22	662.31
10/27/2022	70337	VANTAGEPOINT TRNSFR AGENTS-303792	EMPLOYEE DEDUCT. (ICMA 457) - PR #22	3,059.09
			EMPLOYEE DEDUCT. - LOAN - PR #22	79.90
				<b>3,138.99</b>
10/27/2022	70338	VANTAGEPOINT TRNSFR AGENTS-706259	EMPLOYEE DEDUCT. (ICMA ROTH) - PR #22	140.00
10/30/2022	70339	RACHEL PATTERSON	PRECINCT WORKER	1,681.50
10/31/2022	70340	A & B ALARM SYSTEMS, INC.	11/1/22 - 12/31/22 DPW ALARM MONITORING	76.00
			10/1/22 - 12/31/22 DPW FIRE CELL MONITOR	165.00
				<b>241.00</b>
10/31/2022	70341	AB HOMES, LLC	2069 COLUMBIA	850.00
10/31/2022	70342	ACCU LAMINATION	TALE ON THE TRAIL LAMINATION	45.00
10/31/2022	70343	ADN ADMINISTRATORS, INC.	ADMINISTRATIVE FEE FOR NOVEMBER 2022	966.00
10/31/2022	70344	AIELLI CONSTRUCTION COMPANY, INC.	KENMORE/CORNWALL WM PROJECT	207,968.53
10/31/2022	70345	ALLIANCE MOBILE HEALTH	BLOOD DRAWS	888.00
10/31/2022	70346	AMANDA DUFFY	BERKLEY MONSTER MASH PERFORMANCE	200.00
10/31/2022	70347	AMAZON CAPITAL SERVICES	NETWORK MODULE	705.00
			NETWORK TRANSCEIVERS	228.50
			SHREDDER- CHIEF'S OFFICE	154.99
			GARAGE SALT BODY STANDS	249.99
			WINCH REPL. PARTS & POST HOLE DIGGER	68.30
			SCALE RULER	7.98
			CHARGER ADAPTER	23.98
			VEST PATCH WDC	11.69
			TV MOUNTS, WALL FANS	669.45
			OFFICE SUPPLIES	31.99
			COFFEE/SUGAR/CREAMER	249.67
			TUMBLERS	176.38
			TOOL - DPW	26.89
			TUMBLERS - DPW	59.99
			DEGREASER (MECHANICS OIL)	325.90
			TOILET REPAIR KIT	26.84
				<b>3,017.54</b>

10/31/2022	70348	AMERICAN STANDARD ROOFING LLC	1510 CATALPA DR.	75.00
10/31/2022	70349	ANDREANO CONSTRUCTION LLC	3829 PRAIRIE AVE, 3829 PRAIRIE	800.00 850.00
				<b>1,650.00</b>
10/31/2022	70350	APPLIED INNOVATION	FINANCE COPIER	47.10
10/31/2022	70351	ARNOLD THOMAS	DOWNTOWN MUSICAL PERFORMANCE	100.00
10/31/2022	70352	ARTICIPATE	ARTICIPATE COMPLETED MURAL	2,200.00
10/31/2022	70353	ASHLEY MOTZ	SIDWELL #04-25-17-106-014	4,983.87
10/31/2022	70354	AT&T	FIBER INTERNET-ACCT. NO. 311160118	149.00
10/31/2022	70355	AT-LESS DRAIN CLEANING	1322 FRANKLIN RD.	5,000.00
10/31/2022	70356	B-DRY SYSTEM OF SOUTHEASTERN MI	4252 GREENFIELD RD.	100.00
10/31/2022	70357	BARBARA WOOLERY	2425 BEVERLY BLVD.	50.00
10/31/2022	70358	BASIC	ADMINISTRATIVE FEE FOR OCTOBER 2022	50.00
10/31/2022	70359	BCM HOME IMPROVEMENT	2268 COLUMBIA RD.	100.00
10/31/2022	70360	BERKLEY AREA CHAMBER OF COMMERCE	STATE OF THE CITIES 2022	525.00
10/31/2022	70361	BERKLEY SCHOOL DISTRICT	CAMP CONTRACTUAL	2,040.00
10/31/2022	70362	BLACK DOG ATELIER, LLC	2717 COOLIDGE HWY.	50.00
10/31/2022	70363	BLUE CROSS BLUE SHIELD OF MICHIGAN	NOVEMBER 2022 PREMIUM FOR SUFFIX 600 NOVEMBER 2022 PREMIUM FOR SUFFIX 601	4,250.84 22,600.80
				<b>26,851.64</b>
10/31/2022	70364	BONGERO CONSTRUCTION CO.	1592 WILTSHIRE	620.00
10/31/2022	70365	BRANDON J. FALENSKI	2509 HAMILTON AVE.	75.00
10/31/2022	70366	BRIAN ALIMOV	2069 COLUMBIA RD.	800.00
10/31/2022	70367	BRICKWORKS PROPERTY RESTORATION	3522 PRAIRIE AVE.	50.00
10/31/2022	70368	CARDCONNECT	CONTRACTUAL SERVICES	25.00
10/31/2022	70369	CARLISLE / WORTMAN	CWA ENGINEERING REVENUE CWA PLANNING CONSULTING CWA PLANNING CONSULTING	552.50 632.50 1,490.00
				<b>2,675.00</b>
10/31/2022	70370	CDW GOVERNMENT, INC.	PRINTER MAINT. BOX	15.30
10/31/2022	70371	CINTAS	MED BOX REFILL	69.61
10/31/2022	70372	COSTIGAN CONTRACTORS	3971 CUMMINGS AVE.	75.00
10/31/2022	70373	CREGGER PLUMBING	3931 PHILLIPS AVE. 3871 CORNWALL DR. 4135 CORNWALL DR.	5,000.00 5,000.00 5,000.00
				<b>15,000.00</b>
10/31/2022	70374	DALE ADELSON	1864 CATALPA DR.	50.00
10/31/2022	70375	DAVID HAYES	UB refund for account: 020443500	85.09
10/31/2022	70376	DEBBIE MAZZETTI	UB refund for account: 010626500	1,251.75
10/31/2022	70377	DEREK JAMES	2133 MORTENSON BLVD.	100.00
10/31/2022	70378	DETROIT BUILD, INC.	2945 CUMMINGS AVE. 2945 CUMMINGS AVE. 2945 CUMMINGS AVE.	100.00 50.00 50.00
				<b>200.00</b>
10/31/2022	70379	DIAMOND CREEK HOMES INC.	3247 ELLWOOD AVE.	50.00
10/31/2022	70380	DIMAMBRO CONSTRUCTION LLC	3842 ROYAL	30.00
10/31/2022	70381	DISCOUNT OFFICE EQUIPMENT	NEW FILE STORAGE FOR COMM. DEV.	3,274.00
10/31/2022	70382	DIVERSIFIED INTERNATIONAL, LLC	2954 HARVARD RD.	200.00
10/31/2022	70383	DONALD ORION PATTERSON	SIDWELL #04-25-18-105-034	1,080.08
10/31/2022	70384	DONE-RITE AUTO WASH	3515 TWELVE MILE	20.00
10/31/2022	70385	DREAMERS INC.	3643 CUMMINGS AVE.	50.00
10/31/2022	70386	DURST LUMBER CO	MISC. ITEMS	685.44
10/31/2022	70387	ELEGANT STAMPED CONCRETE INC.	4269 BACON	40.00
10/31/2022	70388	ELIZABETH LERMA	BERKLEY MONSTER MASH PERFORMANCE	400.00
10/31/2022	70389	EMERGENCY DRAIN AND PLUMBING	2008 EARLMONT RD.	500.00
10/31/2022	70390	ERIC J. & LIA K. HAM	1809 PHILLIPS AVE.	50.00
10/31/2022	70391	ERIC OSTROWSKI	CONTRACTUAL SERVICES	438.20
10/31/2022	70392	ERIKA TAYLOR LENTZ	3786 TYLER AVE.	50.00
10/31/2022	70393	EVERDRY WATERPROOFING	3225 THOMAS AVE.	100.00
10/31/2022	70394	EVOLVE CONSTRUCTION LLC	2174 EARLMONT	5.00

10/31/2022	70395	FERGUSON WATERWORKS #3386	SEAL PIN MACRO COUPLINGS	8.00 <u>1,745.96</u>
				<b>1,753.96</b>
10/31/2022	70396	FINISHED BASEMENTS PLUS LLC	2946 ROYAL AVE.	<b>500.00</b>
10/31/2022	70397	FIRE DEFENSE EQUIPMENT COMPANY	SPRINKLER SYSTEM EVALUATION FIRE EXTINGUISHER SERVICE	1,530.32 <u>460.39</u>
				<b>1,990.71</b>
10/31/2022	70398	FIRST COMMERCIAL REALTY & DEVELOP.	2640 ELEVEN MILE RD.	<b>800.00</b>
10/31/2022	70399	FLIPSIDE RECORDS	VINYL RECORD PURCHASES	<b>288.78</b>
10/31/2022	70400	FOREMOST INSURANCE CO. GRAND RAPIDS	CLAIM #7003877954 - FIRE AT 3447 TYLER A	<b>13,835.00</b>
10/31/2022	70401	FORTUNA CONSTRUCTION CORP.	2173 EARLMONT	<b>165.00</b>
10/31/2022	70402	FOUNDATION SOLUTIONS 360	2428 ROYAL AVE.	<b>75.00</b>
10/31/2022	70403	FRONT LINE SERVICES, INC.	ANNUAL MAINT. DOT S-4 ANNUAL MAINT. DOT T-4 REPAIR T-4 ANNUAL MAINT. DOT E-4	1,224.10 1,551.15 503.00 <u>2,171.47</u>
				<b>5,449.72</b>
10/31/2022	70404	GALLAGHER BENEFIT SERVICES, INC.	HR CONSULTING	<b>1,200.00</b>
10/31/2022	70405	GARY W. FOSTER	3376 TWELVE MILE RD.	<b>50.00</b>
10/31/2022	70406	GDI SERVICES INC.	CUSTODIAL SERVICES CUSTODIAL SERVICES DPW CUSTODIAL SERVICES - OCTOBER 2022 CUSTODIAL - OCTOBER	1,003.68 249.12 522.70 <u>1,703.19</u>
				<b>3,478.69</b>
10/31/2022	70407	GEORGE PETRENTZEV	2656 KENMORE RD.	<b>50.00</b>
10/31/2022	70408	GREAT LAKES PEST CONTROL CO	PEST CONTROL - RATS MONTHLY PEST CONTROL MONTHLY PEST CONTROL - ROBINA	75.00 60.00 <u>40.00</u>
				<b>175.00</b>
10/31/2022	70409	GREAT LAKES WATER AUTHORITY	IWC - SEPTEMBER 2022	<b>3,182.62</b>
10/31/2022	70410	GREENLEAF HOME SERVICES, LLC.	2227 KIPLING AVE.	<b>100.00</b>
10/31/2022	70411	HADLEY CONSTRUCTION	3247 CUMMINGS AVE, 2057 EARLMONT RD.	100.00 <u>75.00</u>
				<b>175.00</b>
10/31/2022	70412	HARRISON PORTER	CONFERENCE REIMBURSEMENT	<b>55.23</b>
10/31/2022	70413	HILLAN HOMES INC.	3786 BUCKINGHAM 3786 BUCKINGHAM RD. 3786 BUCKINGHAM RD.	850.00 800.00 <u>1,000.00</u>
				<b>2,650.00</b>
10/31/2022	70414	HOEKSTRA TRANSPORTATION, INC.	#85 SMART VAN P&R	<b>545.35</b>
10/31/2022	70415	HOME EXTERIORS OF MICHIGAN	1117 OXFORD RD.	<b>100.00</b>
10/31/2022	70416	HUBBELL, ROTH & CLARK	ENGINEERING KENMORE/CORNWALL WM PROJECT CREW DAYS CONCRETE PATCHING PROGRAM CREW DAYS KENMORE/CORNWALL WM PROJECT CE SERVICES WILTSHIRE WM ROAD PROJECT DESIGN PE SERV CONCRETE RD PATCHING CE SERVICES COOLIDGE SIDEWALK PE SERVICES PAVEMENT MAINT. PROGRAM PE SERVICES 2022 SIDEWALK PROGRAM CE SERVICES GIS SUPPORT SIGN INVENT PHASE 2 PROF SERV - ENDING 1	7,216.09 32,718.75 8,250.00 25,360.40 6,809.44 12,265.65 772.60 3,421.54 771.98 4,313.56 <u>1,422.95</u>

103,322.96

10/31/2022	70417	HUNT SIGN CO LTD	3116 TWELVE MILE RD. PASSPORT TAGS - LEAL	50.00 27.00
				<b>77.00</b>
10/31/2022	70418	HUNTLEY WEGA CO.	3992 CUMMINGS AVE.	75.00
10/31/2022	70419	INCORE RESTORATION GROUP, LLC	3784 ELEVEN MILE RD.	75.00
10/31/2022	70420	INTERSTATE BILLING SERVICE	2021 - 2022 SOFTWARE PROGRAM	4,200.00
10/31/2022	70421	INTERSTATE CONSTRUCTION LLC	2581 COLUMBIA RD.	100.00
10/31/2022	70422	ITALIA CONSTRUCTION INC.	20-21 ROAD IMPROVEMENT	741,975.48
10/31/2022	70423	ITALY AMERICAN CONSTRUCTION	1936 ROSEMONT RD.	100.00
10/31/2022	70424	J.H. HART URBAN FORESTRY	TREE TRIM & STUMP 10/17/22 - 10/22/22 TREE TRIM & LOGGING 10/10/22 - 10/14/22	7,210.84 6,060.01
				<b>13,270.85</b>
10/31/2022	70425	JOHN GRAHAM TOTAL CONSTRUCTION INC.	1198 EATON RD.	100.00
10/31/2022	70426	JON MILAN	HAUNTED MICHIGAN TALK	100.00
10/31/2022	70427	JOVANI RUBIO	3541 BUCKINGHAM	65.00
10/31/2022	70428	JULIE ESPINOZA	3541 BUCKINGHAM	40.00
10/31/2022	70429	JVK CONSTRUCTION	3981 CUMBERLAND RD. 1957 CAMBRIDGE RD.	100.00 200.00
				<b>300.00</b>
10/31/2022	70430	KBJ GROUP LLC	2435 ROYAL AVE.	100.00
10/31/2022	70431	KELLY GOLDEN	2965 TWELVE MILE RD.	50.00
10/31/2022	70432	KONICA MINOLTA BUSINESS SOLUTIONS	CITY HALL COPIER	445.75
10/31/2022	70433	KRULL CONSTRUCTION CO., INC.	27897 WOODWARD AVE.	800.00
10/31/2022	70434	KURTIS KITCHEN & BATH CENTERS	1839 ROBINA AVE.	100.00
10/31/2022	70435	LAURA LUCHTMAN	BERKLEY MONSTER MASH DJ	500.00
10/31/2022	70436	LAWSON PRODUCTS, INC.	MISC. - P&R/PS/DPW	485.69
10/31/2022	70437	LESLIE L. ARMENTO	2275 OXFORD RD.	50.00
10/31/2022	70438	LIFE CONSTRUCTION AND DESIGN	2219 BUCKINGHAM RD.	500.00
10/31/2022	70439	LISA LITTELL	COUNCIL RESALE MURAL GRILL AND CURRY MURAL BOOKLEY WINDOW ARTWORK	2,400.00 4,000.00 6,100.00
				<b>12,500.00</b>
10/31/2022	70440	MAIN DRAIN SEWER & REPAIR LLC	3984 GRIFFITH AVE.	500.00
10/31/2022	70441	MALONEY TRUCKING	DIRT HAUL OUT HAUL IN HAUL IN/OUT DIRT & C2 FILL 3668 KENMORE LOCAL HAUL IN/OUT CC, FILL SAND	5,090.00 1,645.00 500.00 2,400.00
				<b>9,635.00</b>
10/31/2022	70442	MATRIX BASEMENT SYSTEMS	2481 CUMMINGS AVE.	100.00
10/31/2022	70443	MCKENNA	SEPTEMBER 2022 INSPECTIONS	33,733.50
10/31/2022	70444	MCLEAN CONSTRUCTION	1197 OXFORD RD.	75.00
10/31/2022	70445	MICHIGAN PETROLEUM	ANTIFREEZE - APPLY CM C24701	225.95
10/31/2022	70446	MORTAR CITY MASONRY	2820 TWELVE MILE RD.	100.00
10/31/2022	70447	MR. ROOF HOLDING COMPANY LLC	2261 WILTSHIRE RD. 4239 KENMORE RD. 3577 ELLWOOD AVE.	75.00 100.00 75.00
				<b>250.00</b>
10/31/2022	70448	NELSON BROTHERS SEWER & PLUMBING	971 COLUMBIA 1321 DOROTHEA RD, 1826 KIPLING AVE. 1850 ELEVEN MILE RD.	5,000.00 5,000.00 5,000.00 5,000.00
				<b>20,000.00</b>
10/31/2022	70449	NYE UNIFORM	BROKAW - 1 POLY/WOOL SHIRT & PANTS SARRIS - 2 EMT PANTS	186.00 69.00

			KWIZ - BOOTS	150.00
				<b>405.00</b>
10/31/2022	70450	OAK CONSTRUCTION	2893 HARVARD RD.	75.00
10/31/2022	70451	OAKLAND COUNTY MUTUAL AID ASSOC.	2023 MEMBERSHIP	3,300.00
10/31/2022	70452	OLIVER CONSTRUCTION	2923 THOMAS AVE. 2923 THOMAS AVE. 2923 THOMAS	1,000.00 800.00 850.00
				<b>2,650.00</b>
10/31/2022	70453	P. A. MORRIS COMPANY	MEETING ATTENDANCE/MINUTES FOR 10/12/22	150.00
10/31/2022	70454	PALMETTO SOLAR LLC	2067 CASS BLVD.	100.00
10/31/2022	70455	PARAMOUNT BUILDING INC.	4235 BACON AVE.	75.00
10/31/2022	70456	PEA GROUP	BERKLEY CONCEPTUAL PLAN BERKLEY DESIGN SERVICES	997.50 3,710.00
				<b>4,707.50</b>
10/31/2022	70457	PETE FISHMAN	VINYL RECORD PURCHASE	57.00
10/31/2022	70458	PHELAN A. YOUNG	SIDWELL #04-25-17-476-009	1,860.68
10/31/2022	70459	PHILLIPS SIGN & LIGHTING INC.	2060 COOLIDGE HWY. 28913 WOODWARD AVE.	50.00 50.00
				<b>100.00</b>
10/31/2022	70460	PRECISION DATA PRODUCTS	HP TONER	244.00
10/31/2022	70461	PRIEST CONSTRUCTION	1198 CAMBRIDGE RD,	40.00
10/31/2022	70462	PRINTING SYSTEMS	BILLING PAPER & RETURN ENV. BILLING PAPER & RETURN ENV.	1,080.12 1,080.12
				<b>2,160.24</b>
10/31/2022	70463	PRO-GRAPHICS, INC.	BANNER PRINTING	1,300.00
10/31/2022	70464	PROFESSIONAL RENOVATION SERVICE	2575 CATALPA DR.	100.00
10/31/2022	70465	PROVANTAGE LLC	SECURITY CAMERA EQUIPMENT SECURITY CAMERA EQUIPMENT OFFICE MONITORS	3,309.00 1,012.00 366.90
				<b>4,687.90</b>
10/31/2022	70466	QUANTUM SERVICES GROUP, LLC	IT SERVICES	200.00
10/31/2022	70467	RC TELCOM LLC	DPW RENOVATION IT WIRING CITY HALL IT WIRING	124.50 8,182.52
				<b>8,307.02</b>
10/31/2022	70468	REBECCA STOUT	REIMBURSEMENT FOR SUPPLIES FOR CHILDREN'	145.70
10/31/2022	70469	RKA PETROLEUM COS, INC	#2 ULTRA LOW SULFUR DIESEL	2,263.89
10/31/2022	70470	ROOF ONE LLC	2350 OXFORD RD.	75.00
10/31/2022	70471	ROYAL OAK AWNING	3116 TWELVE MILE RD.	50.00
10/31/2022	70472	RTUC	BERKLEY MONSTER MASH UNICYCLISTS	75.00
10/31/2022	70473	S/E OAK.CTY RESOURCE REC. AUTH	TRASH, RECYCLE, PICKUPS - OCTOBER 2022 M	46,754.00
10/31/2022	70474	SAS SERVICES	3818 OAKSHIRE	40.00
10/31/2022	70475	SIGNSCAPES, INC.	3384 TWELVE MILE RD.	50.00
10/31/2022	70476	SPARTAN PAVING LLC	2125 TWELVE MILE RD.	500.00
10/31/2022	70477	STAN LISICA	CONFERENCE REIMBURSEMENT	1,261.45
10/31/2022	70478	STAPLES	ACCT. NO. DE1093684 - BERKLEY COMMUNITY	258.46
10/31/2022	70479	STEWART & SONS CONCRETE	4112 WAKEFIELD RD.	200.00
10/31/2022	70480	SWARTZ DISTRIBUTING	2655 WAKEFIELD RD.	50.00
10/31/2022	70481	TAYLOR TRAPANI	SIDWELL #04-25-18-331-008	1,767.10
10/31/2022	70482	TERMINAL SUPPLY CO	ERASE & ADD PRODUCT / AGC FAST ACTING GL	17.53
10/31/2022	70483	THE LIBRARY NETWORK	ACQUISITION SERVICES SHARED AUTOMATION SYSTEM BOOKS & AV MATERIALS	1,031.51 9,053.91 5,837.37
				<b>15,922.79</b>

10/31/2022	70484	THE PRINT STOP, INC	PROGRAM SUPPLIES	45.00
10/31/2022	70485	THE RAPID GROUP, LLC	SHREDDING SERVICES	33.00
10/31/2022	70486	THOMAS JOSEPH BERTA	1060 HARVARD RD.	75.00
10/31/2022	70487	THORNTON & GROOMS INC.	2329 BEVERLY BLVD.	1,000.00
10/31/2022	70488	TIA HARVEY	BERKLEY MONSTER MASH PERFORMANCE	300.00
10/31/2022	70489	TIMBER PRODUCTS INSPECTION	CHECKING LIGHT POLES	1,345.00
10/31/2022	70490	TIMOTHY LAWRENCE WILDS	1810 PHILLIPS AVE.	75.00
10/31/2022	70491	TITTLE BROTHERS CONSTRUCTION LLC	2033 CASS BLVD. 3658 BUCKINGHAM RD.	50.00 75.00
				<b>125.00</b>
10/31/2022	70492	TRESNAK CONSTRUCTION	1197 CAMBRIDGE RD. 1885 EATON RD.	75.00 100.00
				<b>175.00</b>
10/31/2022	70493	TRINITY STAR LLC	2725 TWELVE MILE RD.	100.00
10/31/2022	70494	TRUCK & TRAILER SPECIALTIES, INC.	HYDAULIC HOSES GARAGE BRINE TANKS	132.91 157.02
				<b>289.93</b>
10/31/2022	70495	U.S. TRUCK DRIVER TRAINING SCHOOL	CDL TRAINING JORDAN HAHN	3,395.00
10/31/2022	70496	UNITED FACILITY SUPPLIES	TRASH BAGS	62.56
10/31/2022	70497	UNITED RENTALS	2 CONTAINERS - BLDG. CONSTRUCTION 10/25/	250.00
10/31/2022	70498	VALERIE ESHO	1465 LARKMOOR BLVD.	200.00
10/31/2022	70499	VERIZON WIRELESS	PHONE SERVICE FOR 09/21/22 - 10/20/22	2,076.51
10/31/2022	70500	VERMIGLIO CONSTRUCTION	2191 TWELVE MILE RD.	50.00
10/31/2022	70501	WOW! BUSINESS	OXFORD PARK INTERNET-ACCT. NO. 019716675 CITY FIBER INTERNET-ACCT. NO. 012057808	775.98 775.98
				<b>1,551.96</b>
10/31/2022	70502	YOUSUF M. SAYEED	SIDWELL #04-25-18-479-007	2,461.57
				<b>2,461.57</b>
			Total of 314 Checks:	2,395,197.96
			Less 0 Void Checks:	0.00
			Total of 314 Disbursements:	2,395,197.96

**CITY OF BERKLEY  
ACH TRANSFERS**

**VENDOR**

10/3/2022	INTERNAL REVENUE SERVICE	\$	48,625.36
10/3/2022	INTERNAL REVENUE SERVICE	\$	16,191.68
10/3/2022	ALERUS	\$	8,534.74
10/3/2022	DTE ENERGY	\$	295.20
10/4/2022	PS COMMAND UNION DUES	\$	400.00
10/4/2022	PSO UNION DUES	\$	720.00
10/4/2022	ALERUS	\$	4,758.36
10/4/2022	CONSUMERS ENERGY	\$	427.69
10/5/2022	DTE ENERGY	\$	10,132.04
10/11/2022	DTE ENERGY	\$	15,420.96
10/13/2022	PITNEY BOWES	\$	4,000.00
10/17/2022	INTERNAL REVENUE SERVICE	\$	49,520.90
10/18/2022	ALERUS	\$	8,760.24
10/18/2022	DTE ENERGY	\$	667.17
10/20/2022	DPW UNION DUES	\$	270.00
10/20/2022	PS COMMAND UNION DUES	\$	400.00
10/20/2022	PSO UNION DUES	\$	680.00
10/21/2022	MERS	\$	106,397.28
10/28/2022	THE HARTFORD	\$	5,340.23
10/31/2022	INTERNAL REVENUE SERVICE	\$	46,533.02
10/31/2022	PS COMMAND UNION DUES	\$	400.00
10/31/2022	PSO UNION DUES	\$	720.00
		<b>\$</b>	<b>329,194.87</b>

We hereby certify that the foregoing is a true and correct list of bills and that they have been approved by the City Council and this is the authority to issue checks in the amounts stated and charge them in the various accounts.

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*Daniel J. Terbrack, Mayor*

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*Victoria Mitchell, City Clerk*

November 21, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to authorize the City Manager to execute two contracts for Senior Home Chore Snow Removal Service with Tinsley Landscape and Hardscape LLC, 30728 Osmun Street, Madison Heights, MI 48071. One contract will be for remaining CDBG funds of \$2,604 and one will be pending for release of CDBG funds of \$3,887.

Ayes:

Nays:

Motion:

# Memo

To: Matthew Baumgarten, City Manager  
Cc: Mark Pollock, Finance Director  
Dan McMinn, Manager of Senior Programs  
From: Theresa McArleton, Parks & Recreation Director  
Date: 11/7/2022  
Subject: 2022/2023 Senior Services Homechore CDBG Program

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The Senior Homechore program is running this winter with approximately 40 homes enrolled for the program year.

A bid went out on both MITN and in the Daily Tribune with bids due on October 14, 2022. The City received a single bid for this service and is recommending moving forward with Tinsley Landscape and Hardscape LLC, who provided this service for us in 2021. Tinsley Landscaping did an excellent job with this service in the previous year and we are confident using them for a second winter season. Snow removal for a single lot this season is priced at \$40 and for a double or corner lot the cost is \$60. For snows over six inches, the cost for a single lot will be \$45 and a double or corner lot will cost \$65. Costs to seniors enrolled will remain at a \$5, \$10 or \$15 copay based on HUD income limits in 2022.

Based on CDBG funds available from 2021 and 2022, the city has a total combined amount of \$6,491 of CDBG funds to use for this season. Based on a recommendation from Oakland County, two contracts are to be approved from Council with 2022 funds approved pending release of those funds from the county.

The department and city administration continue to believe that this is an invaluable service provided to our senior residents and we wish to continue it in the 2022/23 winter season.

At this time, I recommend approval of a contract with Tinsley Landscape and Hardscape LLC. 30728 Osmun Street Madison Heights, Michigan 48071

As always, should you have any other questions, please do not hesitate to contact me.

ATTACHMENTS

**COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE CONTRACT  
PY 2021**

CITY OF BERKLEY

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**Municipality**

Tinsley Landscape and Hardscape LLC

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**Service Agency**

*Effective Date: **November 21, 2022** Ending Date: **May 21, 2023***

*This contract shall be effective for **seven (7)** months from the beginning effective date or when funding has been expended, whichever comes first. Contracts should not exceed two years in duration.*

**CONTRACT FUNDING SOURCES:**

**CDBG Program Year: 2021**

**Account Name: PUBLIC SERVICES (YARD SERVICES)**

**Total CDBG Dollar Amount of Contract: \$2604**

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**Section I. AGREEMENT**

This contract is made this day, 11/21/22, Tinsley Landscape and Hardscape LLC. hereinafter designated as the "Service Agency," having its principal office 30728 Osmun Street Madison Heights, Michigan 48071 and the City of Berkley, hereinafter designated as the "Municipality," having its principal office at 3338 Coolidge, Berkley, Michigan 48072.

**Section II. PURPOSE**

A) The purpose of this contract shall be to provide low to moderate income seniors in the City of Berkley with snow shoveling service. The service will be provided at a snowfall of 3" (inches) or more. Standard size lots will be \$40 and for corner or double lots it will be \$60. For snow fall over 6 inches a standard lot will be \$45 and a corner or double lot will be \$65 for snow over 6 inches.

B) Federal CDBG Performance Measures are pre-determined for public service activities and include: Goal - Improve Quality of Life; Objective - Suitable Living Environment; Indicator - # of Low/Moderate Income Persons with New Access to Service as reported in the Direct Benefit Activity Report; Outcome - Improved Availability/Accessibility.

### **Section III. THE SERVICE AGENCY'S RESPONSIBILITIES**

The Service Agency shall:

- A) Maintain records pertaining to the monies received and services provided in accordance with this agreement for a minimum of four years from the completion of this agreement. Allow the County of Oakland, the U.S. Department of Housing and Urban Development (HUD), the Comptroller General of the United States and any of their authorized representative's access to financial records pertaining to Community Development Block Grant Funds and this agreement for the purpose of audit or examination.
- B) Provide the Municipality and Oakland County Community & Home Improvement Division a specific unit(s) of measure for all services.
- C) Provide the Municipality invoices for services rendered based on actual costs.
- D) Submit payment requests that include required supporting documentation monthly or quarterly. Required documentation includes the "Direct Benefit Activity Report" to capture client information.
- E) Provide management and personnel to adequately perform the services prescribed by this agreement.
- F) Be solely responsible for any and all taxes (federal, state and/or local); worker's compensation insurance; disability payments; social security payments; unemployment insurance payments; insurance, and/or any similar type of payments for the Agency or any employee thereof; and shall hold the Municipality harmless from any and all such payments.
- G) Provide insurance in the kind and amount specified by the Municipality. The Municipality shall be named as an additional insured thereon and furnished with a certificate thereof when applicable.
- H) The Agency will not solicit or apply funds from any other source for the services reimbursed under this agreement.

### **Section IV. THE MUNICIPALITY'S RESPONSIBILITIES**

The Municipality shall:

- A) In consideration for services rendered by the Service Agency, pay a total sum not to exceed the CDBG program year funded amount specified above.
- B) The municipality shall require written documentation of the client benefit qualification to be kept on site with the agency.
- C) The municipality must monitor the service agency at least once during the contract period.
- D) Recompense the Service Agency upon receipt of a payment request that includes accurate required supporting documentation from the Service Agency in amounts and time intervals as specified here.

## **Section V. COMPLIANCE**

- A) The Service Agency shall comply with applicable laws, ordinances, codes and regulations of the Federal, State and local governments.
- B) Client Eligibility: All clients served under this agreement shall be qualified via either the HUD section 8 income verification or the HUD “presumed benefit” verification.

## **Section VI. DISCRIMINATION PROHIBITED**

The Service Agency shall not discriminate against any employee or applicant for employment with respect to hire, tenure, terms, condition or privileges of employment on a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, height, weight, or marital status pursuant to the Elliot Larsen Civil Rights Act, 1976, P.A. 453. The Service Agency and the Municipality shall also comply with the provisions of the Michigan Handicappers Civil Rights Act, 1976, P.A. 220 and the Federal Rehabilitation Act of 1973, P.A. 93-112, 87 Stat. 394, which require that no employee or client or otherwise qualified handicapped individual shall, solely by reason of his/her handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal assistance. No person shall, on the grounds of race, creed, color, sex, age, national origin, height, weight, handicap, marital status, sexual orientation, or gender identity be excluded from participation in, be denied the proceeds of, or be subject to discrimination in the performance of this contract.

## **Section VII. PROHIBITION OF POLITICAL AND RELIGIOUS ACTIVITY**

There shall be no religious worship, instruction or proselytization as part of, or in connection with, the performance of this agreement. None of the funds, materials, property or services under this agreement shall be used in the performance of this agreement for any partisan political activity, including lobbying, as specified in Federal Circular A-122 Cost Principles for Nonprofit Organizations -- lobbying revisions, or to further the election, defeat, recall, impeachment, appointment or dismissal of any candidate for or from any public office.

## **Section VIII. GENERAL CONTRACT PROVISIONS**

- A) Merger or Integration: This agreement constitutes the entire agreement between the Service Agency and the Municipality with respect to the subject matter hereof; there are no other further written or oral understandings or agreements with respect hereto.
- B) Modification, Assignment or Subcontracting Absent Prior Written Consent: No variation or modification of this agreement and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the Service Agency and the Municipality. Any alterations, additions or deletions to the terms of this agreement, which are required by the enactment of legislation, regulations and directives, are automatically incorporated into this agreement on the date designated by law, regulation or directive.

- C) Termination: Either party may, at any time during the life of this agreement, terminate this agreement by giving thirty (30) days written notice to the other party and Oakland County Community & Home Improvement Division of its intention to terminate and an opportunity for consultation prior to termination. In the event of a termination, the Municipality's obligation shall only be to reimburse the Service Agency for services rendered up to notification of termination.
- D) Addendum: A contract duration may be extended or shortened, funds may be added or subtracted via an addendum signed by a representative from the Municipality and the Service Agency indicating the exact changes. The Municipality shall provide a copy to Oakland County Community & Home Improvement.
- E) Hold Harmless: To the fullest extent permitted by law, the Service Agency agrees to indemnify, pay in behalf of, and hold harmless the Municipality, Oakland County Community & Home Improvement, their elected and appointed officials, employees, volunteers, boards, commissions and others working in behalf of the Municipality and/or County, against any and all claims, demands, suits, losses, including all costs connected therewith for any damages which may be asserted, claimed or recovered against or from the Municipality and/or County, by reason of personal injury, including bodily injury and death, and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with the activity authorized by this contract.
- F) Confidentiality: The use or disclosure of information by the Municipality or Service Agency concerning services, applicants or recipients obtained in connection with the performance of the agreement shall be restricted to the purposes directly connected with the administration of the services provided under this agreement. Such information shall not be used for any other purpose unless required by law, statute or other legal process and is disclosed to Oakland County Community & Home Improvement.
- G) Disputes: The Municipality shall notify the Service Agency in writing of its intent to pursue a claim against the Service Agency for breach of any terms of this agreement. No suit may be commenced by the Municipality for breach of the agreement prior to the expiration of ninety (90) days from the date of such notification. Within this ninety (90) day period, the Municipality at the request of the Service Agency must meet with an appointed representative of the Service Agency for the purpose of attempting to resolve the dispute. The Service Agency shall be given the opportunity to cure or remedy any breach within such ninety (90) day period.
- H) Notices: Whenever under this agreement a provision is made for notice of any kind, unless otherwise herein expressly provided, it shall be in writing and shall be served personally or sent by registered or certified mail with postage prepaid to the designated representatives at the addresses supplied below. A copy shall be provided to Oakland County Community & Home Improvement.

- I) Equal Employment Opportunity: The Service Agency shall comply with Executive Order 11246 of Sept. 24, 1965, entitled "Equal Employment Opportunity, "as amended by Executive Order 11375 October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60).
- J) Copeland "Anti-Kickback" Act: The Service Agency shall comply with the Copeland "Anti- Kickback" Act (18 U.S.C.874) as supplemented in Department of Labor regulations (29 CFR part 3). (Applies to contracts and sub grants for construction or repair) \_
- K) Reporting/Monitoring Requirements: The Municipality shall monitor the operations of vendor activities under this contract to assure compliance with applicable Federal requirements, contract provisions and that performance goals are being achieved on an annual basis.
- L) Patent Regulations: The Service Agency shall comply with the Municipality's requirements pertaining to patent rights with respect to any discovery or invention, copyrights and rights in data which arise or is developed in the course of or under such contract.
- M) Debarment, Suspension, Ineligibility and Voluntary Exclusion  
The Service Agency shall comply with the provisions of 24 CFR Part 24 that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this contract. Additionally, the Contractor shall not use, directly or indirectly, any of the funds provided by this contract to employ, award contracts to, or otherwise engage the services of, or fund any contractor/subcontractor during any period that the contractor/subcontractor is debarred, suspended or ineligible under the provisions of 24 CFR Part 24. Using the Excluded Parties Listing System (<http://epls.arnet.gov>), Oakland County Community & Home Improvement Division has determined, as of the date of this contract that the Contractor is not excluded from Federal Procurement and Non-procurement Programs.
- M) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)  
Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

**IX. SERVICE AGENCY AND MUNICIPALITY CONTACT INFORMATION**

**SERVICE AGENCY**

**MUNICIPALITY**

Name: Tinsley Landscape and Hardscape LLC

Name: City of Berkley

Representative Name: Jim Tinsley

Representative Name: Matthew Baumgarten

Phone #: 269-998-5593

Phone #: (248) 658-3300

Address: 30728 Osmun Street

Address: 3338 Coolidge

Madison Heights, MI 48071

Berkley, MI 48072

E-mail Address: tinsleylandscape@gmail.com

E-mail Address: mbaumgarten@berkleymich.net

EIN #: 85-4236567

**X. CONTRACT ACCEPTANCE**

The undersigned indicate by their signatures that they are authorized to act on behalf of their respective party in this capacity. CDBG funds may not be legally obligated until after the municipality has received the official award of funds letter for this program year.

**SERVICE AGENCY**

**MUNICIPALITY**

Name: Tinsley Landscape and Hardscape

Name: City of Berkley

Officer Name: Jim Tinsley

Officer Name: Matthew Baumgarten

Officer Title: Owner

Officer Title: City Manager

Signature:

Signature:

Witnessed:

Witnessed:

Date:

Date:

**COMMUNITY DEVELOPMENT BLOCK GRANT PUBLIC SERVICE CONTRACT  
PY 2022**

CITY OF BERKLEY

---

**Municipality**

Tinsley Landscape and Hardscape LLC

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**Service Agency**

*Effective Date: **November 21, 2022** Ending Date: **May 21, 2023***

*This contract shall be effective for **seven (7)** months from the beginning effective date or when funding has been expended, whichever comes first. Contracts should not exceed two years in duration.*

**CONTRACT FUNDING SOURCES:**

**CDBG Program Year: 2022**

**Account Name: PUBLIC SERVICES (YARD SERVICES)**

**Total CDBG Dollar Amount of Contract: \$3887 Pending Release of Funds**

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**Section I. AGREEMENT**

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- G) Provide insurance in the kind and amount specified by the Municipality. The Municipality shall be named as an additional insured thereon and furnished with a certificate thereof when applicable.
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## **Section VII. PROHIBITION OF POLITICAL AND RELIGIOUS ACTIVITY**

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- A) Merger or Integration: This agreement constitutes the entire agreement between the Service Agency and the Municipality with respect to the subject matter hereof; there are no other further written or oral understandings or agreements with respect hereto.
- B) Modification, Assignment or Subcontracting Absent Prior Written Consent: No variation or modification of this agreement and no waiver of its provisions shall be valid unless in writing and signed by the duly authorized officers of the Service Agency and the Municipality. Any alterations, additions or deletions to the terms of this agreement, which are required by the enactment of legislation, regulations and directives, are automatically incorporated into this agreement on the date designated by law, regulation or directive.

- C) Termination: Either party may, at any time during the life of this agreement, terminate this agreement by giving thirty (30) days written notice to the other party and Oakland County Community & Home Improvement Division of its intention to terminate and an opportunity for consultation prior to termination. In the event of a termination, the Municipality's obligation shall only be to reimburse the Service Agency for services rendered up to notification of termination.
- D) Addendum: A contract duration may be extended or shortened, funds may be added or subtracted via an addendum signed by a representative from the Municipality and the Service Agency indicating the exact changes. The Municipality shall provide a copy to Oakland County Community & Home Improvement.
- E) Hold Harmless: To the fullest extent permitted by law, the Service Agency agrees to indemnify, pay in behalf of, and hold harmless the Municipality, Oakland County Community & Home Improvement, their elected and appointed officials, employees, volunteers, boards, commissions and others working in behalf of the Municipality and/or County, against any and all claims, demands, suits, losses, including all costs connected therewith for any damages which may be asserted, claimed or recovered against or from the Municipality and/or County, by reason of personal injury, including bodily injury and death, and/or property damage, including loss of use thereof, which arises out of, or is in any way connected or associated with the activity authorized by this contract.
- F) Confidentiality: The use or disclosure of information by the Municipality or Service Agency concerning services, applicants or recipients obtained in connection with the performance of the agreement shall be restricted to the purposes directly connected with the administration of the services provided under this agreement. Such information shall not be used for any other purpose unless required by law, statute or other legal process and is disclosed to Oakland County Community & Home Improvement.
- G) Disputes: The Municipality shall notify the Service Agency in writing of its intent to pursue a claim against the Service Agency for breach of any terms of this agreement. No suit may be commenced by the Municipality for breach of the agreement prior to the expiration of ninety (90) days from the date of such notification. Within this ninety (90) day period, the Municipality at the request of the Service Agency must meet with an appointed representative of the Service Agency for the purpose of attempting to resolve the dispute. The Service Agency shall be given the opportunity to cure or remedy any breach within such ninety (90) day period.
- H) Notices: Whenever under this agreement a provision is made for notice of any kind, unless otherwise herein expressly provided, it shall be in writing and shall be served personally or sent by registered or certified mail with postage prepaid to the designated representatives at the addresses supplied below. A copy shall be provided to Oakland County Community & Home Improvement.

- I) Equal Employment Opportunity: The Service Agency shall comply with Executive Order 11246 of Sept. 24, 1965, entitled "Equal Employment Opportunity," as amended by Executive Order 11375 October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR chapter 60).
- J) Copeland "Anti-Kickback" Act: The Service Agency shall comply with the Copeland "Anti-Kickback" Act (18 U.S.C.874) as supplemented in Department of Labor regulations (29 CFR part 3). (Applies to contracts and sub grants for construction or repair) \_
- K) Reporting/Monitoring Requirements: The Municipality shall monitor the operations of vendor activities under this contract to assure compliance with applicable Federal requirements, contract provisions and that performance goals are being achieved on an annual basis.
- L) Patent Regulations: The Service Agency shall comply with the Municipality's requirements pertaining to patent rights with respect to any discovery or invention, copyrights and rights in data which arise or is developed in the course of or under such contract.
- M) Debarment, Suspension, Ineligibility and Voluntary Exclusion  
The Service Agency shall comply with the provisions of 24 CFR Part 24 that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this contract. Additionally, the Contractor shall not use, directly or indirectly, any of the funds provided by this contract to employ, award contracts to, or otherwise engage the services of, or fund any contractor/subcontractor during any period that the contractor/subcontractor is debarred, suspended or ineligible under the provisions of 24 CFR Part 24. Using the Excluded Parties Listing System (<http://epls.arnet.gov>), Oakland County Community & Home Improvement Division has determined, as of the date of this contract that the Contractor is not excluded from Federal Procurement and Non-procurement Programs.
- M) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352)  
Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person for influencing or attempting to influence an officer or employee of any agency, a member of congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

**IX. SERVICE AGENCY AND MUNICIPALITY CONTACT INFORMATION**

**SERVICE AGENCY**

**MUNICIPALITY**

Name: Tinsley Landscape and Hardscape LLC

Name: City of Berkley

Representative Name: Jim Tinsley

Representative Name: Matthew Baumgarten

Phone #: 269-998-5593

Phone #: (248) 658-3300

Address: 30728 Osmon Street

Address: 3338 Coolidge

Madison Heights, MI 48071

Berkley, MI 48072

E-mail Address: tinsleylandscape@gmail.com

E-mail Address: mbaumgarten@berkleymich.net

EIN #: 85-4236567

**X. CONTRACT ACCEPTANCE**

The undersigned indicate by their signatures that they are authorized to act on behalf of their respective party in this capacity. CDBG funds may not be legally obligated until after the municipality has received the official award of funds letter for this program year.

**SERVICE AGENCY**

**MUNICIPALITY**

Name: Tinsley Landscape and Hardscape

Name: City of Berkley

Officer Name: Jim Tinsley

Officer Name: Matthew Baumgarten

Officer Title: Owner

Officer Title: City Manager

Signature:

Signature:

Witnessed:

Witnessed:

Date:

Date:



November 21, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to authorize the City Manager to approve the proposal from Hubbell, Roth & Clark, Inc. (HRC) to provide professional engineering services at a cost not to exceed \$31,727.82 for Jaycee Park grant work for the Building and Utility Improvement Project. Funds for this expenditure will come from account 614-950-974-000.

Ayes:

Nays:

Motion:

# Memo

To: Matthew Baumgarten, City Manager  
Cc: Mark Pollock, Finance Director  
From: Theresa McArleton, Parks & Recreation Director  
Date: 11/10/22  
Subject: Proposal for Professional Engineering Services – Jaycee Park Building and Utility Improvements Project - Spark Grant Work and Resolution

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In late summer 2022 the Michigan DNR announced that they had received federal funds to disburse to help local communities that want to create, renovate or redevelop public opportunities for residents and visitors. Administered by the DNR, Michigan SPARK Grants will support projects that provide safe, accessible, public recreation facilities and spaces to improve people’s health, introduce new recreation experiences, build on existing park infrastructure and much more.

These funds are made available through grant applications that begin in December 2022 and continue through two other application periods in early 2023. In an effort to have the best chance possible to receive funding for this new grant program, our department plans to apply in the first round of applications in December 2022. As a result of this, we require a quick period of decision making and work to prepare for the application.

First, you will see in this council packet a resolution from the City Council with specific and required language that illustrates the council’s support for this grant application. Within our application and resolution is an acknowledgement of the funding the city is willing to allocate as a match to the grant funds requested. I am hoping that both city administration and council see this resolution and grant work as the most efficient and cost effective way to continue the rebuild of Jaycee Park.

Secondly, due to this recent request and the work necessary to provide specific documents necessary for the grant application, engineering services will be required. Attached is a proposal and contract with HRC for a total cost not to exceed of 31,727.82 for professional engineering services related to the Jaycee Park pavilion update and restroom addition work due to the SPARK Grant application. Funds from this expenditure will come from account number 614-950-974-000.

Please do not hesitate to call me with any questions or concerns.

ATTACHMENTS



November 10, 2022

City of Berkley  
3338 Coolidge Highway  
Berkley, Michigan 48072

Attn: Ms. Theresa McArleton, Director of Parks & Recreation

Re: Proposal for Professional Engineering Services  
Jaycee Park Building & Utility Improvements Project  
Design Engineering and Bidding Assistance

HRC Job No. 20221012

Ms. McArleton:

In accordance with your request, we are pleased to provide this Proposal for Engineering Services related to the proposed building improvements at Jaycee Park. It is our understanding that the Parks and Recreation Department will be pursuing a Michigan Spark grant for the construction of a new ADA compliant restroom building and updates or replacement of the existing picnic pavilion. Our scope of services has been developed as a result of our November 2, 2022 project scoping meeting and our discussions earlier today.

**Scope of Services:**

HRC will provide the following Professional Engineering Services for this project:

Task 1

1. Perform a site visit to determine condition of existing pavilion and locations of new site features.
2. Take field measurements of existing pavilion and create backgrounds for proposed improvements.
3. Obtain Geotechnical soils analysis report for site at proposed location for new restroom structure. The location of the new structure is assumed to be directly to the north of the existing pavilion, so only one boring will be taken. Geotechnical services to be provided by G2 (Subcontracted through HRC).

Task 2

1. Schematic layouts, including:
  - a. New Restroom Building, containing (2) single occupant ADA accessible "Family" style restrooms with small mechanical/storage room.
  - b. Review existing pavilion for updating.
    - i) Updates will include new metal roofing, roof deck repairs, lighting, concrete pad repair (or replacement) and half-high walls and outdoor outlets.
  - c. The new restroom building will be freestanding and not tied in to the existing pavilion.
  - d. New Water, Sanitary, Electrical and Gas leads to the new structure, and Electrical to the existing pavilion.
  - e. Prep for future fireplace feature (gas line) at the existing pavilion.
  - f. New Wi-Fi at the restroom building.
  - g. Four new accessible picnic tables at the pavilion.
2. Prepare conceptual site plan, floor plan(s) and building elevations for SPARK grant submittal. The first round of applications is due December 19, 2022, and we intend to submit for this application. It is our understanding that the project will be resubmitted for the 2<sup>nd</sup> and 3<sup>rd</sup> round applications until it receives funding.

Task 3

1. Preparation of Bid Documents for the Project for competitive bid, including:
  - a. Site Drawing showing utilities for new building.
  - b. Building Drawings showing proposed and restoration including the following items:
    - i) Architectural

- ii) Structural
- iii) Electrical
- iv) Mechanical & Plumbing
- v) Material, color & finish selections
- c. HRC Front End and Technical Specifications

**Task 4**

1. Submit for Administrative Site Plan Approval with the City Planning Department.
2. Two Review Meetings with project stakeholders to review documents at 30% and 75% Levels.
3. Provide Engineer's Opinion of Probable Cost at each Review Meeting.
4. HRC Assistance with Submission of Permits (Fee's and Deposits Paid by Owner)

**Task 5**

1. Assistance in Solicitation and Review of the Bids Including Pre-Bid Building Walk Thru, Respond to Questions, Prepare Addenda, Evaluation of Bids, Bid Tab, and Recommendation of Award.

**Clarifications:**

1. An initial site visit has been made to review site conditions and we feel that the existing pavilion should be able to remain but would need some updating and repairs as noted above. We do not anticipate replacing the pavilion with a new structure. The location of the new restroom building will be determined during the initial planning stage, either adjacent to the existing pavilion or nearby.



2. Overall site design, topographic survey and playground coordination design services are not included in this proposal. These will be included as part of HRC's separate but concurrent sidewalk project at the site, HRC Job No. 20220969. New sidewalks to the pavilion and restroom building will be included in that scope.
3. Construction Engineering services are not included in this proposal. After bidding HRC will provide an additional proposal to include: construction engineering, construction administration, survey layout, materials testing, progress meetings, submittal reviews, and part-time or full-time construction observation, as required.
  - a. HRC suggests providing a proposal for these services at a later date because budgetary constraints may affect scope of construction work.
4. On behalf of the City, HRC will provide sealed plans for permitting and apply for all applicable Permits, including Site Plan Approval if required. Contractor would be responsible to pay fees, as necessary.

**Professional Engineering Costs:**

Task 1 – Site Investigations	\$ 1,809.60
Task 1A – Soil Borings Allowance	\$ 2,500.00
Task 2 – Schematic Design & Grant Submittal	\$ 2,550.26
Task 3 – Preparation of Project Bid Package	\$ 18,730.20
Task 4 – Project Management, Meetings & Cost Estimates	\$ 3,799.06
Task 5 – Bidding Assistance & Recommendations	\$ 2,338.70
<b>Total Professional Engineering Costs</b>	<b>\$ 31,727.82</b>

**Engineer’s Estimated Schedule:**

<u>Work Task</u>	<u>Completion Date</u>
Approval of HRC Contract by City Council.....	November 21, 2022
30% Design Review Meeting .....	Early December 2022
Submit SPARK Grant Application (1 <sup>st</sup> Round).....	December 19, 2022
75% Design Review Meeting .....	February 2023
Advertise for Bids .....	March 2023
Award Project (Council Meeting).....	May 2023
Preconstruction Meeting .....	July 2023
Substantial Completion of Construction .....	December 2023

*(Timetable is dependent upon City Council and Planning Commission approvals.)*

**SUMMARY:**

We are prepared and staffed to commence work on the proposed project immediately upon your authorization to proceed. If this proposal is deemed acceptable, please sign one copy and return to this office.

We would propose to work on a time and materials basis with a **not-to-exceed** total limit of **\$31,727.22**. Hubbell, Roth & Clark, Inc. billings for Professional Services will be based on our current Contract with the City.

Thank you for the opportunity to work with the City on the Jaycee Park Improvement Project. If you have any questions regarding this Proposal, or require any additional information, please do not hesitate to contact me (248) 736-8704.

Very truly yours,  
 Hubbell, Roth & Clark, Inc.

  
 Roland N. Alix, P.E.  
 Vice President

  
 Adrianna M. Melchior, AIA, LEED AP BD+C  
 Associate

Attachment: HRC Fee/Hour Table

Accepted By:

Signature: \_\_\_\_\_

Written Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

**PROJECT FEE/MANHOURLY TABLE**

JOB NUMBER: 20221012  
 PROJECT NAME: Jaycee Park Improvements  
 PRINCIPAL: Roland Alix  
 PROJECT MANAGER: Adrianna Melchior  
 DATE: November 10, 2022

TASK	HRC STAFF POSITION																		TOTAL					
	PRINCIPAL		ASSOCIATE		GRADUATE ENGINEER		MANAGER		GRADUATE ENGINEER		PROJECT ENGINEER		SR PROJECT ENGINEER		PROJECT ENGINEER		SR CADD TECHNICIAN		SUBCONSULTANT SERVICES					
	RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$	MARKUP		HRS	FEE
	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	SUB-FEE	FEE	HRS	FEE
<b>1 Preliminary Design</b>																								
Initial Project Review & Coordination			2	\$295.80																		2	\$295.80	
Site Visit & Review Condition of Existing Pavilion			4	\$591.60																		4	\$591.60	
Field Measure Pavilion & Draw Backgrounds			2	\$295.80	6	\$626.40																8	\$922.20	
Soil Borings Allowance																			1.00	\$2,500.00				\$2,500.00
<b>2 Schematic Design &amp; Grant Submittal</b>																								
Schematic Design - Buildings					4	\$417.60																4	\$417.60	
Schematic Design - Site Utilities							2	\$288.26	12	\$1,252.80												14	\$1,541.06	
SPARK Grant Coordination & Submission			4	\$591.60																		4	\$591.60	
<b>3 Design Documents</b>																								
Restroom Design Drawings - Architectural			1	\$147.90	4	\$417.60																5	\$565.50	
Restroom Design Drawings - Structural															4	\$464.00					4	\$464.00		
Restroom Design Drawings - Electrical											12	\$1,392.00					24	\$2,470.80				12	\$3,862.80	
Restroom Design Drawings - Mechanical & Plumbing					6	\$626.40							12	\$1,800.00								18	\$2,426.40	
Restroom Design Drawings - Site Utilities							8	\$1,153.04	24	\$2,505.60												32	\$3,658.64	
Specifications			4	\$591.60	4	\$417.60	2	\$288.26	2	\$208.80	2	\$232.00			2	\$232.00						16	\$1,970.26	
Submit Dwgs for Building Permit					4	\$417.60																4	\$417.60	
Existing Pavilion Renovations			2	\$295.80	16	\$1,670.40					4	\$464.00			4	\$464.00	24	\$2,470.80				26	\$5,365.00	
<b>4 Project Management</b>																								
Administration	1	\$160.00	2	\$295.80																		3	\$455.80	
Engineering Award Council Meeting - NA																								
Site Plan Approval Submittal			1	\$147.90	2	\$208.80																3	\$356.70	
30% & 75% Design Review Mtgs			4	\$591.60																		4	\$591.60	
30% & 75% Cost Estimates			4	\$591.60			2	\$288.26	4	\$417.60	2	\$232.00	2	\$300.00								14	\$1,829.46	
Finalize Docs & Prepare Bid Package			1	\$147.90	4	\$417.60																5	\$565.50	
Construction Award Council Meeting - NA																								
<b>5 Bidding Assistance</b>																								
Pre-Bid Meeting			4	\$591.60																		4	\$591.60	
Questions During Bidding					4	\$417.60					2	\$232.00	2	\$300.00	2	\$232.00						10	\$1,181.60	
Addendum					2	\$208.80																2	\$208.80	
Bid Tab & Recommendations			1	\$147.90	2	\$208.80																3	\$356.70	
<b>TOTAL NOT-TO-EXCEED FEE</b>																						<b>201</b>	<b>\$31,727.82</b>	

November 21, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to authorize the City Manager to approve the proposal from Hubbell, Roth & Clark, Inc. (HRC) to provide professional engineering services at a cost not to exceed \$14,512.65 for Jaycee Park walkway work. Funds for this expenditure will come from account 614-950-821-000.

Ayes:

Nays:

Motion:

# Memo

To: Matthew Baumgarten, City Manager  
Cc: Mark Pollock, Finance Director  
From: Theresa McArleton, Parks & Recreation Director  
Date: 11/10/22  
Subject: Proposal for Professional Engineering Services – Jaycee Park Sidewalk Improvement Project

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As you are aware the City has appropriated funds in the 2022/23 budget year to update, repair and replace sidewalks at Jaycee Park to coincide with the universally accessible playground development at that park. The sidewalks will increase accessibility throughout the park to the new playground, updated pavilion and eventually added restrooms.

The first step in moving forward with this project is to approve the professional engineering services of Hubbell, Roth & Clark, Inc. (HRC) to assist the city with the development of the bid and award package. We hope to complete this work in by the end of calendar year 2023. You can clearly see the timeline as well as the work provided through this proposal. Please note that construction engineering services are not included in this proposal and another approval would be needed after bidding for this work.

I recommend that the City accept this proposal and contract with HRC for a total cost not to exceed \$14,512.65 for professional engineering services for Jaycee Park sidewalk work. Funds for this expenditure will come from account number 614-950-821-000.

Please do not hesitate to call me with any questions or concerns.

ATTACHMENTS



November 10, 2022

City of Berkley  
3338 Coolidge Highway  
Berkley, Michigan 48072

Attn: Ms. Theresa McArleton, Director of Parks & Recreation

Re: Proposal for Professional Design Engineering Services  
Jaycee Park Sidewalk Improvement Project  
Design Engineering and Bidding Assistance

HRC Job No. 20220969

Ms. McArleton:

In accordance with your request, we are pleased to provide this Proposal for Design Engineering Services related to the proposed sidewalk improvements at Jaycee Park. The scope of this project is the construction of new six foot (6') wide concrete sidewalks and minimal 'natural' concrete seating, or 'knee walls', throughout Jaycee Park. The new sidewalks will connect future play structures, the existing pavilion and a potential restroom facility to the existing sidewalks along Bacon, Phillips and Webster. Additionally, the City desires to improve ADA access to the park by rebuilding the existing sidewalk crossings at both Bacon/Webster and Phillips/Webster. During preliminary design, improvements to these crossings will cost estimated and a decision will be made as to whether funds are available to complete these improvements.

It is our understanding that the proposed sidewalks will be solely funded by the City (via the Parks and Recreation Department). Our scope of services was developed as a result of our recent email correspondence and project scoping meeting held onsite October 11, 2022.

It should be noted that this project could be packaged with the previously designed Oxford/Merchant Park Sidewalk Extension project and/or the Coolidge Highway Sidewalk Replacement project to find savings through economies of scale. Additionally, these projects could be combined with the Jaycee Park Building Improvement Project and bid as one contract.

### **Scope of Services:**

HRC will provide the following Professional Design Engineering Services for this project:

#### **Task 1 - Topographic Survey**

1. HRC survey crew will perform a topographic survey of portions of the park and proposed ADA-compliant ramp locations on Bacon and Phillips to determine existing grades.
  - a. The survey shall include locating existing permanent structures, features and fences.
  - b. Contour shots at a 50-foot spacing maximum.
  - c. Obtain elevations of adjacent properties to verify existing over-ground storm water flows are not affected by the project.
  - d. The survey will include gathering topographic data that can be utilized during the pavilion/restroom upgrade project, including utility information for sanitary sewer and water main connections.

#### **Task 2 - Preparation of Project Bid Package**

1. HRC will provide detailed grading plans, details and specifications and compile these in a bid package.
  - a. Design tasks include: ADA Ramp design for curb cuts at one (1) to two (2) location(s) each on Phillips and Bacon, site grading, sidewalk design and site restoration.

#### **Task 3 - Bidding Assistance**

1. HRC will assist in the bidding process, assist with advertising for bidding, make recommendation of award and prepare the Contract Documents for execution by the selected Contractor.

Task 4 - Project Management and Meetings

1. Conduct one (1) onsite scoping meeting with City Staff.
2. Conduct one (1) Design Review Meeting.
3. Provide Engineer's Opinion of Probable Cost at Design Review Meeting.

Task 5 – Design Related to Sidewalk Crossings at Bacon/Webster and Phillips/Webster

1. HRC will provide detailed grading plans, details and specifications and compile these in a bid package.
  - a. Design tasks include: ADA Ramp design for curb cuts at one (1) to two (2) location(s) each on Phillips and Bacon, site grading, sidewalk design and site restoration.

**Clarifications:**

1. Landscape, irrigation, and site lighting design services are not included in this proposal.
2. Construction Engineering services are not included in this proposal. After bidding HRC will provide an additional proposal to include construction engineering, construction administration, survey layout, materials testing, progress meetings and full-time construction observation, as required.
3. Obtaining temporary private property construction easements are not included in this proposal as HRC expects all work will be completed within City ROWs. If easements are necessary HRC will provide related services on a T&M basis.

**Professional Engineering Costs:**

Task 1 – Topographic Survey	\$ 2,915.95
Task 2 – Preparation of Project Bid Package	\$ 4,942.10
Task 3 – Bidding Assistance	\$ 1,555.85
Task 4 – Project Management and Meetings	\$ 2,851.83
Task 5 – Design Related to Sidewalk Crossings at Bacon/Webster and Phillips/Webster	\$ 2,246.92
<b>Total Professional Engineering Costs</b>	<b>\$ 14,512.65</b>

**Engineer's Estimated Schedule:**

<u>Work Task</u>	<u>Completion Date</u>
Approval of HRC Contract by City Council.....	November 21, 2022
Design Review Meeting & Provide Cost Estimate.....	February 2023
Advertise for Bids.....	February/March 2023
Award Project (Council Meeting).....	May 2023
Preconstruction Meeting .....	July 2023
Substantial Completion of Construction .....	December 2023

*(Estimated Schedule is dependent upon City Council approvals and availability of materials.)*

**SUMMARY:**

We are prepared and staffed to commence work on the proposed project immediately upon your authorization to proceed. If this proposal is deemed acceptable, please sign one copy and return to this office.

We would propose to work on a time and materials basis with a **not-to-exceed** total limit of **\$14,512.65**. Hubbell, Roth & Clark, Inc. billings for Professional Services will be based on our current Contract with the City.

Thank you for the opportunity to work with the City on the Jaycee Park Sidewalk Improvement Project. If you have any questions regarding this Proposal, or require any additional information, please do not hesitate to contact me (248) 736-8704.

Very truly yours,

Hubbell, Roth & Clark, Inc.



Roland N. Alix, P.E.  
Vice President



Edward Zmich  
Project Manager

Attachment: HRC Fee/Hour Table

Accepted By:

Signature: \_\_\_\_\_

Written Name: \_\_\_\_\_

Title: \_\_\_\_\_

Dated: \_\_\_\_\_

**PROJECT FEE/MANHOUR TABLE**

JOB NUMBER: 20221012

PROJECT NAME: Jaycee Park SIDEWALK Improvements

PRINCIPAL: Roland Alix

PROJECT MANAGER: Edward Zmich

DATE: October 10, 2022

TASK		HRC STAFF POSITION												TOTAL	
		PRINCIPAL		MANAGER		GRADUATE ENGINEER		REGISTERED SURVEYOR		SR. SURVEY OFFICE TECH		SURVEY PARTY CHIEF			
		RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$	RATE	\$		
		160.00		144.13		104.40		145.00		108.17		101.50			
		HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE	HRS	FEE
<b>1</b>	<b>Topographic Survey</b>														
	Topographic Survey and Background Drawings (Incl. Topo for Pavilion)			1	\$144.13	2	\$208.80	2	\$290.00	6	\$649.02	16	\$1,624.00	27	\$2,915.95
<b>2</b>	<b>Preparation of Project Bid Package</b>														
	Design Drawings - Sidewalk Design, ADA Ramps & Grading			6	\$864.78	20	\$2,088.00							26	\$2,952.78
	Specifications			2	\$288.26	8	\$835.20							10	\$1,123.46
	Compile Bid Package - Inclusion of Oxford/Merchant Sidewalk Extension			2	\$288.26	4	\$417.60							6	\$705.86
	QA/QC Review	1	\$160.00											1	\$160.00
<b>3</b>	<b>Bidding Assistance</b>														
	Pre-Bid Meeting			2	\$288.26	2	\$208.80							4	\$497.06
	Questions During Bidding			2	\$288.26	2	\$208.80							4	\$497.06
	Addendum					2	\$208.80							2	\$208.80
	Bid Tab & Recommendations			1	\$144.13	2	\$208.80							3	\$352.93
<b>4</b>	<b>Project Management and Meetings</b>														
	Administration / Project Management	2	\$320.00	4	\$576.52									6	\$896.52
	Onsite Scoping Meeting	1	\$160.00	1	\$144.13									2	\$304.13
	Design Review Meeting	1	\$160.00	2	\$288.26	2	\$208.80							5	\$657.06
	Cost Estimate			4	\$576.52	4	\$417.60							8	\$994.12
<b>5</b>	<b>Design of Sidewalk Crossings at Bacon/Webster and Phillips/Webster</b>														
	Design Drawings - ADA Ramps & Grading			4	\$576.52	16	\$1,670.40							20	\$2,246.92
<b>TOTAL NOT-TO-EXCEED FEE</b>														<b>124</b>	<b>\$14,512.65</b>

November 21, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember \_\_\_\_\_ to consider the recommendations of the Coolidge Task Force regarding the Complete Streets Pilot Project.

Ayes:

Nays:

Motion:



# CITY OF BERKLEY

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

---

DATE: November 04, 2022  
FROM: Coolidge Oversight Taskforce  
TO: Berkley City Council  
RE: Coolidge Complete Streets Pilot Project Recommendations

---

## **OVERVIEW:**

After a substantial waiting period brought on by COVID-19 pandemic response measures and their effect on traffic patterns, Coolidge Oversight Taskforce and City Administration would like to resume the process of bringing recommendations forward to Berkley's City Council for their consideration. The task force met on October 26, 2022, to discuss and finalize the recommendations included in this document. The recommendations focus on specific elements of this project such as the travel and center turn lanes, parking lanes, intersections, and bike lanes. We also outline the data collected throughout this project and the feedback from various City departments. With the work-from-home requirements solidifying across several sectors of the economy and traffic patterns stabilizing, data collected this year shows that we can confidently address the topic of recommendations once again and uphold the promises made to our community regarding this pilot project.

This report is the culmination of a pilot project that began in 2019 with the restriping of Coolidge Hwy, a four-lane road with an intermittent left turn lane and shallow on-street parking lane, to a two-lane road with a continuous left turn lane, bike lanes, and deeper parking lane. Under this pilot project, the intersections at Eleven Mile Road and Twelve Mile Road were also changed to accommodate the transition from four lanes to two within the project area. These changes were accomplished through restriping the road segment and did not make any permanent, physical changes to the Coolidge corridor.

The goal of this pilot project has been the safety of all users of Coolidge. It is acknowledged that nothing will bring instances of speeding, distracted driving, and crashes down to zero. The recommendations in this report balance the convenience of traveling by motor vehicle with the needs of those traveling on foot or via bicycle. City Administration worked with the Transportation Improvement Association (TIA) and the Road Commission of Oakland County (RCOC) to monitor traffic volumes, levels of services, corridor travel times, and optimal signal timing between Eleven Mile and Twelve Mile Roads. Data collection has been ongoing throughout the pilot program.

The Berkley Downtown Development Authority (DDA) Board of Directors has also expressed its strong interest in pedestrian safety enhancements within Coolidge, one of our two major downtown corridors.

The proposed recommendations can be found on page 6 of this report, however, it is important to first shed light on the background and benefits of a Complete Streets program as well as the comparative data collected that provide important context for your consideration.

## **HISTORY AND BACKGROUND:**

As noted in an Informational Guide provided by the U.S. Department of Transportation Federal Highway Administration they state the following:

### **Why Consider Complete Streets?**

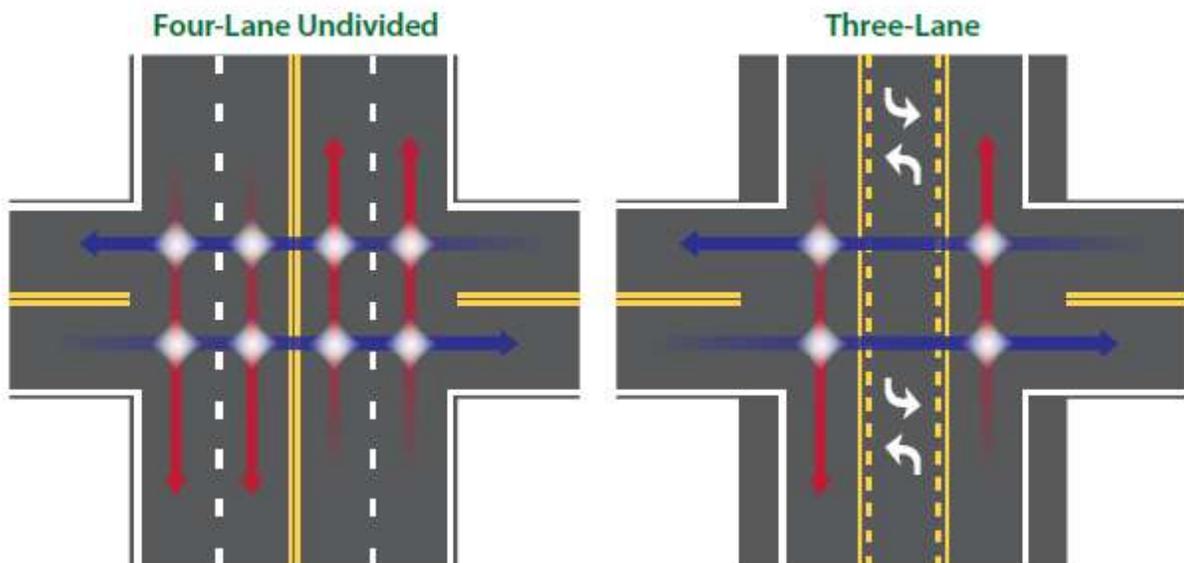
Complete Streets have the potential to improve safety, convenience, and quality of life for all road users. Complete Streets can be relatively low cost if planned in conjunction with reconstruction or simple overlay projects since applying Complete Streets consists primarily of restriping.

### **Benefits of a Complete Streets**

For roads with appropriate traffic volumes, there is strong research support for achieving safety benefits through converting four-lane undivided roads to three-lane cross-sections. Operational and design changes associated with Complete Streets that promote safety include reduced vehicle speeds, and reduced vehicle-pedestrian, -bicycle, and -vehicle conflicts. Complete Streets improve safety by reducing the speed differential. On a four-lane undivided road, vehicle speeds can vary between travel lanes, and drivers frequently slow or change lanes due to slower or stopped vehicles (e.g., vehicles stopped in the left lane waiting to turn left). Drivers may also weave in and out of the traffic lanes at high speeds.

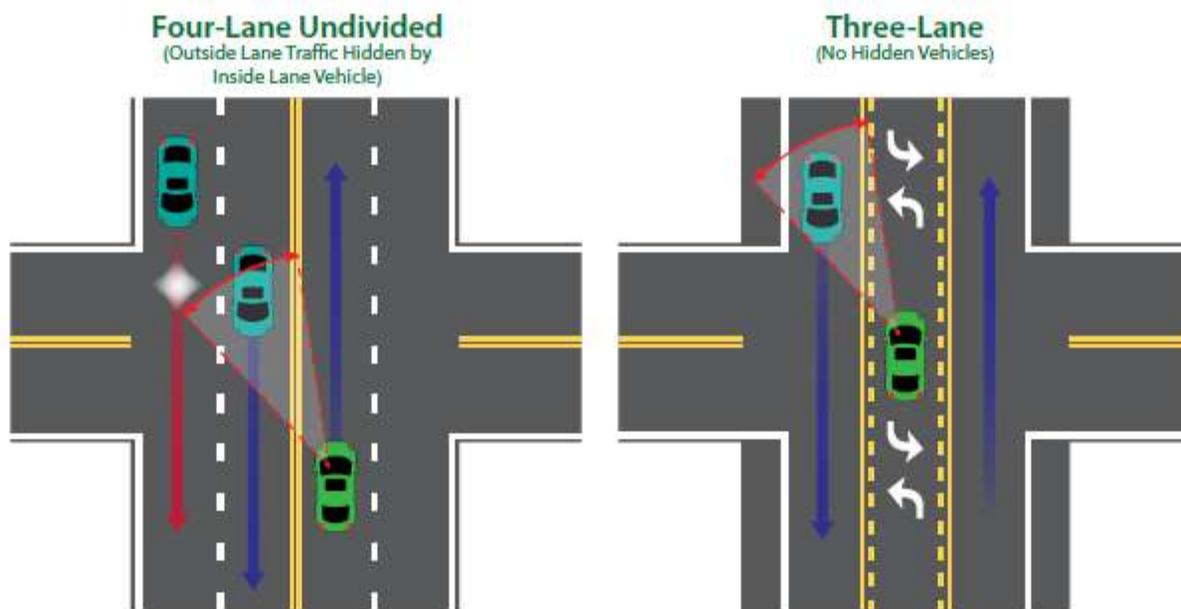
In contrast, on three-lane roads, the vehicle speed differential is limited by the speed of the lead vehicle in the through lane, and through vehicles are separated from left-turning vehicles. Thus, Complete Streets can reduce the vehicle speed differential and vehicle interactions, which can reduce the number and severity of vehicle-to-vehicle crashes. Reducing operating speed decreases crash severity when crashes do occur. The figures on the subsequent page illustrate additional conflict points and safety issues related to turning movements for four-lane undivided roadways and three-lane cross-sections.

### **Crossing and Through Traffic Conflict Points at Intersections for a Four-Lane Undivided Roadway and a Three-Lane Cross Section**



*(Adapted from Welch, 1999)*

## Major-Street Left-Turn Sight Distance for Four-Lane Undivided Roadway and Three-Lane Cross Section



*(Adapted from Welch, 1999)*

For bicyclists, the biggest benefit of Complete Streets is through the addition of bicycle facilities. Complete Streets can transform a street that was formerly difficult for a bicyclist to travel along to a comfortable route that attracts many more bicyclists. When bicycle lanes are striped, bicyclists are more visible and motorists know where to look for them, speeds are reduced, and bicycle safety can be improved. In some cases, buffered bicycle lanes are added by providing a visual or even physical barrier between modes of travel (e.g., adding flexible delineators on the lane line between motor vehicles and bicycles.) This further enhances the comfort of the route and may encourage increased usage. Even without a dedicated bicycle lane or buffer, a motorist on a three-lane roadway can move over closer to the center lane on a three-lane roadway when approaching a bicycle. A motorist on a four-lane undivided roadway will have less opportunity to move over to the left as it is an active travel lane.

The illustrations show the generalized safety benefits of a three-lane roadway. The illustrations above are not tailored specifically to Berkley's parking and bike lanes which are also present along the pilot segment area of the Coolidge corridor. While traffic studies and historical data show that sight distance is better with this Complete Streets approach. Bikers and motorists need to be aware of one another when traveling together because points of contact could come from turning motions into parking lanes, parking lots, and side streets. The question that remains is how best to utilize the actual landscape of the roadway if you recommend keeping the three-lane roadway. No amount of design, engineering, or amenities absolves a user of the road from their obligation to pay attention and be aware of their surroundings. Next, we will move on to the data collected during this pilot project.

### **DATA COLLECTION:**

In the Spring of 2019, prior to the start of this pilot project, baseline traffic studies were conducted. These studies collected data on daily traffic volumes, peak traffic times, vehicle speeds, crash data, and levels of service for the corridor to evaluate the safety and functionality of Coolidge before and after this pilot program. The planned six-month data was collected in late November of 20 and reported to the community. A planned one-year traffic study was scheduled for May 2020 but had to be canceled as

sources of traffic volumes had been affected due to work-from-home provisions and virtual schooling in response to the COVID-19 pandemic. Data collection was suspended until 2021 when City Administration once again ordered counts in order to understand how much of the pre-pandemic volumes of traffic had returned to the corridor. Counts were performed in May and November of 2021 to understand new traffic pattern changes. The November 2021 count showed that traffic patterns had stabilized and 85% to 90% of volume had returned to the baseline levels and the project could finally be evaluated. Below is a summary of that data.

Average Daily Traffic					
Measurement Location	March 2019	November 2019	November 2021	Pre/Post Pandemic Difference	
Kipling South of Catalpa	828	887	763	-65	92.15%
Kipling North of Catalpa	589	395	565	-24	95.93%
Kenmore North of Catalpa	285	314	244	-41	85.61%
Beverly West of Coolidge	1,830	1,507	1,554	-276	84.92%
Berkley South of Catalpa	929	898	1,029	100	110.76%
Berkley North of Catalpa	507	460	276	-231	54.44%
Coolidge South of Catalpa	19,307	19,573	16,513	-2794	85.53%
Coolidge North of Catalpa	17,573	18,434	16,269	-1304	92.58%

**Average daily traffic** was monitored at several instances and locations before and during this project. The chart to the right indicates the month they were collected and the average traffic at each collection point. In addition to those listed in the chart, the data collected in May of 2021 showed that the segment of Coolidge north of Catalpa had 84% of baseline traffic observed, however, the segment south of Coolidge had 93.42% of its original volumes. The decision was made to repeat the study again in six months to see if more drivers would return to baseline commuter patterns. When the study was repeated in November of 2021, volume percentages were inverted in the two road segments but similar enough to draw reliable conclusions.

Average Speeds					
Measurement Location	May 2019	November 2019	November 2021	Difference	% Change
Kipling South of Catalpa	23	22	16	-7	-11.7%
Kipling North of Catalpa	22	23	19	-3	-5.0%
Kenmore North of Catalpa	23	22	19	-4	-6.7%
Beverly West of Coolidge	25	24	19	-6	-10.0%
Berkley South of Catalpa	22	22	18	-4	-6.7%
Berkley North of Catalpa	24	24	14	-10	-16.7%
Coolidge North of Catalpa	26	23	21	-5	-8.3%
Coolidge South of Catalpa	28	28	22	-6	-10.0%

**Vehicle speeds** along Coolidge and nearby residential streets were also monitored for the safety of all stakeholders. The concern was what frustrated drivers, in an effort to avoid Coolidge completely, would speed on residential streets in an act of frustration. The City did receive reports of this in the initial

months of the pilot but enhanced patrols from our Public Safety and a gradual familiarity with the restriping have contributed to these complaints subsiding over time. Speeds on all residential streets studied have been reduced when compared to the baseline year.

**Crash data** on the frequency, severity, and causes have also been monitored by TIA, our own Public Safety Department. TIA has prepared an extensive analysis comparing the 27 months before and after through 2021 and found that the frequency of crashes decreased slightly from 126 to 111 (or 11.9%) during that period. A full breakdown of the type and location of crashes is available at [www.BerkleyMich.org](http://www.BerkleyMich.org). Of note is that, while a total decrease in crashes meets the expectation of a project such as this, rear-end and head-on accidents initially increased during the study period. The City’s Public Safety Department continues to report to the task force that road design was a contributing factor in accidents. As of their last report to the task force at the October 26, 2022 meeting, road design has not contributed to any of the twenty rear-end accidents over the past twelve months.

**Corridor travel times** have also been monitored by the Transportation Improvement Association (TIA) during the pilot project. This is a study of the time it takes to travel from Twelve Mile Road to Eleven Mile Road and vice versa. These reflect non-peak hour travel times and do not reflect “rush hours” as slowdowns are seen everywhere from interstates to major arterial roads such as Woodward regardless of the number of lanes.

Following onsite observations of corridor travel times, TIA worked with the City and the Road Commission of Oakland County (RCOC) to adjust signal timing to find a balance between efficient “levels of service” (LOS) and the need for drivers on side streets and parking lots to safely enter the flow of traffic. As such the travel times were altered during the pilot as reflected in the chart below.

Coolidge Hwy Travel Time & LOS (11 Mile to 12 Mile)						
	Prior To Project		Post Completion May 2021		Post Completion Nov 2021	
	NB	SB	NB	SB	NB	SB
AM Period	2 min 44 sec	3 min 30 sec	2 min 26 sec	2 min 11 sec	2 min 36 sec	2 min 44 sec
LOS	B	C	A	A	B	B
PM Period	3 min 36 sec	3 min 48 sec	2 min 56 sec	3 min 18 sec	3 min 14 sec	2 min 56 sec
LOS	C	C	B	C	C	B

The most recent change to signal timing was completed in July 2022. According to the observations of TIA, timing changes at signalized intersections had the effect of causing longer queues along Coolidge at Harvard Road, Catalpa Drive, and Wiltshire Road. After these changes were made, travel times differed by less than a minute when compared to the baseline data, and observations of traffic turning from side streets and driveways found little to no delay in entering the Coolidge traffic flow. Queues were never observed to be more than two vehicles at any location.

As intended, Coolidge traffic now leaves gaps in the queues for other traffic to enter from the side streets and driveways, and an overall reduction in the corridor travel speeds. No changes have been made since as this seems to be the right balance of needs for roadway users. All “raw” data from traffic studies performed by the City of Berkley regarding this project has been shared on the City’s website for those following its progress. Those looking for additional data not mentioned or summarized above can view it at [www.BerkleyMich.org](http://www.BerkleyMich.org).

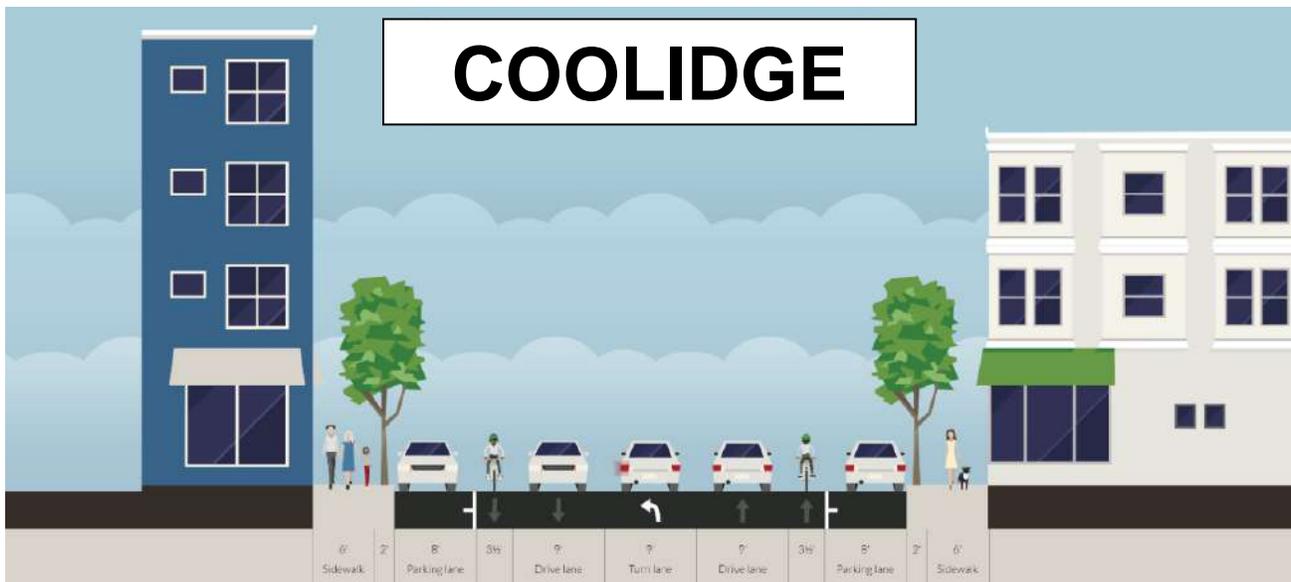
## **PROPOSED RECOMMENDATIONS:**

The following recommendations have been created to balance nationwide best practices and our specific experience here in the City of Berkley. The intent of the pilot project started was to test the idea of a safer road that is more befitting of the small-town feel that Berkley touts across the region and state.

### **Recommendation #1- Travel and Center Turn Lanes**

The “jewel” of this project, is the continuous Center Turn lane to accommodate left turn movement along the corridor. Under the previous configuration, the center turn lane was intermittent which caused the travel lanes to shift back and forth into the parking lanes to make room within the roadway. The lane shifts were present to accommodate turn lanes at Beverly, Wiltshire, Catalpa, Harvard, and Eleven Mile Roads. In all other cases, the interior travel lane would be blocked while a driver and vehicle would wait for a break in the two opposite lanes to safely make a left-hand turn into local businesses and side streets. This starting and stopping of traffic in one of the travel lanes justified having a second lane.

The pilot project successfully tested the effect of a center turn lane and was able to demonstrate that corridor travel times differed by less than one minute with a single travel lane and a continuous center turn lane to accommodate left turning movements. The recommendation is to keep the current configuration of single travel lanes for north and southbound traffic and a continuous center turn lane between Eleven- and Twelve-Mile Roads keeping it as shown for the middle three (two travel and one center lane) below in the graphic.

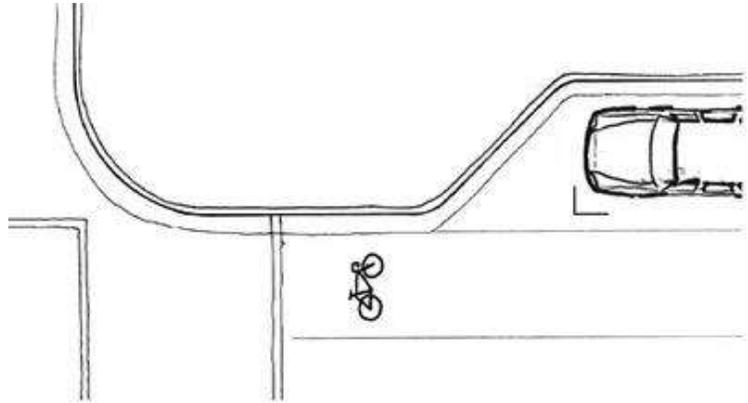


### **Recommendation #2- Parking Lanes**

The pilot project addressed two frequent issues inherent to the previous configuration; the limited number and shallow depth of the on-street parking spaces along Coolidge. On-street Parking was increased as part of this pilot project because, as mentioned in the section above, the travel lanes no longer shift into the parking lane to accommodate turning movements. It is estimated that 40 additional on-street parking spaces were created under this new configuration, however, the parking lanes were left open (unstripped) during the pilot project to keep costs at a minimum for what was anticipated to be a year-long initial review period.

The depth of the parking spaces was also increased when the new configuration was designed. Under the previous configuration, to accommodate four travel lanes, the parking lane was only shallow enough to accommodate a vehicle but did not offer a comfortable buffer for moving vehicles in the travel lanes. Drivers and passengers found it difficult to exit and remove items from their vehicles for fear of being too close to traffic. Anecdotally, business customers reported instances of side mirrors being struck while parked along Coolidge under the previous, four-lane configuration.

The recommendation would be to keep the on-street parking in place and at its current depth and current depth but with two needed additions; perpendicular striping and curb extensions at intersections. Both of these recommended additions to the streetscape are intended to stop drivers from using the parking lanes as additional travel lanes. This misuse has been observed on multiple occasions and poses a threat to the safety of all road users. The "bump-out" curb extensions, as shown here, deter drivers from driving the parking lanes by bringing the curb forward. This strategy has been in place along Twelve Mile in Berkley for decades to great effect and provides continuity between our two interior commercial corridors. These also increase pedestrian safety by shortening the distance a pedestrian has to travel to cross a street. Permanently rebuilding these curbs would be a large-scale and long-term project for Berkley, however, intermediate options, such as plastic "quick curbs" exist that should be explored in the near term.



### Recommendation #3- Intersections

This pilot project utilized two different intersection styles to manage the transition from four travel lanes to two travel lanes. The two different approaches were implemented at Northbound Coolidge at Eleven Mile and Southbound Coolidge at Twelve Mile Road. What differentiates these two intersections is the point at which vehicles are asked to merge. As shown in the image to the right, drivers approaching Eleven Mile Road merge into a single lane before proceeding through the intersection and the outside lane is used and signed as "Right Turn Only."



The recommendation is to alter the intersection at Twelve Mile Road to mirror the approach taken at Eleven Mile and transition the lanes before proceeding through the intersection. Under this configuration, vehicles traveling on Southbound Coolidge would have the option of a right-turn-only lane (outermost lane), a lane to proceed straight and continue on Southbound Coolidge, and a left turn-only lane. This would not require any reconstruction of the intersection and can be accomplished with road paint and signage.

## Recommendation #4- Bike Lanes

Of all the design aspects studied under this pilot program, the installation of bike lanes seemed to garner the most attention. City Administration has observed that the phrase “bike lanes” used as a shorthand for the entire complete streets pilot project. Interestingly, these were one of the last elements added during the design process. Following the addition of the center turn lane, the sizing of the two travel lanes, and the expansion of the parking lanes, engineers were left with roughly eleven feet of road width that was not dedicated to any purpose. After deliberation, two 5.5-foot bike lanes were added in between the travel and parking lanes.

The lanes provide a place for cyclists to travel the corridor and, when not in use, provide an additional buffer for downtown patrons when exiting and entering their parked vehicles. It should be noted that planning efforts are underway in Berkley, Huntington Woods, Oak Park, and Royal Oak to improve and extend non-motorized pathways well beyond Coolidge. However, throughout the course of this program, these lanes have not yet been connected to any larger bicycle network, and the Coolidge bike lanes best accommodated localized bicycle traffic.

The recommendation would be to keep the bike lanes in place until a larger project could see the potential relocation as an expansion of the existing pedestrian areas. Should the City ever consider a project in which the curb lines are adjusted inward and a protected lane can be installed, then further study should be completed. There are international models the task force would like to see examined such as those implemented in Sweden that utilize protections from drivers and integrates bike lanes into pedestrian areas as opposed to motor vehicle traffic.



As of this point, there simply is not a better use for the eleven feet of road width that the lanes currently occupy. Traffic volumes do not warrant an additional travel lane. The city could adjust the spacing of the parking. The City would also move away from the goals outlined in its Complete Streets resolution adopted in 2010 and ordinance adopted in 2018. However, with the implementation of the DDA Downtown Master Plan as well this could be a viable option to consider moving forward. The city could work to re-mark parking and enlarge road spaces and have dedicated spots for delivery vehicles, etc. to pull off to the side without blocking the traffic on Coolidge.

That is not to say that bike lanes don't offer benefits to our community. One potential upside is that we would be one of the first in the area to have this type of dedication to biking in the city. Moreover, others are following Berkley's steps. The combined reach of four prominent, suburban communities all utilizing a holistic approach with a huge education push and realigning roadways to complement one another and their current roadway layouts to match has the potential to overcome the current critique of the bike lanes' apparent lack of use. Removing the lanes now, especially without another option, has the potential to stifle the Coolidge corridor as a viable route for cyclists, due to the state law implications for cyclists over age 13 and the uptick in foot traffic for pedestrians and shoppers on Coolidge sidewalks. We would like to facilitate residents from our neighboring communities to explore our commercial corridors as current or potential future customers of Berkley businesses. Just because others were slower to take these steps does not mean that Berkley should change course.

While not a current recommendation, should use expand, the following items should be added or expanded to mitigate interactions between motorists and cyclists.

## Channelizers and Delineators

Install channelizers to separate bike lanes from vehicle traffic. This provides both a visual distinction and a physical barrier between bike lanes and vehicle lanes. High-visibility retroreflective sheeting on channelizers, delineators, and bollards can help motorists see these important visual cues in a range of conditions, including at night, dawn, and dusk.



## Bike Lane Markings

Symbols, legends, lane markings, and arrows help cyclists navigate both protected bike lanes and shared bike lanes. They increase cyclist confidence and help drivers see bicycle lanes. Retroreflective markings are more visible at night, and wet retroreflective markings help to improve visibility in the rain. The addition of skid particles helps improve traction, particularly in wet conditions.



## Departmental Input

It was important to gather information from the respective departments of the City. Below you will find their input regarding the current functionality and overall feelings of the Department of Public Works and the Department of Public Safety. Upon thorough analysis, the following are combined recommendations, as well as, proposed topics and directions forward that we feel will bring us on the right path forward on Coolidge from the key stakeholders in this discussion for your review.

**Department of Public Works** stated the following:

- 1) The continuous Median lane allows for left turns to happen without impacting the normal traffic flow. It also eliminated the lane shifts that were at several locations before the change.
- 2) There is no desire to change from the current format but it may make sense to shift the southbound lane merger point north of 12 Mile. Possibly make the westernmost lane of southbound Coolidge a right turn only.
- 3) This configuration seems to be much more manageable from an operations and maintenance perspective. It seems that many people do not care for the bike lanes. DPW views them as a "Safe Place" or "Buffer Area" to exit your vehicle that is outside of the normal flow of traffic. Maybe we emphasize the need for these spaces, especially with some of our older residents. You could use 12 Mile as a comparable.
- 4) The change has been positive from our department perspective as normal operations (sweeping, plowing, utility cuts...) are "easier."

They have noted that a few recurring concerns from residents have arisen:

- 1) The abrupt southbound merge on Coolidge just south of 12 Mile can be tricky. Not sure if there is an accident history here but may make sense to move folks into the one-lane earlier (north of 12 Mile).
- 2) Some residents have indicated it is now difficult to turn left/right off of Coolidge (waiting forever for traffic to clear).

**Department of Public Safety** stated the following:

- 1) They have not noticed any major issues with the bike paths as they exist currently. Their department personnel like the center turn lane to use for responding to emergencies, making having to go left of center, for the most part, unnecessary.
- 2) They believe it would have been nice to put the bike lanes on the curbside of the parking, but the road did not allow for it.
- 3) Infrequently, vehicles do drive down the bike lanes because the drivers do not know what they are but having markings on the ground for the spots would probably help.
- 4) They are happy with the current configuration and have not heard any complaints from department personnel for operations.

From both of their perspectives, they are seeing the benefits of the continuous center lane median and do not want to divert from that approach. They believe that clearer markings are beneficial and more education of the public will be necessary with either approach that is adopted. In furtherance of these discussions, the School District must provide their input on school safety and any concerns or recommendations they may have.

### **Downtown Development Authority Crosswalk Enhancement Recommendations**

While not part of the pilot project, the Berkley Downtown Development Authority has been working in parallel to create midblock pedestrian crossings to facilitate safe passage for business customers along Coolidge. With signalized intersection crosswalks at Eleven Mile Rd, Harvard Rd, Catalpa Rd, Wiltshire, and Twelve Mile Rd, pedestrian crossing options were spaced at quarter-mile intervals (approximately). As such, pedestrians were frequently observed crossing at various points along the corridor. Prior to the implementation of the pilot project, the DDA, and the City of Berkley agreed to install two additional crosswalks at the non-signalized intersections of Dorothea and Earlmont. These intersections were closed following two pedestrian accidents (also prior to the implementation of the road diet pilot project). Blind spots created by the four-lane configuration of Coolidge at the time were contributing factors to the accidents. Since, the pilot program's two-lane configuration with a continuous center turn lane eliminates these blind spots, the DDA's Board of Directors has been working to reopen these crosswalks with additional enhancements that protect pedestrians from drives. The following enhancements being considered include:

- 1) Upright rubber crosswalk signs at the median lane.
- 2) "Bump-outs" (extensions of the curb at intersections) to calm traffic, protect parked vehicles, and shorten the distance traveled by pedestrians in the crosswalks.
- 3) Installation of an elevated berm that allows line of sight for pedestrians (and of them) around parking spaces, with bollard usage and painting for bump-outs.
- 4) Crosswalk safety signage for pedestrians at each crosswalk.
- 5) Uncovering flashing crosswalk signs.
- 6) Refreshed painting of crosswalks where needed.
- 7) Painting of parking space delineation lines.
- 8) Consistent crosswalk staging along Coolidge.
- 9) Education and outreach to the public on layout and need for the diet.

### **Conclusion**

Upon thorough analysis, the following are combined recommendations, as well as, proposed topics and directions forward that we feel will bring us on the right path forward on Coolidge from the key stakeholders in this discussion for your review.

**A RESOLUTION**

**of the Council of the City of Berkley, Michigan**

**Adopting the Berkley Downtown Design Guidelines**

**WHEREAS**, the Berkley Downtown Development Authority created Downtown Design Guidelines to guide development; promote the public health, safety and welfare of the City and specifically the area encompassed by the Downtown Development Authority; and

**WHEREAS**; the purpose of the Design Guidelines was to engage the proper use of resources; to plan for and facilitate public and private improvements, and to consider the character and design of the Downtown and the sustainability of the City of Berkley; and

**WHEREAS**, the City of Berkley engaged with residents, business, property owners and stakeholders in order to garner public input on the development of the Downtown Design Guidelines; and

**WHEREAS**, the Downtown Design Guidelines embodies the design principles and concepts for the future of Berkley's Downtown; and

**WHEREAS**, the Downtown Design Guidelines provide direction for site design, new building design, property renovations, and signs in Berkley's Downtown, and

**WHEREAS**, a final draft of the Downtown Design Guidelines was created in 2018, but never adopted by the City Council; and

**WHEREAS**, the Downtown Design Guidelines are directly referenced in the Berkley Downtown Master Plan, adopted by City Council on September 19, 2022; and

**WHEREAS**, the Planning Commission, after holding a public hearing on <Month> <date>, <Year>, recommend that the City Council adopt Zoning Ordinance amendments, which reference the Downtown Design Guidelines; and

**WHEREAS**, because the Zoning Ordinance amendments reference the Downtown Design Guidelines, the Planning Commission recommends that the City Council adopt the Downtown Design Guidelines; and

**NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:**

That the City Council for the City of Berkley, in accordance with the Michigan Planning Enabling Act, hereby adopt the 2018 Downtown Design Guidelines.

Introduced and passed at a Regular City Council Meeting on Monday, November 21, 2022.

\_\_\_\_\_  
Daniel J. Terbrack  
Mayor

Attest:

\_\_\_\_\_  
Victoria Mitchell

DRAFT



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## MEMORANDUM

**To:** City Council

**From:** Kristen Kapelanski, Community Development Director

**Subject:** Downtown Design Guidelines Adoption

**Date:** November 14, 2022

---

In 2018, the Berkley Downtown Development Authority contracted with Winter and Company to assist with the development of the Downtown Design Guidelines. The design guidelines are intended to clearly communicate the City's vision for the downtown area and guide decision-making for renovations and new development.

A task force of members from the DDA, City Council, Planning Commission and City staff was assembled to guide the planning process and provide valuable feedback. Additionally, Winter and Company assisted the City of Berkley with several public engagement events in order to garner public input of the downtown area, including a community open house, among others.

Several factors have led to the delay in the design guidelines adoption by the City Council, including the prioritization of the City-wide Master Plan and other department goals but mainly, a companion implementation ordinance had to be drafted. The implementation ordinance has been recommended for approval by the Planning Commission and forwarded to City Council for consideration in conjunction with the Downtown Design Guidelines.

---

# Berkley Downtown Design Guidelines

CITY OF BERKLEY, MICHIGAN



**BERKLEY DDA**  
Retro Feel. Metro Appeal.

FINAL DRAFT APRIL 2018



## ACKNOWLEDGMENTS

### The DDA Downtown Design Guidelines Committee:

Matthew Baumgarten, City Manager  
Nathan Bessette, AIA  
Ross Gavin, City Council Member  
Kristen Kapenlanski, AICP, Planning Commission  
Matteo Passalacqua, DDA Design Committee Chair

### The DDA Board of Directors

Matthew Baumgarten, Board Treasurer and City Manager  
Bridget Dean, Board Vice Chair and Business Owner  
Donna Dirkse, Business Owner  
Petro Drakopoulos, Business Owner  
Maggie Gabel, Student Board Member  
Larry Gallagher, Board Member at Large  
Andy Gilbert, Business Owner  
Eli Hurwitz, Student Board Member  
Alanda Knox, Business Owner  
Mitchell Moses, Business Owner  
Robert Onesco, Board Chair  
Matteo Passalacqua, Board Member at Large  
Dottie Popp, Business Owner  
Bryan Schnicker, Resident  
Wayne Wudyka, Business Owner

### DDA Staff

Vivian Carmody, Executive Director

### Community Members:

All of the dedicated business owners, property owners, and residents who participated in the public input sessions and online surveys.

### Winter & Company Team

Noré Winter  
Nicholas DiFrank  
Julie Husband  
Marcia Klopf  
Christopher Ball

**Winter & Company**  
1265 Yellow Pine Ave  
Boulder, CO 80304  
303.440.8445  
[www.winterandcompany.net](http://www.winterandcompany.net)



# Table of Contents

<b>INTRODUCTION</b>	<b>1</b>
<b>I. A VISION FOR BERKLEY'S FUTURE</b>	<b>7</b>
Design Principles	8
Design Concepts	11
<b>II. SITE DESIGN</b>	<b>15</b>
A. Building Placement and Setback Character	16
B. Building Orientation	18
C. Connectivity	19
D. Outdoor Amenity Space	23
E. Parking Lots	28
F. Parking Structures	32
G. Landscape & Streetscape Design	35
H. Service Areas, Utilities & Mechanical Equipment	37
I. Stormwater Management	39
J. Neighborhood Transitions	43
<b>III. NEW BUILDING DESIGN</b>	<b>47</b>
A. Architectural Character	48
B. Building Mass & Scale	49
C. Overall Facade Character	56
D. Ground Floor Design	57
E. Iconic Design Features	62
F. Building Elements	63
G. Building Materials	65
H. Exterior Lighting	67
I. Energy Efficiency, Collection and Conservation	69
J. Environmental Performance in Building Elements	70

# Table of Contents

<b>IV. RENOVATING A PROPERTY</b>	<b>71</b>
A. Renovating an Existing Building Front	72
B. Adding onto an Existing Building	77
C. Alternative Strategies for Locating a Rooftop Addition	78
D. Alternative Strategies for Improving an Existing Setback	80
E. Alternative Development Strategies for Underutilized Side Lots	82
F. Historic Resources	84
<b>V. CHARACTER AREAS</b>	<b>91</b>
Character Area 1: Gateway West	92
Character Area 2: Downtown Core	94
Character Area 3: Gateway South	97
<b>VI. SIGNS</b>	<b>99</b>
A. General Sign Design Guidelines	100
B. Sign Types	104
C. Application by Character Area	109

# INTRODUCTION

The City of Berkeley and the Downtown Development Authority (DDA) seek to enhance the image of the Downtown District while reinforcing those unique qualities that make it a special place. This document provides design guidelines to support that objective. The guidelines address new construction, rehabilitation of existing buildings, additions and site improvements. They also provide guidance for signs. Throughout the document, the guidelines promote a pedestrian-friendly environment, high quality design and a respect for context. They also encourage contemporary designs that are creative and enhance the public realm.

The guidelines can be used in a variety of ways. The DDA and the City will use the guidelines to review improvement projects throughout the District. Property owners, developers and citizens can use the design guidelines to better understand the community's design expectations and plan projects that their expectations meet.

The design guidelines reflect input from community representatives in a variety of venues. That process is described in this Introduction. More information about using the guidelines follows.

## IN THIS CHAPTER

Why Have Design Guidelines?	2
Where Do Design Guidelines Apply?	2
Who Uses the Design Guidelines?	2
Process of Developing the Design Guidelines	3
Interpreting the Design Guidelines	3
Standard Design Guidelines Format	4
Character Areas Concept	5
Chapter Overview, Format & Interpretation	6

## Note to Readers:

This section reflects a potential application of the design guidelines in a formal review process that would be administered under City regulations. This approach needs further discussion.

Alternative applications could be:

- Voluntary use
- Applied to incentive programs
- Applied to conditional use permits and other special City approvals

## Additional Information:

Are you a property owner or small to mid-sized developer? Find more information about building redevelopment at [www.downtownberkley.com](http://www.downtownberkley.com)

## WHY HAVE DESIGN GUIDELINES?

Design guidelines help establish a common understanding of the community's vision for the character of the greater Downtown area and provide a basis for making decisions about the appropriateness of renovations and new development. They also serve as an educational and planning tool for property owners and design professionals. While the guidelines are written such that property owners can plan improvements, they are strongly encouraged to enlist the assistance of qualified design and planning professionals, including architects and landscape architects.

## WHERE DO DESIGN GUIDELINES APPLY?

The design guidelines provide the foundation for a design review process that ensures that new construction and redevelopment projects achieve high-quality design and promote design objectives for compatibility.

Topics addressed in the design guidelines include:

- New retail, office and public construction, additions and other exterior improvements
- New multi-family residential construction, additions and other exterior improvements
- Phased or incremental improvement projects as defined within these guidelines
- Outdoor amenity spaces, recreation spaces and landscaping projects on commercial, office, multi-family and public properties
- Signage

## WHO USES THE DESIGN GUIDELINES?

The guidelines are for use by property owners and applicants considering improvement projects and by the City's review authority. Property owners and applicants should review the guidelines to ensure that proposed development projects will contribute positively to the character of the District and to the City of Berkley as a whole.

## PROCESS OF DEVELOPING THE DESIGN GUIDELINES

The Berkley Downtown Development Authority (DDA) created this document with assistance of residents, business and property owners.

Outreach and public engagement included two on-site meetings and an online survey. Initial meetings with City staff, the DDA and local business and property owners provided direction for the design guidelines. The subsequent public workshop and the results from the survey steered refinements to the document.



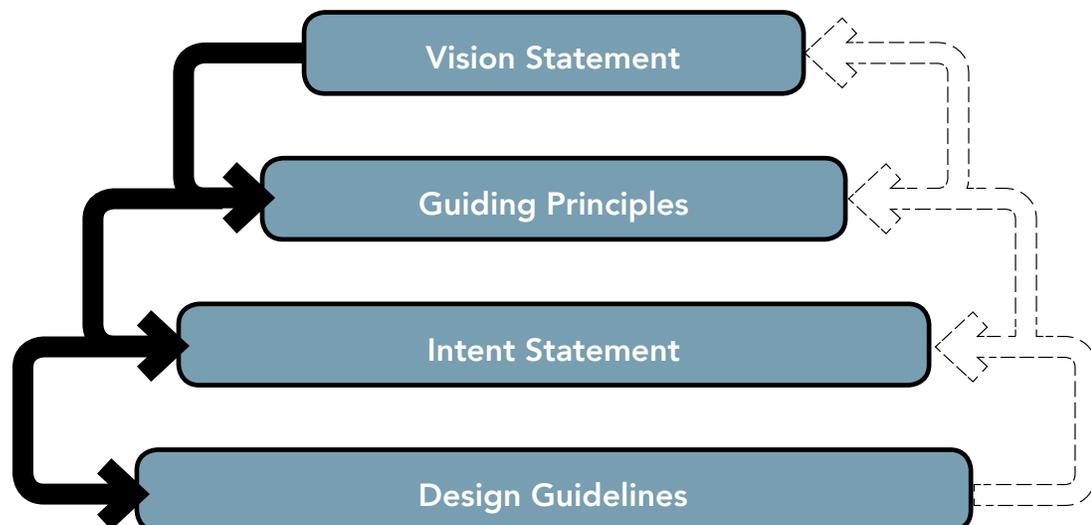
Group activities at Design Guidelines Workshop #1 helped set the direction for the design guidelines.

## INTERPRETING THE DESIGN GUIDELINES

The design guidelines offer flexibility in interpretation. Even so, compliance with the intent of applicable guidelines is expected, to the greatest extent feasible. Not all guidelines will apply to each project. Guidelines that refer to features that are not part of a project are not applicable. Flexibility in the application of some design guidelines may also be available for redevelopment, minor projects or other projects as noted throughout the document.

### The Hierarchical Structure of the Document

This document presents a series of design concepts in a hierarchical structure with four levels: At the highest level, a **Vision Statement** describes the long-term goal for Downtown Berkley. The Vision Statement in turn informs a set of **Guiding Principles**. These also are at a relatively high level and are the foundation for the guidelines that follow. The guidelines are organized in sets of topics, each of which is headed with an **Intent Statement** that outlines the anticipated outcome of the related design guidelines. Finally, the **Design Guidelines** themselves provide the more detailed directives for appropriateness. When a new or innovative approach is considered, how it meets the Intent Statement, Guiding Principles and Vision should be considered, from the bottom up.



# STANDARD DESIGN GUIDELINES FORMAT

The individual design guidelines use a standard format. This includes a topic heading, an intent statement, numbered design guidelines and additional information about appropriate strategies and illustrations. The diagram below uses a sample design guideline to illustrate these elements.

## A — B. Building Mass & Scale

The overall size, height and form of a building help determine how large it appears, and whether it is compatible with the surrounding context. Although a new building may be larger than adjacent buildings, it should not be monolithic in scale or jarringly contrast with neighboring development. A new building should use articulation techniques to provide a sense of scale. These include varied heights, smaller building masses and articulated facades.



Vary roof heights along the street to create a sense of visual interest.

## B — BUILDING HEIGHT

New development must meet zoning requirements in the District while stepping down to create smooth transitions with adjacent lower-scale commercial and residential buildings.

### C — 3.11 Create a sense of visual interest by using a variety of cornice heights for individual modules.

### 3.12 Vary roof heights along the street to create visual interest.

- a. Vary roof heights through differences in roof form and parapet height.
- b. Vary the roof profile by stepping down some parts of the facade.

## E — Sidebar Template

This sidebar template will be used throughout the document to reference external documents or additional information pertaining to an associated section, design guideline or external reference.

### Key to Sample Design Guidelines Format Above

**A** The design topic is indicated with a heading followed by an intent statement.

**C** The design guidelines describe an intent or desired outcome. They are numbered by chapter for easy reference.

**E** Sidebars reference external documents.

**B** A subtopic and intent statement are also provided to describe the overall intent of the guidelines that follow.

**D** Photographs and Diagrams, which are numbered sequentially, illustrate design guidelines principles.

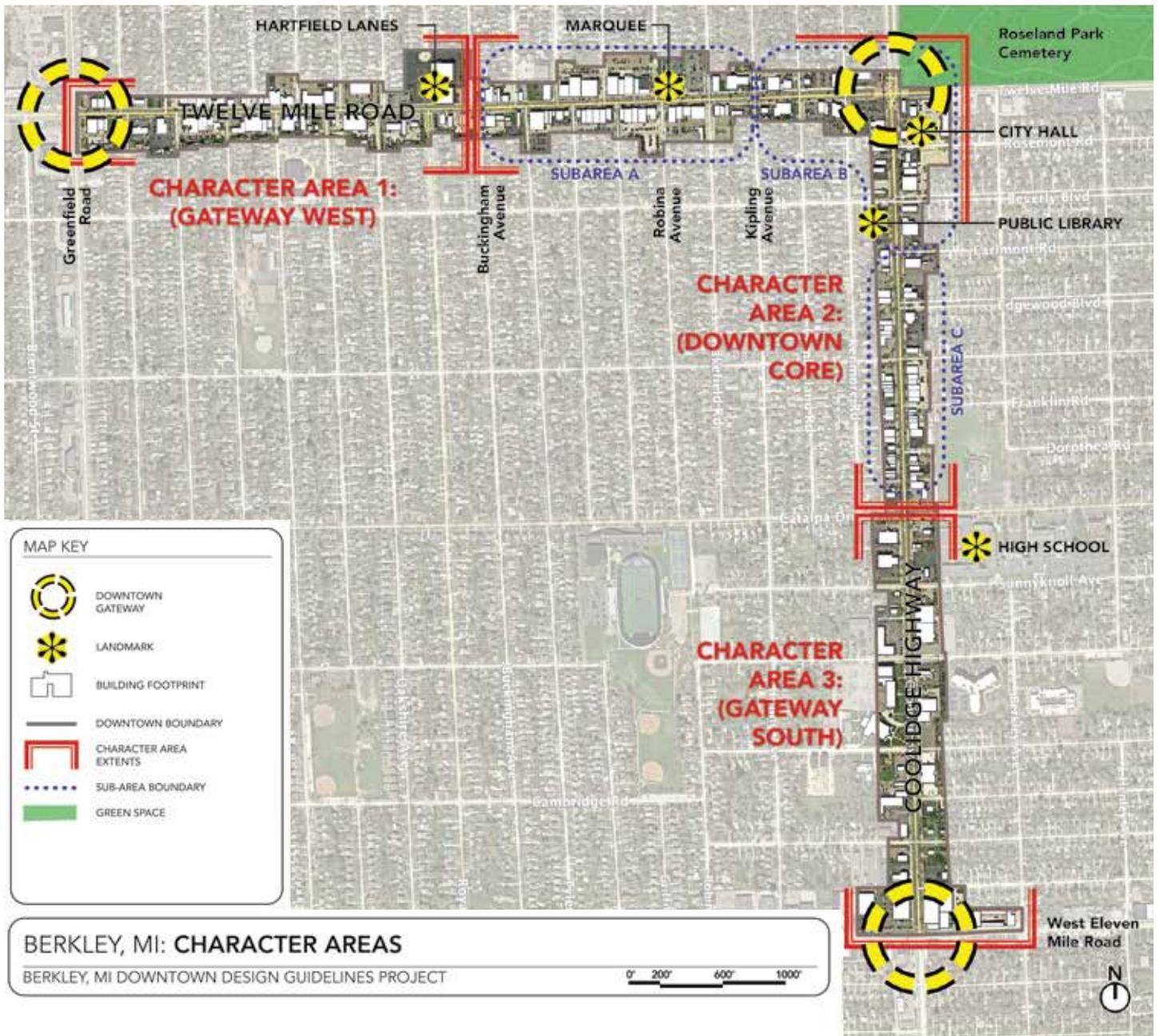
 **Checkmarks and X marks** indicate images that generally illustrate an appropriate or inappropriate approach.



# CHARACTER AREAS CONCEPT

While the guidelines in this document apply throughout the District, the degree to which each applies, and the manner in which it is interpreted for a specific project, is influenced by the location of the planned improvements. For purposes of designing in a context-appropriate manner, the District is organized into a series of “character areas” for which there are specific context-based design objectives. These character areas are defined by differences in development patterns, building character, and to some extent, use.

The map below illustrates the general location of the District’s three character areas. The Downtown Core (character area 2) is further divided into three sub-areas in order to note subtleties within this area. Descriptions of the character contexts appear in Chapter 5.



# CHAPTER OVERVIEW, FORMAT & INTERPRETATION

The design guidelines are organized to support consistent design review. See “Chapter Overview” below for more information about the organizational structure of the document and “Standard Design Guidelines Format” on page 4 for more information about the format of the design guidelines within this document.



## Chapter 1: Vision & Design Principles

This chapter provides the fundamental vision for the future of Berkley’s DDA District, including the goals, objectives, principles and design in the District.



## Chapter 2: Site Design

This chapter provides guidelines that focus on improvements to individual properties, including the placement and orientation of buildings, neighborhood transitions, location of service areas, landscaping, parking and connectivity.



## Chapter 3: New Building Design

This chapter addresses architectural character, scale, materials and details, with a focus on compatibility with the design traditions of Berkley’s central commercial corridors, while also encouraging new, creative approaches.



## Chapter 4: Building Rehabilitation & Adaptive Reuse

This chapter provides direction for the rehabilitation, expansion and adaptive reuse of existing buildings in the District.



## Chapter 5: Character Areas

This chapter provides key objectives, a narrative description and a series of design considerations for each of the District’s proposed Character Areas.



## Chapter 6: Signs

This chapter provides direction for the general goals, vision, character, location and elements of appropriate sign types for businesses in the District.

# A VISION FOR BERKLEY'S FUTURE

# 1

In the future, the District will continue to be the heart of the community containing a mix of civic, commercial, institutional and residential uses. It will be a vibrant place with a distinct character that is unique to Berkley. Visually, the District will be cohesive, while also having parts within it that have their own distinctive features. It will be an attractive, pedestrian-oriented environment, inviting a wide range of people of all ages, including residents, workers and visitors.

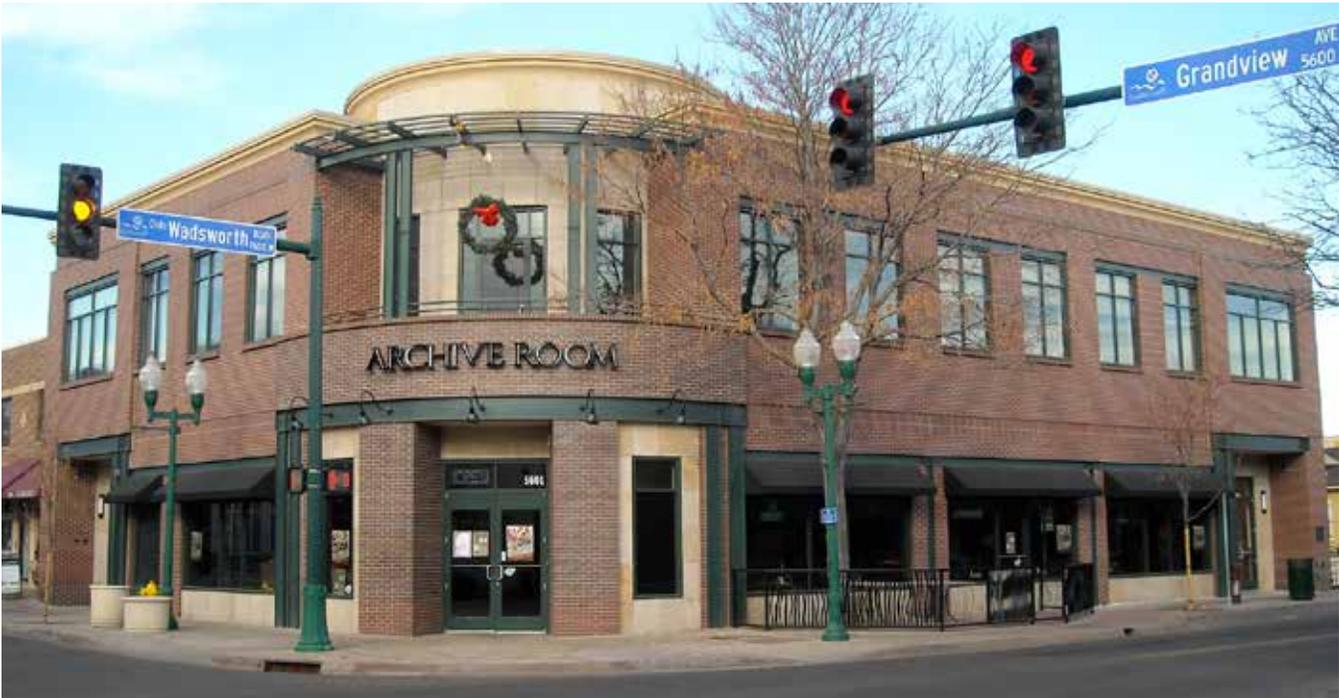
This chapter expands on this vision for the future character of the District. It begins with a set of Design Principles that are aspirational and broad in nature. They apply to any improvement project that may occur in the area, including the renovation of an existing building, to the construction of a new one and to improvements to landscapes and open areas.

A set of Design Concepts then follows which provides more detail about the ways in which each project should contribute to an enhanced quality of life. Together, the Design Principles and Design Concepts establish a policy-level baseline for the chapters that follow, which contain the design guidelines. Images accompany the text for the design principles and concepts. These draw upon examples from other places but are relevant to Berkley.

## IN THIS CHAPTER

Design Principles	8
Design Concepts	11

# Design Principles



P1: Achieve Excellence in Design



P2: Design with Authenticity



P3: Provide Signature Open Spaces

## **P1: ACHIEVE EXCELLENCE IN DESIGN**

Each improvement in the District should express excellence in design and it should raise the bar for others to follow. This includes using high quality materials and construction methods and paying attention to detail.

## **P2: DESIGN WITH AUTHENTICITY**

The District should be defined by buildings and outdoor places that reflect their own time and place, including distinct construction techniques as well. Buildings and places should also respond to local climate conditions and the traditional character of Berkley. The result is a sense of authenticity and “timelessness” in buildings, outdoor amenity spaces and materials. All new improvements should convey this sense of authenticity.

## **P3: PROVIDE SIGNATURE OPEN SPACES**

A project should incorporate signature open space elements, or open space amenities, for pedestrians to move through and enjoy. These include public and private yards, promenades, plazas, and courtyards. Linking these elements and spaces will provide a valuable pedestrian network that is an amenity for all to experience.

## P4: ENHANCE THE PEDESTRIAN EXPERIENCE (WALKABILITY)

Each improvement project should contribute to a pedestrian-friendly environment. This includes defining street edges with buildings and spaces that are visually interesting and attract pedestrian activity. Buildings that convey a sense of human scale and landscapes that invite walking are keys to successful design in the District. Designing sidewalks and other walkways to accommodate pedestrian traffic is also important. This includes providing sidewalks of sufficient width for circulation and outdoor activities, and installing appropriate landscape treatments for beautification and a buffered pedestrian experience.



P4: Enhance the Pedestrian Experience (Walkability)

## P5: PROMOTE CREATIVITY

Innovation in design is welcomed throughout the District. Exploring new ways of designing buildings and outdoor amenity spaces is appropriate when they contribute to a cohesive urban fabric. This type of creativity is distinguished from simply being “different.”



P5: Promote Creativity

## P6: DRAW UPON LOCAL DESIGN TRADITIONS

Berkley exemplifies a unique character and authenticity, with lessons for new designs. Many buildings may share similar features, materials and forms that reflect the City’s design traditions and should inspire new work. In the District this does not mean copying earlier styles, but rather learning from them.



P6: Draw Upon Local Design Traditions



P7: Design with Consistency

## P7: DESIGN WITH CONSISTENCY

The District should have a cohesive quality in the use of materials, organization of functions and overall design concepts. Each new project should embody a single, cohesive design concept in terms of its material palette and organization of design elements, while connecting thoughtfully to the larger City network.



P8: Design for Durability

## P8: DESIGN FOR DURABILITY

Buildings and public spaces should be designed for the long term with high-quality, durable materials.

## P9: DESIGN FOR SUSTAINABILITY

Aspects of cultural, economic and environmental sustainability that relate to urban design and compatibility should be woven into all new improvements in the District.



P9: Design for Sustainability

## P10: KEEP THE AUTOMOBILE SUBORDINATE

Parking structures and surface lots should support other functions and should be attractive and visually subordinate in the urban setting. They should be well-integrated and visually buffered.



P10: Keep the Automobile Subordinate



# Design Concepts

The District should exhibit best practices in urbanism, a sense of scale and placemaking. These are some related terms that appear in the body of the guidelines:

## Sense of Place

Sense of place describes our relationship with a site, district or neighborhood. In urban design, distinctive characteristics of the built environment contribute to a sense of place. It results from a unique collection of qualities and characteristics – visual, cultural, social and environmental – that provide meaning to a location. Outdoor spaces that invite human activity, signature design features such as public art and iconic architectural features, as well as an overall sense of visual continuity contribute to a sense of place. This is a fundamental concept that underlies many of the design guidelines in this document.



Sense of Place

## Local Context

Local context refers to the combination of buildings, places, social traditions and environmental conditions that compose the District. Context sensitive design provides a roadmap for new development projects to relate to the character of the existing area.



Local Context

## Walkability

Walkability is the extent to which the built environment is friendly to people living, shopping, visiting and spending time in an area. It is a product of connected streets, sidewalks and paths, which are enhanced with attractive landscape features and outdoor spaces. These are framed with buildings that provide visual interest and access to activities than enliven the public realm.



Walkability

## Streetscape

The streetscape is the public area between the edge of the street and parking areas and building fronts. Its elements include sidewalks, walking trails, bump outs, street trees and lawns, street furniture and lighting.



Streetscape



Public Realm



Street Front Character



Scale



Pedestrian Orientation

## Public Realm

The public realm consists of the roadways, sidewalks, parks, plazas and other open spaces that comprise the arteries and focal points of the urban framework. It is the space where civic interaction occurs and is often defined in contrast to private property. A well designed public realm balances the mobility and access needs for all users and contributes to the efficient functioning of a City and its sense of place. The quality of the public realm determines how people experience and relate to the surrounding environment. Therefore, it is important to encourage a public realm that is safe, sustainable and enriching.

## Street Front Character

Where buildings line the street, visual connections should be established between interior spaces on the ground floor of the building and people on the street. Orienting a storefront to face the street, designing a main entrance to open onto the street and increasing the amount of windows used along the ground floor are some ways to increase activity along a street frontage.

## Scale

Scale refers to the overall size of building elements and details, including floors, windows, doors and materials as they proportionally relate to each other and to people. When these elements appear similar in size to those with which we are familiar, we can understand the size of a building in the context of our previous experience. Conveying a sense of human scale is a key consideration in many of the design guidelines that follow.

## Pedestrian Orientation

Buildings and places that are visually interesting and invite exploration have a pedestrian orientation. At the street level, this includes building fronts that are visually interesting, inviting and have a sense of scale. Walkways and outdoor spaces that are comfortable, active and safe also contribute to pedestrian orientation. This concept appears in many of the design guidelines.

## Sustainable Development

Sustainable development meets the needs of current generations without compromising the ability of future generations to meet their own needs. Development in the District should incorporate sustainable design features whenever possible to reduce environmental impacts and conserve energy.

## Articulation

Articulation is the design of a building wall to provide visual interest, reduce mass and establish a sense of human scale. This may include variations in wall surfaces, changes in materials, and differences in fenestration patterns as well as other design techniques that are described in the design guidelines.

## Massing

Massing is a term which refers to the general shape and form as well as size of a building. Building mass is established by the arrangement and proportion of basic building components, including a building's main volume, any wall offsets and projections, such as porches and arcades, as well as the roof and the foundation. Building massing that contributes to walkability is a key concept in the design guidelines.

## Visual Continuity

The design guidelines promote a sense of visual continuity among properties. Visual continuity results when similar features align, such as awnings, canopies and sets of windows, and when similar materials are used. Buildings of similar scale and those that align at the sidewalk edge also contribute to visual continuity. In landscape design, the repetition of similar elements, including plants and site furnishings, can also contribute to visual continuity. This does not mean, however, that designs should be copied along a street. Diversity and creativity can occur while also achieving visual continuity. Establishing a balance is a key objective in the District.



Sustainable Development



Articulation



Massing



Visual Continuity

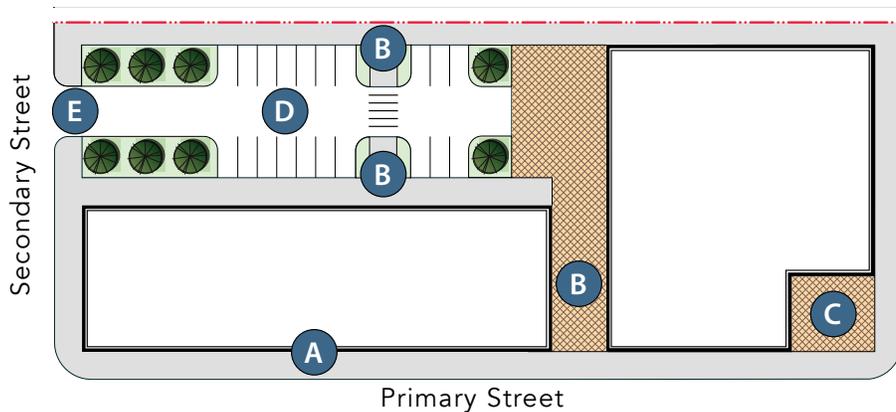


# SITE DESIGN

# 2

Site design refers to the arrangement of buildings and site features on a property and their relationship to public areas and to neighboring properties. This chapter provides site design guidance for all projects in the District. It focuses on improvements to individual properties, including the placement and orientation of buildings, neighborhood transitions, location of service areas, landscaping, parking and connectivity. These guidelines address enhancing streets and alleys and on providing active outdoor spaces. It should be used in conjunction with the New Building Design guidelines in Chapter Four, Building Rehabilitation guidelines in Chapter Five and the Character-area guidelines in Chapter Six.

## Key Considerations of Site Design



<b>A</b>	Building Orientation
<b>B</b>	Pedestrian Connections
<b>C</b>	Open Spaces
<b>D</b>	Parking Location
<b>E</b>	Driveway Location/Access

## IN THIS CHAPTER

A. Building Placement and Setback Character	16
B. Building Orientation	18
C. Connectivity	19
D. Outdoor Amenity Space	23
E. Parking Lots	28
F. Parking Structures	32
G. Landscape & Streetscape Design	35
H. Service Areas, Utilities & Mechanical Equipment	37
I. Stormwater Management	39
J. Neighborhood Transitions	43

# A. Building Placement and Setback Character

Building placement addresses the distance between a building and the street or the sidewalk edge. Setback character refers to the quality of the area between a building and the sidewalk edge. Many buildings in Downtown Berkley were traditionally built to the sidewalk edge, a pattern that should continue. Placing a building at the sidewalk edge supports an active street edge and creates a consistent street-wall which provides a sense of enclosure and a comfortable scale for pedestrians. While alignment at the sidewalk is preferred, some variations in setbacks may occur. For instance, there are some character areas in which a wider sidewalk is the goal; at the same time, there are some character areas where the building is set back from the sidewalk edge. Where a setback occurs, the setback area should be designed as an amenity.



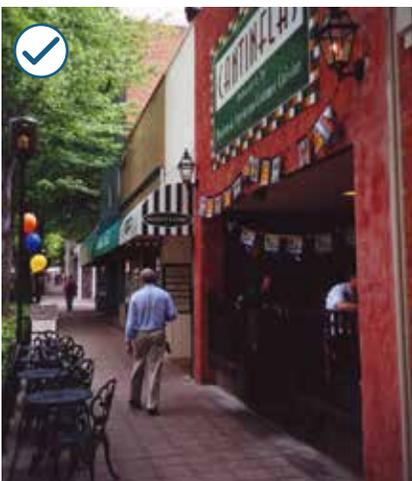
Place a building to promote a safe, interesting and comfortable pedestrian environment along the street.

## 2.1 Place a building to promote a safe, interesting and comfortable pedestrian environment along the street.

- a. When a building wall is set back from the sidewalk, design the intervening space to be attractive to pedestrians. See Chapter 4, Section D “Incremental Building Improvements” for more direction on this topic.

## 2.2 Design a street frontage to promote pedestrian activity.

- a. Appropriate strategies for a renovation include:
  - Expanding buildings to extend closer to the street
  - Improving pedestrian connections between buildings and the street.
- b. Appropriate strategies for locating a new development include:
  - Locating a new building between the street and a parking area to minimize vehicular impacts on pedestrians.
  - Locating a new building to the side (preferred) or rear of a parking area to provide flexibility for a small project.
- c. Appropriate strategies include:
  - Pedestrian-oriented entries
  - Windows facing the street
  - Small public spaces linked to the sidewalk
  - Urban streetscape design and landscaping



Design the street frontage to promote pedestrian activity.

**2.3 Develop an active pedestrian-friendly area in front, when a building is set back from the sidewalk. Areas should be:**

- Open to the public
- Landscaped



Design the street frontage to be compatible with the surrounding context. Provide a landscaped setback between buildings, parked areas and the street where development is oriented primarily towards an internal parking area.



Develop an active pedestrian-friendly area in front of a building, when it is set back from the build-to-line. Providing landscaped areas is one such option.



Design the street frontage to be compatible with the surrounding context.

## B. Building Orientation

Building orientation refers to how elements of a building relate to its surroundings. A building should be sited to establish a strong visual and physical connection to the public realm and its facade should face the street in order to create an engaging and pedestrian-friendly streetscape.



Orient a building to the public realm.

### 2.4 Orient a building to the public realm.

- a. Place a primary entry to face a street.
- b. Orient a primary entry or facade to a public plaza or other prominent outdoor amenity space where appropriate, see Diagram 2-1.
- c. Consider providing an outdoor space, such as a balcony, patio or rooftop terrace.

### Building Orientation

Orient a building's primary entry to face a street. Orienting an additional entry to a public plaza or other prominent public space is also suggested.

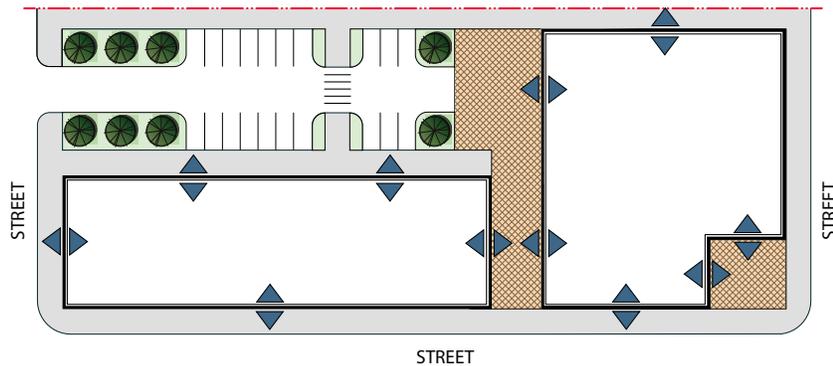


Diagram 2-1 Building Orientation



# C. Connectivity

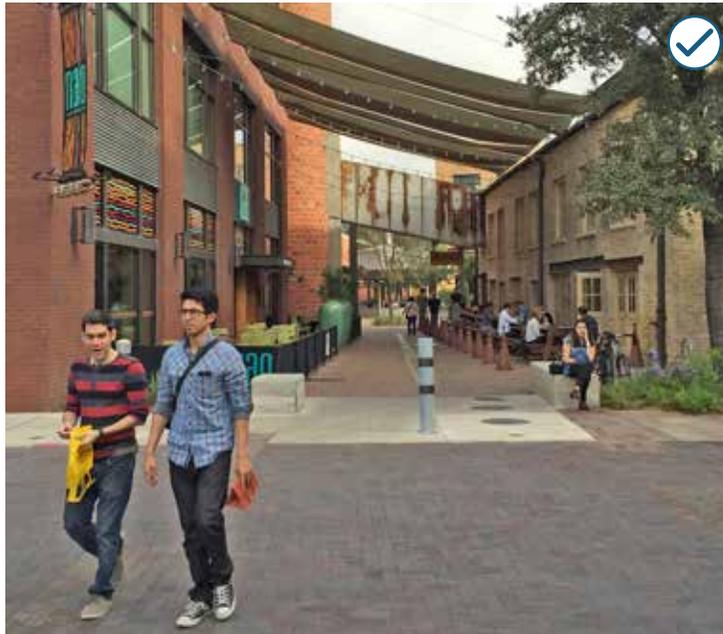
Connectivity refers to the network of sidewalks, paths, alleys and streets that provide pedestrian and vehicle routes within and between properties or neighborhoods. A lack of connectivity, and a focus on site-by-site development can be unfriendly to pedestrians.

## PEDESTRIAN & BICYCLE CONNECTIVITY

A site should establish a pedestrian and bicycle circulation system that integrates site components and connects with the public realm.

### 2.5 Provide a pedestrian connection between a site and the public realm. Appropriate options include:

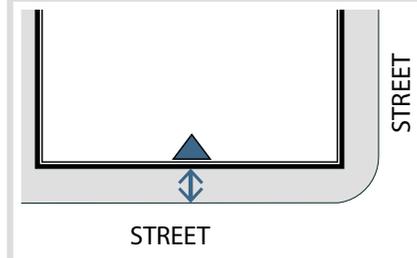
- A door that opens directly onto a public space.
- A walkway that connects a building to a public space through a front setback area.
- A plaza, outdoor seating area or patio that connects a building to a public space.



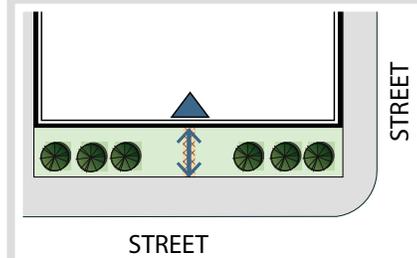
Provide a physical pedestrian connection between a site and the public realm.

### External Pedestrian Connectivity

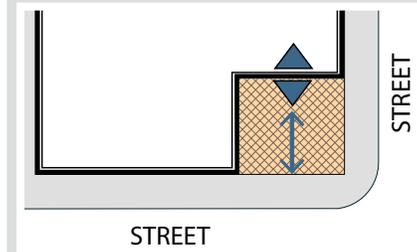
Appropriate options include:



A door that opens directly to a public space.



A walkway that connects a building to a public space through a setback area.



A plaza, outdoor seating area or patio that connects a building to a public space.

Diagram 2-2 External Pedestrian Connectivity



Provide pedestrian and bicycle connections into and between properties.

**2.6 Establish an internal walkway system that connects key areas, such as building entries, parking areas and public amenity space.**

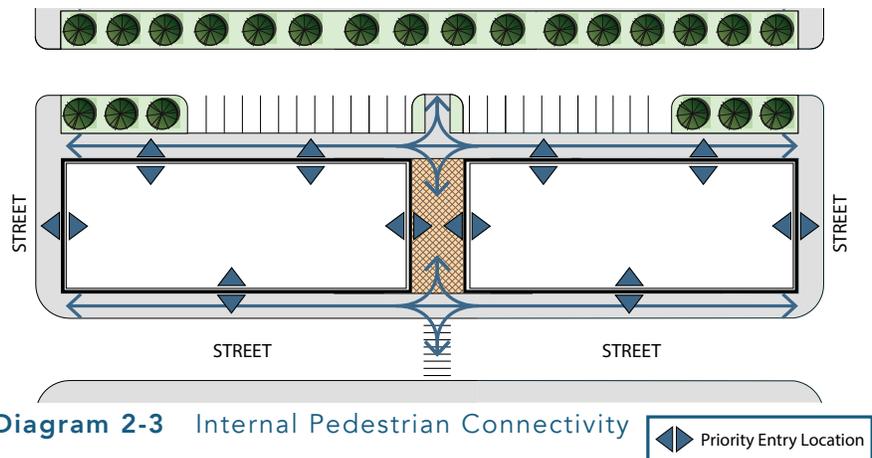
- Use landscaping, special paving and distinct lighting to accentuate and clarify a site’s circulation system.
- Consider directing an internal walkway through a plaza, courtyard or other outdoor feature.
- Size an internal walkway of an adequate width to allow safe pedestrian access.
- Design an internal walkway to be ADA accessible.
- Integrate an internal walkway system with the public pedestrian circulation system.

**2.7 Provide pedestrian and bicycle connections into and between properties.**

- a. Connect an internal circulation system to those of adjacent commercial properties, when possible.
- b. Provide a mid-block connection for pedestrians and bicyclists when possible.
- c. Use through-block connections to provide public connections between blocks. See through-block connectivity for additional information.
- d. Route a pedestrian connection through an outdoor open space, when possible.

**Internal Pedestrian Connectivity**

Integrate an internal walkway system with the public pedestrian circulation system.



**Diagram 2-3** Internal Pedestrian Connectivity

Priority Entry Location

- e. Locate sidewalks and pedestrian paths to link with potential future development.
- f. Align sidewalks and pedestrian paths to potential future connections on adjoining properties.

**2.8 Incorporate bicycle parking into the design of a building and along bikeways.**

- a. Locate a bicycle parking facility in a highly visible and accessible location.
- b. Design a bicycle parking facility to be covered.

**THROUGH-BLOCK CONNECTIVITY**

Long blocks can create barriers to pedestrian access. Providing a pedestrian connection through a long block is encouraged.

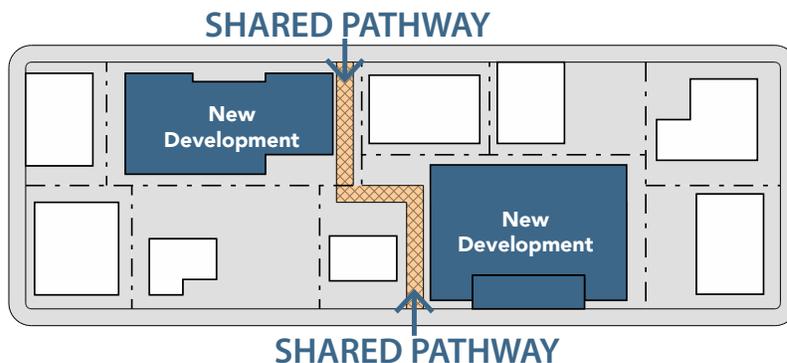
**2.9 Provide pedestrian access through a block.**

**Methods include:**

- A simple multi-use path through a block.
- A pedestrian walkway integrated with an open space or retail amenity that connects through a block.
- An access drive that is designed to be shared by pedestrians and automobiles.

**Through-Block Connectivity (plan view)**

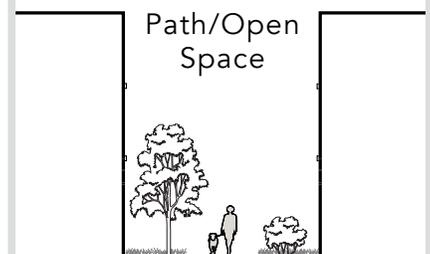
Provide a pedestrian pathway that connects through a block where feasible. This may require coordination with neighboring property owners.



**Diagram 2-5** Through-block Connectivity (plan view)

**Through-Block Connectivity Alternatives**

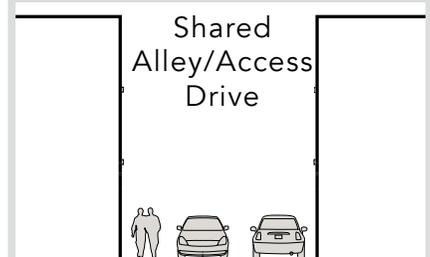
Methods include:



A path connecting two streets through a block.



A pedestrian walkway integrated with retail amenities that connects through a block.



An access drive that is designed to be shared by pedestrians and automobiles.

**Diagram 2-4** Through-block Connectivity Alternatives



Provide vehicular connections into and between properties on large lots.



Create a consistent streetscape experience within a development.



Design a service drive to be a visual asset.

## VEHICULAR CONNECTIVITY

Where it is to be included, automobile access should be unobtrusive. Driveways should be designed to promote safety and minimize pedestrian-vehicle conflicts.

### 2.10 Provide vehicular connections into and between adjoining properties along an alley.

- a. Provide a direct vehicular connection to streets and alleys on adjoining properties to reduce traffic and pedestrian impacts on surrounding streets.
- b. Align internal drive aisles on large lots, to allow for future connections to adjoining properties.

### 2.11 Create a consistent streetscape experience.

- a. Coordinate streetscape designs along Twelve Mile Road and Coolidge Highway, when feasible.

### 2.12 Consider using a shared driveway between properties to reduce the number of curb cuts.

- a. Where a curb cut is to be installed, minimize its width.

### 2.13 Design a service drive to be a visual asset.

- a. Use decorative and porous paving materials where feasible based on vehicle load requirements.
- b. Include landscape materials to buffer views and soften appearance.

## D. Outdoor Amenity Space

Outdoor amenity space includes public and semi-public areas such as plazas, courtyards, patios, small park spaces, rooftops or landscaped features that are visible from surrounding streets. These provide places for people to gather, engage in activities and enjoy a sense of community. Their use is to be encouraged throughout Downtown Berkley. See “The Interface Between Public Streets & Private Development.”

A new outdoor amenity space should project a vibrant image and invite pedestrian activity. It should be planned to activate the street and enhance the pedestrian experience. The size and location of an outdoor amenity space should be sufficient to accommodate the intended social activities. It should not be over-sized, such that the space will appear to be under-utilized.

### PLAZAS, COURTYARDS & PATIOS

An outdoor amenity space should be designed and furnished to encourage activity and create a comfortable space to enjoy. Creative and inviting elements should be incorporated, such as a water feature or public art.

#### 2.14 Locate a public amenity space to provide a focal point for a new development.

- a. Locate a public outdoor space to highlight key building features.
- b. Position a plaza or courtyard to facilitate sharing between adjoining buildings, when possible.
- c. For a small project, such as a new single-story building, consider incorporating a simple courtyard at a building entry.
- d. Consider using public art to add interest to a public plaza. See “Public Art” on page 27 for more guidance.



### Outdoor Amenity Space and Zoning

Conflicts between outdoor amenity space guidelines and current City zoning may exist. In these cases, flexibility in City codes may be considered to encourage the development of new outdoor amenity spaces throughout Downtown Berkley.



Locate semi-public amenity spaces to provide a focal point for a new development. See Diagram 2-6, “The Interface Between Public & Private Development,” for more information.

## The Interface Between Public & Private Development

Although the design guidelines primarily address the character of development on private property, it is important to understand the typical progression of spaces between buildings and an adjacent public street. A development should have a strong relationship to adjacent public areas. This may include amenities, paths and other features in a semi-public interface area. A development also should accommodate existing facilities and planned improvements in adjacent public areas.

The diagram below illustrates an arrangement of public and private spaces along a street edge.

### A. Public Area

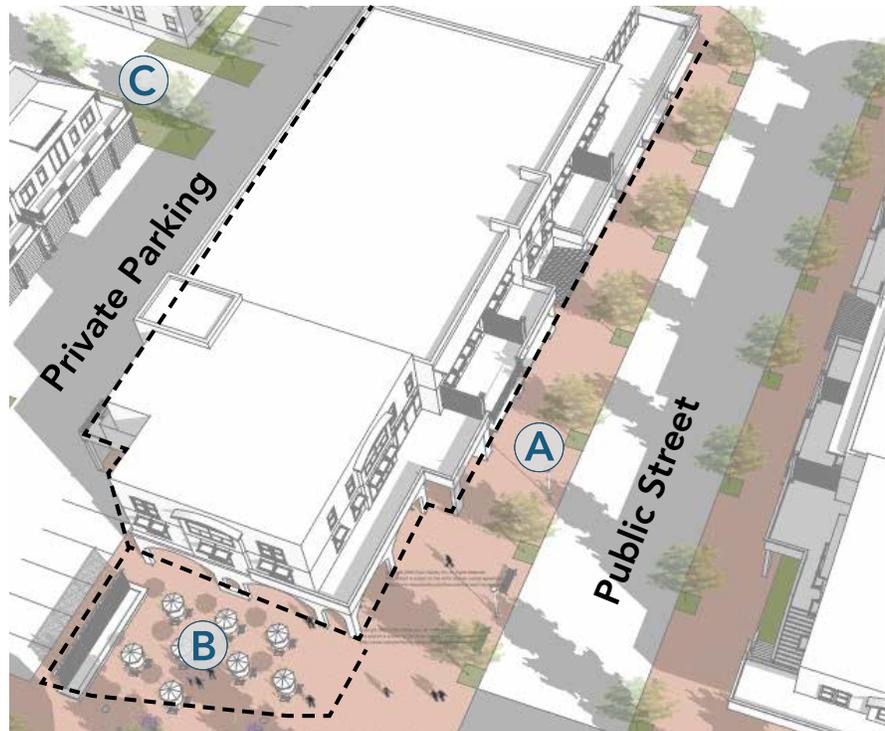
This lies within the public right-of-way. It often includes the area between the street edge and the inside edge of the sidewalk.

### B. Semi-Public Area

This area includes a highly-visible or publicly-accessible outdoor amenity space on private property that is adjacent to the public area. It may include outdoor public space. Compatibility with the public streetscape is preferred, in terms of paving, lighting and furnishings. Guidelines for this area are found in Chapter 3: Site Design Guidelines.

### C. Private Outdoor Area

This includes private outdoor spaces that are less visible or accessible from the street. More variety in design is appropriate.



**Diagram 2-6** The Interface Between Public Streets & Private Development

### 2.15 Design an outdoor amenity space for active use.

- Orient an outdoor amenity space to pedestrian activities, views and cultural resources.
- Provide a clear connection between an outdoor amenity space, pedestrian circulation route and building entrance.
- Orient an outdoor amenity space to views of activities or architectural landmarks to provide visual interest.
- Create a sense of enclosure for an outdoor amenity space area by positioning buildings to frame the space or define it with landscaping.



### 2.16 Design an outdoor amenity space to be inviting.

- Size the space to provide a comfortable scale for pedestrians.
- Design the space to invite public use.
- Create a sense of enclosure for an outdoor amenity space by positioning buildings to frame the space.
- Use landscaping to create an inviting and comfortable experience.



Design an outdoor amenity space to be inviting.

### 2.17 Furnish an outdoor amenity space to encourage active use.

- Furnish an outdoor amenity space with benches, tables, shelters and landscape features.
- Ensure that furnishings are durable and suitable for outdoor conditions.
- Locate furnishings near active pedestrian areas, such as a major pedestrian route, building entrance or outdoor gathering place.
- For a small project, such as a single-story building, consider using simple outdoor furnishings, such as a bench near a building entry.



Furnish outdoor public amenity spaces with benches, tables, shelters and landscape features.

### 2.18 Design an outdoor amenity space to incorporate Low Impact Development (LID) principles for stormwater management.

- Design and locate stormwater management systems, such as bioretention areas, to serve as usable open space or site amenities. See "Stormwater Management" on page 39 for more information.
- Use permeable surfaces and paving systems to assist with stormwater drainage.



Design outdoor public spaces to incorporate Low Impact Development (LID) principles for stormwater management, such as hardscape areas with permeable pavers as seen above.

## OUTDOOR DINING

Outdoor dining areas and sidewalk cafes in private property help animate the public realm and are welcomed throughout the District. An outdoor dining area or sidewalk cafe typically involves a grouping of tables and/or seating for the purpose of eating, drinking or social gathering.



Design an outdoor dining area to be an asset and to be appropriate for its site and the surrounding context.



Locate an outdoor dining area to accommodate pedestrian traffic along the sidewalk.



Maintain a clear path along the sidewalk for pedestrians.

### 2.19 Locate an outdoor dining area to accommodate pedestrian traffic along the sidewalk.

- a. Locate a dining area immediately adjacent to a building front to maintain a public walkway along the curb side.
- b. Maintain a clear path along the sidewalk for pedestrians.
- c. Use a railing, detectable barrier or similar edge treatment to define the perimeter of a permanent outdoor dining area.
- d. Design a railing or detectable barrier to be sturdy and of durable materials.

### 2.20 Locate a raised dining area (deck or rooftop) to minimize visual impacts on the streetscape.

- a. Place a raised dining area to the side or rear of a property.
- b. Set a rooftop deck back from the building facade.
- c. A projecting or cantilevered deck is inappropriate in most settings. However, it may be appropriate in the rear if it has no negative impact on neighboring properties.

### 2.21 Design an outdoor dining area to be an asset to the District.

- a. Tables and chairs should be high-quality, durable and designed for outdoor use.
- b. Tables, chairs and other components of the outdoor dining area should not be permanently attached to the public right-of-way. Approved patio railings may be temporarily attached to the surface of the public right-of-way.
- c. Avoid stacking table and chairs on the sidewalk when they are not in use.

## PUBLIC ART

Public art is highly encouraged as an amenity in Downtown Berkley as a way of creating visual interest and a special identity to individual properties. Public art has the potential to enhance the site where it is located and to have a positive impact on the broader neighborhood and community.

### 2.22 Use public art to add interest to an outdoor public space. Consider original artwork that:

- a. Is durable and accessible to the public.
- b. Provides a focal point for a public space.
- c. Is stand-alone, or integrated into the design of a building.
- d. Relates to functional site features such as gates, entries, sitting areas and walkways.
- e. Reflects an awareness of the site and surrounding context, both existing and planned.
- f. Reflects the historic and cultural values of the community.

### 2.23 When possible, reserve a percentage of a project's budget to fund design and installation of public art.

- a. Consider devoting approximately one percent of total project cost to the design and installation of public art.

## Public Art Considerations

Art that is accessible to the public enhances the visual quality of the built environment, promotes community identity and supports increased property values. Public art should be of exceptional quality and enduring value.

## Types of Public Art

Public art includes decorative and functional features that are accessible or visible to the public. This may include:

- » Sculptures
- » Murals
- » Mosaics
- » Paintings
- » Bas reliefs
- » Engravings
- » Carvings
- » Mobiles
- » Street furniture, bike racks or other functional features with an original design



## E. Parking Lots

Site design considerations for parking include the location of surface lots, their visual impact and relationship to pedestrian and vehicular circulation systems. Surface parking lots should not be visually prominent features along Twelve Mile Road, Coolidge Highway or at gateway intersections within the boundary of the District at Greenfield Road and Eleven Mile Road.



Divide a large parking area into interconnected, small modules with landscape buffers.

### 2.24 Minimize the visual impact of surface parking.

- a. Locate a parking area to the interior of a site. This is especially important on a corner property where the street wall should have a sense of enclosure.
- b. Divide a large parking area into small “pods” that maintain the traditional sense of smaller parking areas within a green landscape.
- c. Soften the view of parked cars from a public sidewalk or street using a planted buffer of trees, shrubs and ground cover, or a low wall constructed from materials compatible with the site.
- d. Site a surface parking lot to be compatible with the surrounding context and street frontage.

### 2.25 Design a parking lot to allow convenient pedestrian access.

- a. Provide landscaped islands with paths to promote pedestrian circulation across larger parking areas.
- b. Avoid locating surface parking directly in front of primary pedestrian entries.



Locate a surface parking lot so it will minimize gaps in the continuous building wall of a commercial block.

**2.26** If a surface parking area would be visible from a street, screen it from view. These methods are encouraged:

- Landscaping
- Site walls
- Decorative fencing
- Public art
- Other methods that meet the intent of this guideline



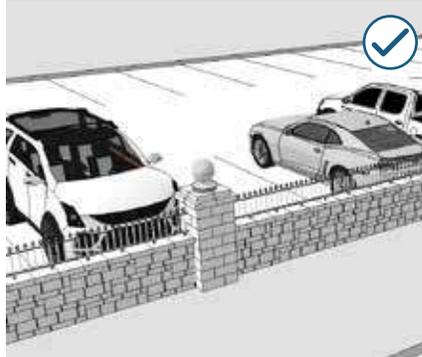
### Surface Parking Screening Options

Options include:

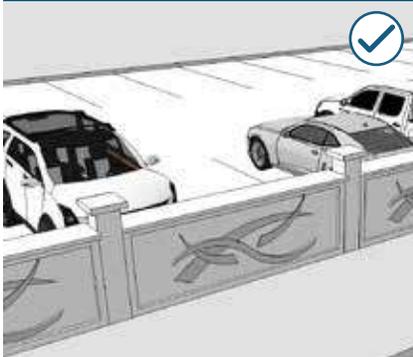
#### Landscaping



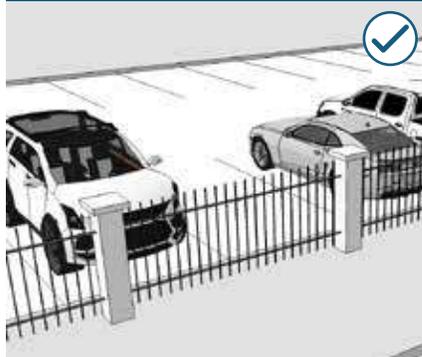
#### Site Wall



#### Public Art



#### Decorative Fencing



If a surface parking area is visible from a street, screen it from view.

**Diagram 2-7** Surface Parking Screening Options

## ADAPTIVE REUSE OF SELECTED PARKING SPACES

On-street and surface lot parking spaces can be reused to provide temporary and more permanent space for additional uses such as commercial displays, pop-up dining areas and outdoor market spaces. See page 31 for more information on “Alternative Strategies to Activate a Surface Parking Lot.”



Encourage the reuse of underutilized parking spaces in existing surface lots.

### 2.27 Encourage the adaptive reuse of underutilized parking spaces in a surface lot. The following methods of reuse should be considered:

- Landscaped beds
- Outdoor dining
- Passive seating areas
- Product displays
- Active use areas (such as children’s play areas)



### 2.28 Adapt on-street parking spaces to alternative active uses. Consider the following:

- Outdoor dining
- Outdoor seating
- Bike racks
- Parklets
- Stormwater Management features



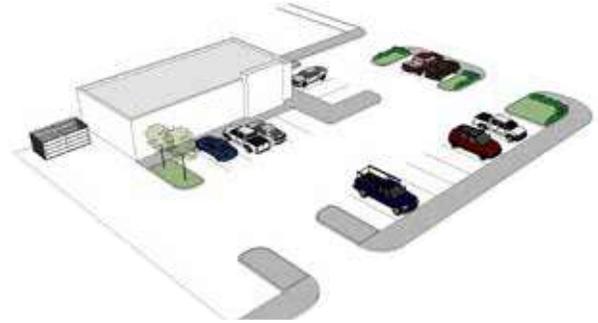
Activate on-street parking spaces with alternative uses such as outdoor dining, bicycle parking, commercial displays or temporary parklets.

## Alternative Strategies to Activate a Surface Parking Lot

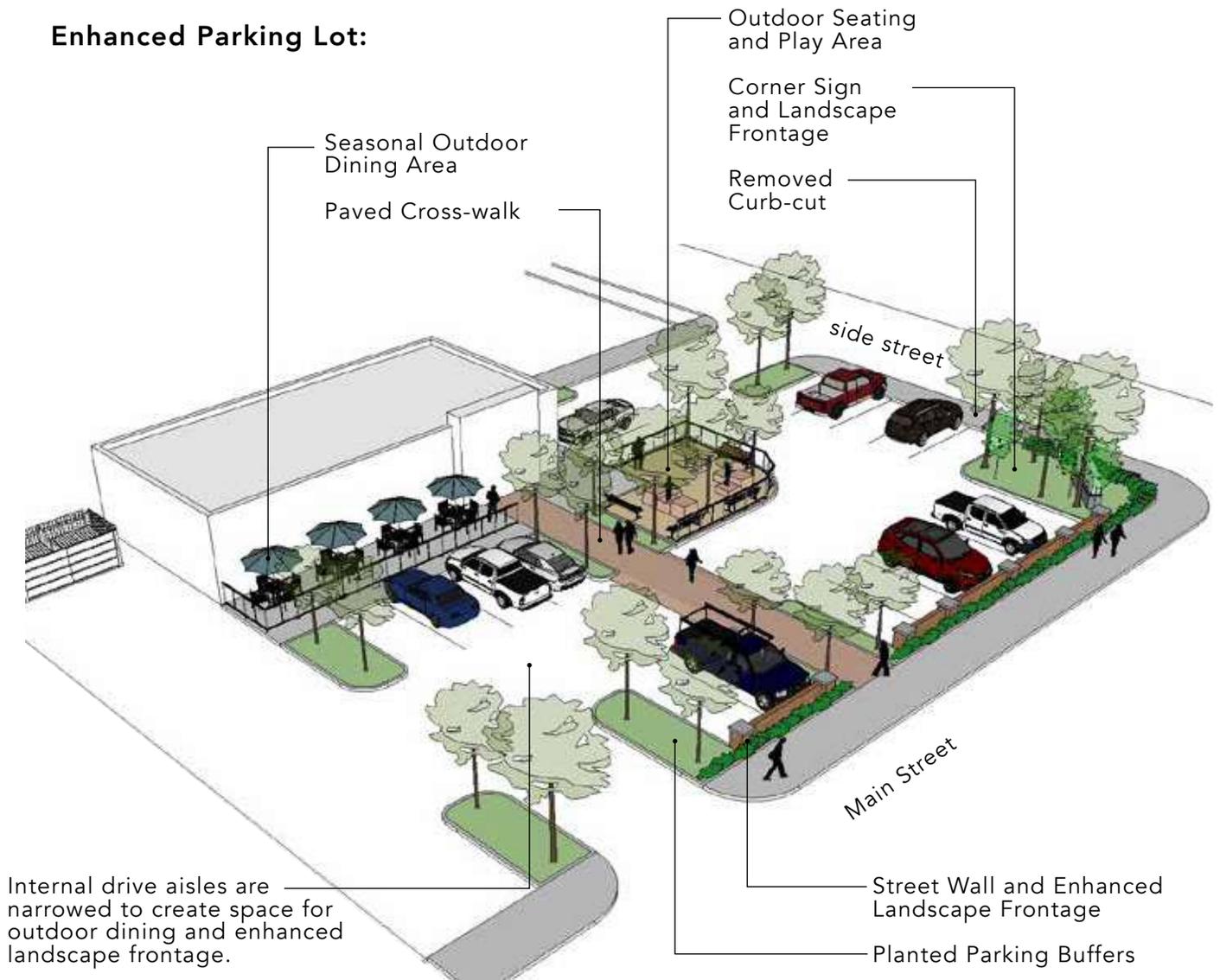
Underused parking lots in the District can be developed to improve access, pedestrian experience, aesthetic qualities and function for the business owner. The conceptual site and enhancements below illustrate some options that can be used in conjunction with, or as separate elements to improve the quality of a parking lot.

### Existing Parking Lot:

- Unnecessary amount of access points
- Overly wide central drive aisle
- No buffer at street edge
- Limited pedestrian and ADA features
- No outdoor amenity space elements



### Enhanced Parking Lot:



**Diagram 2-8** Alternative Strategies to Activate a Surface Parking Lot

## F. Parking Structures

Structured parking should be compatible with nearby buildings in terms of building scale, consistency between window patterns, materials and screening elements. At the street level, structured parking should support a pedestrian-friendly experience with an active use at the sidewalk edge, especially at corner locations. On upper floors that can be viewed from the public way, a structure should be designed to include attractive elements such as building articulation, architectural screens and detailing.



### 2.29 Locate a parking structure to minimize the impacts on the traditional street character.

- a. Locate a parking structure to the rear of the traditional street frontage.

### 2.30 Design a parking structure to be compatible with the mass and scale of nearby buildings.

- a. Divide a larger parking structure into modules that reflect traditional facade and lot widths in the District.
- b. Use building articulation techniques to reflect traditional building proportions. See “Options for Building Articulation” on page 53.



### 2.31 Minimize the visual impacts of a parking structure.

- a. Provide an active use at the sidewalk edge when parking in a structure occurs at the street level on a primary street. Other methods of providing visual interest may also be employed. Options include:
  - Architectural details
  - Public art
  - Wall sculpture
  - Display cases

Provide an active use at the sidewalk edge when parking in a structure occurs at the street level on a primary street.



Minimize the visual impacts of a parking structure on the traditional context by providing an active use at the sidewalk edge.

## Parking Structure Wall Treatment Options

Options include:

### Public Art



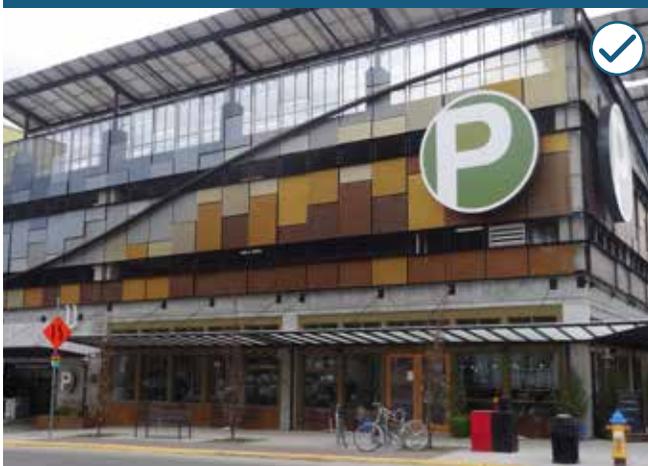
### Architectural Details



### Residential Wrap



### Retail Wrap



### Green Walls

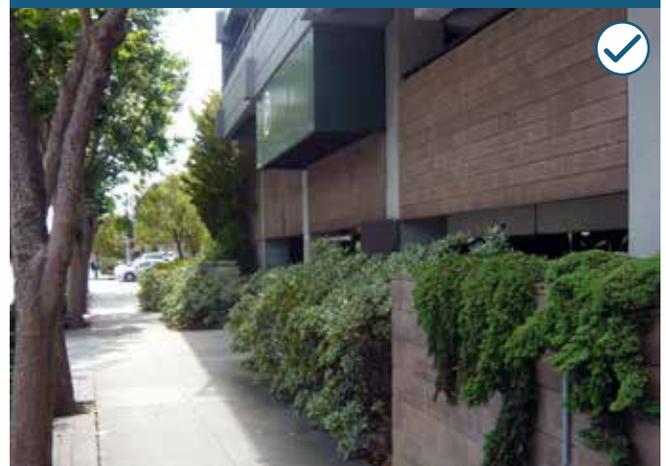


Diagram 2-9 Parking Structure Wall Treatment Options



Design architectural screens to be an integral part of the building design.

### 2.32 When an active use is not feasible, provide an architectural screen.

- a. Design an architectural screen to reflect window patterns along the street.
- b. Design an architectural screen to be an integral part of the building design.
- c. Design an architectural screen to create visual interest by including decorative patterns, railings and details.
- d. Construct an architectural screen of durable materials and finishes, to be consistent with the primary building materials.

### 2.33 Design a parking structure to minimize light spill into adjacent sites.

- a. Locate internal lighting to minimize light spill outside of the parking structure.
- b. Shield light sources to minimize light spill.

### 2.34 Design a parking structure to support sustainable by incorporating one or more of the following features:

- EV chargers or conduit laid for future installation
- Carpool spaces
- Park and ride spaces
- Solar panels on the top walls of the structure

## G. Landscape & Streetscape Design

Landscape design addresses the basic aesthetics of a site, including trees, shrubs and other plantings, as well as ornamental features and site contours. These areas should be designed to enhance community image, invite pedestrian activity and highlight distinctive site features. Streetscape improvements enhance the sidewalks and help establish neighborhood identity. These improvements should be coordinated, functional and durable. Site furnishings should be included to further enhance the streetscape and accommodate pedestrian activity.

### PLANTING DESIGN

In general, plant materials that are indigenous or well-acclimated and noninvasive should be used. Landscape design within a site should help to establish a sense of visual continuity.

#### 2.35 Preserve and maintain mature trees and significant vegetation.

- Include existing vegetation as part of a landscape design scheme where appropriate.
- Identify healthy trees and vegetation clusters for preservation. Special considerations should be given to mature trees, 6" or greater in diameter, and to vegetation clusters with significant visual impact.

#### 2.36 Use native tree and plant species in landscape design, whenever possible.

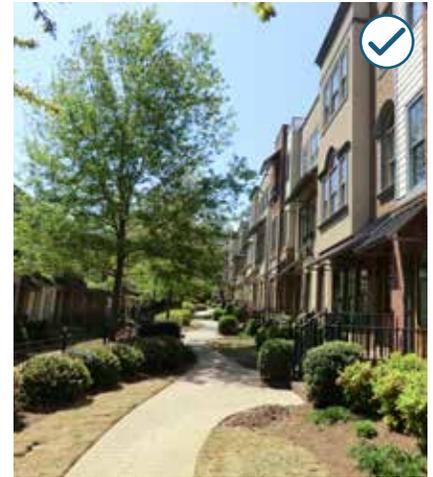
- Use drought-tolerant species, native to the region and suitable to the Berkley climate.
- Reserve the use of high-maintenance plants, if necessary, for small accent areas in the landscape.

#### 2.37 Use a coordinated landscape palette to establish a sense of visual continuity in the design of a site.

- Use a consistent plant palette throughout the property.
- Consider how the planting design can relate to those in the public way that abut the property.
- Use plantings to highlight building entries.
- Encourage four season interest in planting designs.

#### 2.38 Integrate landscaping and stormwater management systems.

- See "Stormwater Management" on pages 39-42 for more information.



Use a coordinated landscape palette to establish a sense of visual continuity in the design of a site.



Use plantings to highlight building entries.

## SITE FURNISHINGS

Site furnishings may include lighting, benches, chairs, tables, waste receptacles, bike racks or other furnishings designed for outdoor use. Some of these may be located in the public right-of-way, while others will be placed within a property, such as in a plaza or courtyard.



Use a coordinated set of site furnishings that accommodates a high level of activity along commercial street frontages.

**2.39 Incorporate site furnishings into all streetscape projects.**

**2.40 Use a coordinated set of site furnishings that accommodates a high level of activity along commercial street frontages. Site furnishings may include:**

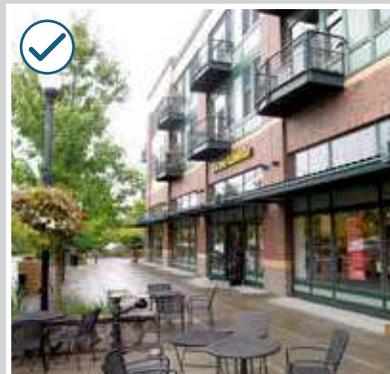
- Lighting
- Benches
- Trash receptacles
- Recycling containers
- Bike racks
- Table sets
- Planters
- Ash urns
- Bollards
- Public signage

**2.41 Cluster site furnishings and other streetscape features at standardized locations.**

- Transit stops
- Outdoor amenity spaces

### Streetscape Clusters

A streetscape “cluster” is an organization of the street furnishings, art and other elements, as listed in 2.40. Clusters of benches, bike racks, planters, trash receptacles, etc. should be provided throughout Downtown Berkley. Streetscape clusters should also be provided around each transit stop, or at least two clusters per block face. Mid-block clusters are typically assembled in a linear fashion to maintain a comfortable aisle for pedestrian movement.



## H. Service Areas, Utilities & Mechanical Equipment

Service areas, utilities and mechanical equipment include loading docks, trash areas, electrical stations, air handlers and similar features. They should be located and designed to be visually unobtrusive and integrated with the design of the site and the building. These features are typically most appropriate when located to the rear of a building and not visible from the public right-of-way.

### 2.42 Locate a service area, utility or mechanical equipment to minimize visual impacts from the street and sidewalk.

- Locate these features out of public view, when feasible. This includes streets, residential areas or outdoor amenity space.
- Locate these features to the side or rear of a primary structure.
- Orient these features toward a service lane or alley.
- Locate these features to minimize conflicts with other abutting uses.



Locate a service area or utility to minimize visual impacts from the street and sidewalk.

### 2.43 Enclose a free-standing service area, utility or mechanical service equipment.

- Design an enclosure to be visually subordinate and made of durable materials.
- Use a similar material and color palette for enclosures, when separate from a primary building.
- Screen the entrance to a service area enclosure with a solid gate made from painted metal, wood or other high-quality, durable, non-reflective material that is detailed for visual interest.
- Do not use chain link fencing for any type of enclosure.



### 2.44 Locate and design a utility building to minimize the visual impacts from the street and sidewalk.

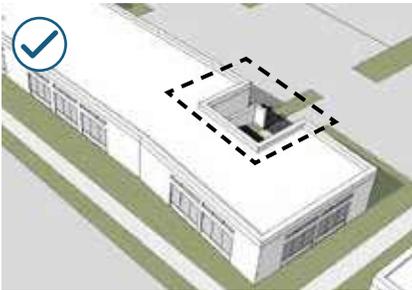
- Locate a utility building or shed to the rear of a primary structure.



Enclose a free-standing utility or service area.



Use a similar material and color palette for service areas and utilities, when separate from a primary building.



Integrate mechanical equipment into the design of a building.

#### 2.45 Provide lighting for service areas.

- a. Use a lighting fixture(s) that supports safe navigation of the area.
- b. Choose a lighting fixture that is compatible with a building and site design in its size, design and material.
- c. Shield site lighting to minimize off-site glare.

#### 2.46 Consider integrating a service area, utility or mechanical equipment into the design of a building.

- a. Integrate these features into a building wall, when feasible. For example, provide a gap in a side or rear building wall.

#### 2.47 Minimize the number of service areas on a site.

- a. Encourage shared, consolidated service areas.
- b. Locate service areas to be easily accessible between adjacent properties.

# I. Stormwater Management

Stormwater management addresses the conveyance and treatment of rainfall and other water entering a site. Low Impact Development (LID) is a specific development strategy to address stormwater in a way that closely mimics the natural, pre-development, hydrologic system. The guidelines below are intended to promote the use of low-impact development principles while also providing site amenities that help enhance community image.

## 2.48 Incorporate Low Impact Development (LID) principles to mitigate stormwater impacts.

- a. Incorporate a natural drainage way as an amenity into the site plan.
- b. Avoid altering or obscuring natural drainage ways.
- c. Additional LID management systems include:
  - Permeable surfaces and paving systems
  - Bioretention and other planted drainage areas
  - Green roofs, rain barrels/cisterns and other building systems



## 2.49 Incorporate and design stormwater management systems as site amenities.

- a. Possible stormwater management systems include:
  - On-site rainwater collection and filtration
  - Outdoor amenity space to also serve as rainwater detention/retention area
  - Outdoor amenity space, such as a plaza, courtyard or patio, around stormwater management areas
  - Green roofs to help address stormwater impacts
- b. Minimize the use of rip rap and other devices that do not appear natural in character.



Incorporate Low Impact Development (LID) principles, such as stormwater planters and permeable pavement, to mitigate stormwater impacts.

## 2.50 Incorporate stormwater management systems to maximize water quality. Consider management systems that:

- a. Infiltrate stormwater into the ground to mimic the natural water cycle.
- b. Remove pollutants from stormwater through uptake by plants and trees in rain gardens.
- c. Provide flows through vegetative buffers to remove nutrients and pollutants

## Management Systems to Promote Low Impact Development (LID)

A range of stormwater management systems may be used to implement LID principles for site design. The most commonly-used systems are summarized below and on the next page.

### Permeable Surfaces



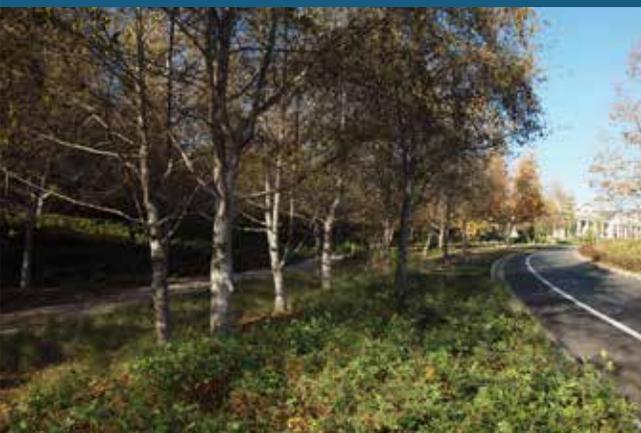
Permeable surfaces include paving systems that allow rainwater to percolate into the ground underneath. They can significantly reduce runoff from parking areas, drive aisles, pedestrian paths and plazas.

### Bioretention



Bioretention systems manage and treat stormwater runoff in a shallow depression filled with a soil bed and planting materials to filter runoff. They help provide greater site utilization and attractive landscape areas while protecting water quality.

### Bioswales & Vegetated Swales



Bioswales and vegetated swales are linear bioretention systems used to partially treat water while also conveying flows to larger bioretention or other stormwater management systems.

### Stormwater Planters

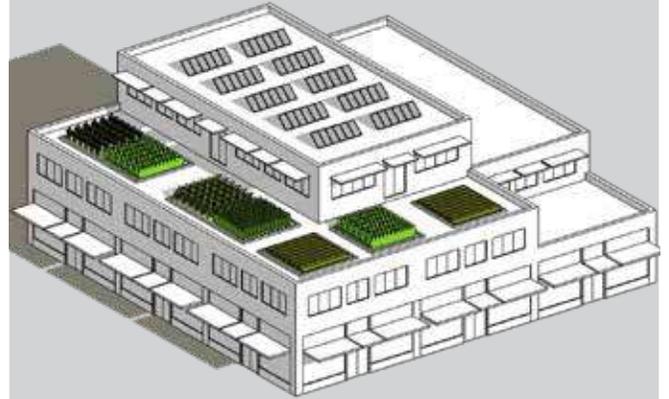


A stormwater planter is a specialized planter system installed adjacent to a sidewalk to manage street and sidewalk runoff. The planter is lined with a permeable fabric, filled with gravel or stone, and topped off with soil, plants, and sometimes trees.

**Diagram 2-10** Management Systems to Promote Low Impact Development (LID)

**Rain Barrels**

Rain barrels are storage devices that collect rain water for reuse in lawn and garden watering or other uses. They are generally connected to roof gutter systems.

**Green Roofs**

Green roofs and roof gardens are vegetated roof systems that help detain, filter and absorb rainfall. They may also provide heating and cooling benefits for the building.

**Tree Preservation**

Preserving mature trees provides benefits for stormwater management as it helps manage the rate at which rainfall reaches the ground.

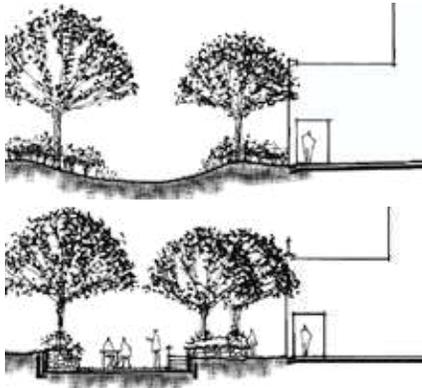
**Clustering/Open Space Development**

Concentrating buildings and impervious surfaces on a portion of a site allows other areas to remain natural. This reduces stormwater pollution, construction costs and the need for regrading.

## Low Impact Development Systems as Site Amenities

Low Impact Development (LID) is a stormwater management approach to address rainfall in a way which more closely mimics the natural hydrologic system at the site prior to any development. Techniques include those which infiltrate, store, filter, evaporate and detain stormwater, close to the location where the rain fell. LID principles encourage integrating stormwater management systems into landscapes and open space throughout a site. Illustrations, resources and other information regarding LID principles and stormwater management systems are provided below.

### Stormwater Retention Areas as Amenities



The design guidelines promote using LID principles to integrate stormwater management systems with public open space areas. The stormwater treatment areas illustrated above serve as a passive landscape amenity (top) and an outdoor seating area with a permeable surface (bottom).

### LID & Stormwater Resources

Resources to assist with stormwater management strategies and LID principles include:

- » Detroit Greenways Coalition ([www.detroitgreenways.org/stormwater-management/](http://www.detroitgreenways.org/stormwater-management/))
- » Michigan Nature Conservancy ([www.nature.org/ourinitiatives/regions/northamerica/unitedstates/michigan/howwework/managing-stormwater-with-nature.xml](http://www.nature.org/ourinitiatives/regions/northamerica/unitedstates/michigan/howwework/managing-stormwater-with-nature.xml))
- » Great Lakes Stormwater Management Institute ([www.ltu.edu/water/](http://www.ltu.edu/water/))
- » Construction Industry Compliance Assistance ([www.cicacenter.org](http://www.cicacenter.org))
- » International Stormwater Best Management Practices (BMP) Database ([www.bmpdatabase.org](http://www.bmpdatabase.org))
- » EPA Stormwater Discharges from Construction Activities

### Coordinating Management Systems to Promote Low Impact Development



**Diagram 2-11** Low Impact Development Systems as Site Amenities

## J. Neighborhood Transitions

Neighborhood transitions address the relationship between new or redeveloping commercial, office, mixed-use or multi-family residential uses and adjacent low-scale residential neighborhoods.

Site design adjacent to an existing or future residential neighborhood should provide a compatible transition that minimizes potential negative impacts while promoting positive connections. Designs that incorporate compatible uses and designs, and which link commercial and mixed-use areas with the adjacent residential neighborhoods are generally preferred as illustrated in “Strategies to Promote a Compatible Transition to Adjacent Neighborhood” on page 44.

### 2.51 Design a project to be compatible with adjacent neighborhoods.

- Place and orient buildings to minimize potential negative impacts on an adjacent residential neighborhood.
- Avoid orienting the rear of a building toward an adjacent residential neighborhood.
- Avoid creating an impassible barrier between a commercial or mixed-use site and an adjacent neighborhood.
- Avoid locating a blank rear walls to abut an adjacent residential neighborhood.
- See “Strategies to Promote a Compatible Transition to Adjacent Neighborhood” on page 44 for more information.



Design a site with a new land use to be compatible with adjacent neighborhoods.

### 2.52 Minimize negative impacts of a commercial operation on an adjacent residential property.

- Locate a commercial activity that generates noise, odor or other similar impacts away from the shared lot line with a residential property.
- Where a commercial use is adjacent to a residential use, buffer or screen the commercial activities. This could include a buffer area with landscaping and outdoor amenities such as an exercise area, picnic area or pedestrian walkway.
- Utilize a fence or physical barrier that retains some transparency, when needed to minimize negative impacts from the commercial operation.



Place and orient buildings to minimize potential negative impacts on an adjacent residential neighborhood.

## Strategies to Promote a Compatible Transition to Adjacent Neighborhoods

Where new development in the District adjoins an existing neighborhood, it has typically incorporated a basic fence or a parking area to minimize potential negative impacts. In some cases, however, other strategies may provide a more compatible transition while encouraging pedestrian and bicycle connections between neighborhoods and adjacent shops, services or employment centers. Three such strategies are illustrated below.

Note that the edges of a new development may incorporate a variety of strategies, including a typical landscape buffer or some combination of the strategies illustrated below. Where a landscape buffer is used, it should incorporate breaks for pedestrian and bicycle connections.

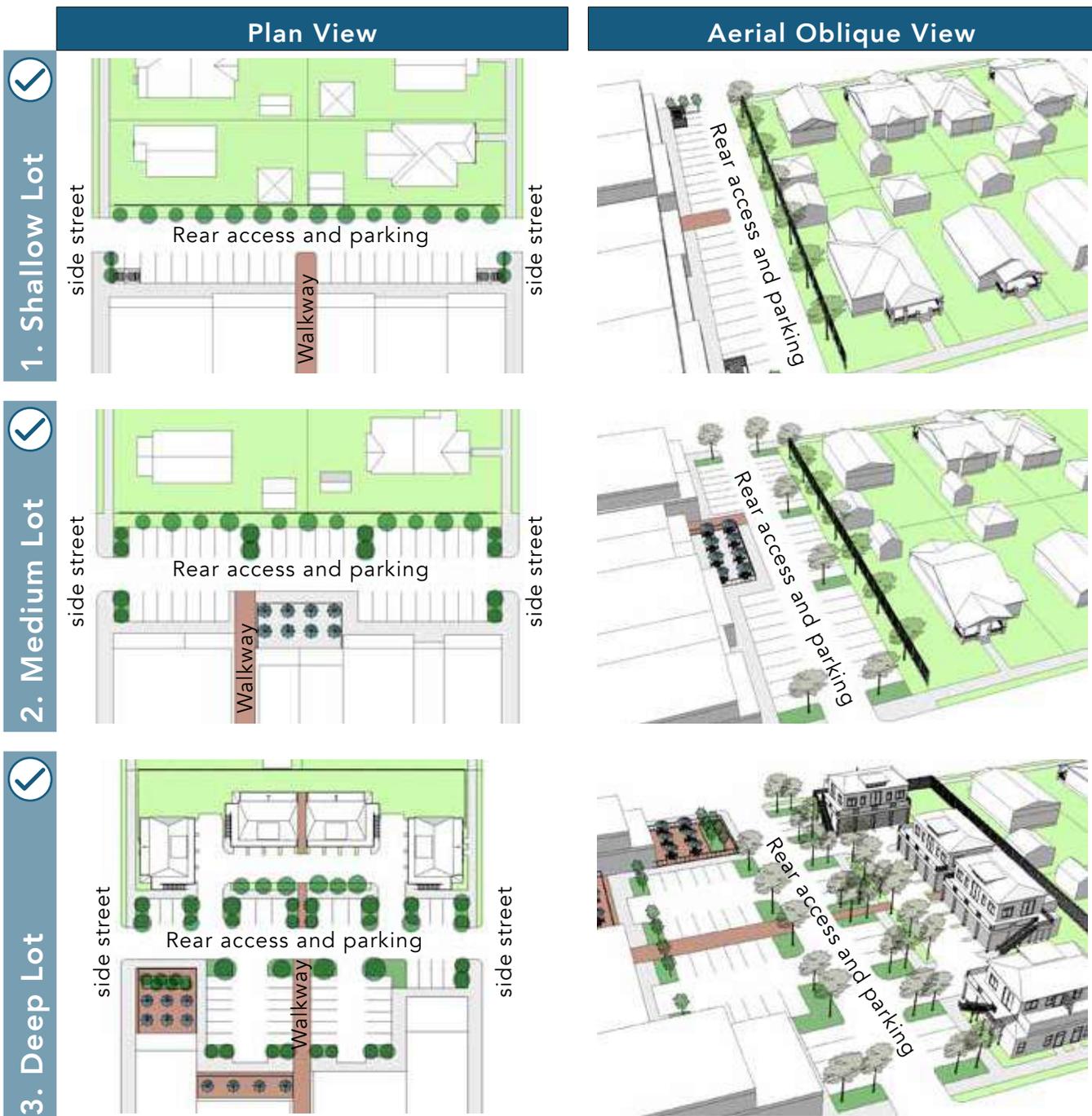


Diagram 2-12 Strategies to Promote a Compatible Transition to Adjacent Neighborhoods

**2.53 Provide pedestrian, bike and vehicular connections to adjacent neighborhoods.**

- a. Where possible, extend paths or small vehicular lanes to connect with streets and paths in an adjacent neighborhood.
- b. Design pedestrian and vehicular circulation systems to consider potential future connections to adjacent neighborhoods.
- c. Incorporate breaks in a landscape buffer to allow for pedestrian and bicycle connections.
- d. Do not incorporate continuous walls, fences or landscaping that prevents pedestrian or bicycle connections across a landscaped buffer area.



Minimize negative impacts of a commercial operation on an adjacent residential property.

**2.54 Design site transitions to connect to future/proposed developments.**

- a. Transition areas should be pedestrian-friendly and allow access between properties.
- b. Site transitions should be designed to be compatible with adjacent public and private landscape areas.



Provide pedestrian, bike and vehicular connections to adjacent neighborhoods.

**2.55 Design a landscape buffer area to include shared amenities. This may include:**

- Multi-use paths
- Picnic areas
- Exercise areas
- Playgrounds
- Water features, including landscaped stormwater management facilities
- Other landscape features



Do not incorporate continuous walls, fences or landscaping that prevents pedestrian or bicycle connections across a landscaped buffer area.



# NEW BUILDING DESIGN 3

As the downtown area continues to grow in vitality, more new construction is expected to meet expanding market demand. This will include new commercial buildings, multifamily structures and mixed-use development. In all these cases, new buildings are welcomed that are compatible with the city's design traditions and which convey a high standard in construction quality.

Many variables contribute to compatible design. The scale of a building, as well as the quality of its materials and details are factors that influence the way in which it will fit in the District context. A design that establishes a sense of pedestrian scale, is active along the street level and enhances walkability also will be compatible.

This chapter provides design guidelines for new buildings in the District. They focus on ways in which a new building can enhance the street. Topics include overall building form, storefront character and the creation of visually interesting buildings as seen from all perspectives. They seek to establish a balance which draws upon traditional designs that are valued while encouraging new designs that will express the most creative aspects of design today.

Compatibility with adjoining neighborhoods also is very important and therefore the guidelines provide suggestions for transitions that will respect sensitive residential edges. Some new buildings will be somewhat larger than those seen traditionally. Some may have one or two more stories than the existing context. Others may be wider across the street frontage than traditional designs. These buildings can fit in with thoughtful designs that vary their massing and that express the rhythms of traditional storefront widths along the street. These concepts also are addressed in this chapter.

Finally note that, while this chapter focuses on new construction, many of the guidelines also apply to projects to improve existing buildings. Even though a separate chapter provides more specific guidance for existing buildings, the broader topics presented here are relevant as well. Appropriate building materials to use and alternatives for creating a pedestrian-friendly building wall are examples of topics in this chapter that also apply to renovation projects. Therefore, this chapter should be consulted for any renovation project as well.

## IN THIS CHAPTER

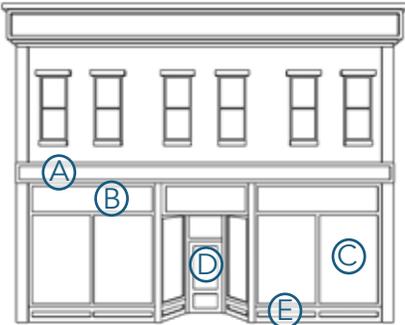
A. Architectural Character	48
B. Building Mass & Scale	49
C. Overall Facade Character	56
D. Ground Floor Design	57
E. Iconic Design Features	62
F. Building Elements	63
G. Building Materials	65
H. Exterior Lighting	67
I. Energy Efficiency, Collection and Conservation	69
J. Environmental Performance in Building Elements	70

# A. Architectural Character

Consistency in architectural character and high-quality design of its own time is crucial for new development in the District. A building should reflect the traditions of Berkley while developing an updated aesthetic within the District. Architecture should also provide a pedestrian-friendly ground floor and active street edge.

## Pedestrian-friendly Storefront Features

Some commercial buildings in Berkley feature retail storefronts with display windows and a prominent entry. To encourage a more pedestrian-friendly street character, new development will typically include a taller ground floor and upper stories with shorter floor-to-floor heights. The key elements of proposed storefront elements are illustrated below.



- (A) Cornice or Lintel
- (B) Transom
- (C) Display Window
- (D) Recessed Entry
- (E) Bulkhead/Kickplate



Create a pedestrian-friendly atmosphere with all new projects.

### 3.1 Design a new mixed-use or commercial building to fit in with the traditional context.

- a. Vary roof forms in a new mixed-use or commercial building to match the heights of existing buildings in the District.
- b. Consider incorporating traditional storefront elements into the facade of a new building. (See inset graphic to the left)

### 3.2 Innovative new designs that draws upon regional design traditions are preferred.

- a. Design a building to provide a sense of authenticity in its form and materials.
- b. Avoid standardized "corporate" architecture.

### 3.3 Create a pedestrian-friendly environment with all new projects.

- a. Use building elements to create a street edge that invites pedestrian activity. These include:
  - First floor and storefront canopies that complement the character of the building and its street front
  - Architectural details that provide a sense of scale
  - Wall surfaces with visually interesting detailing, textures and colors
  - Art including sculptures, friezes and murals
- b. Develop an active building edge to enhance pedestrian interest. This may include:
  - Building Articulation (Chapter 3, page 50)
  - Overall Facade Character (Chapter 3, page 56)
  - Ground Floor Design (Chapter 3, page 57)
  - Building Elements (Chapter 3, page 63)
  - Building Materials (Chapter 3, page 65)

## B. Building Mass & Scale

The overall size, height and form of a building help determine how large it appears, and whether it is compatible with the surrounding context. Although a new building may be larger than adjacent buildings, it should not be monolithic in scale or jarringly contrast with neighboring development. A new building should use articulation techniques to provide a sense of scale. These include varied heights, smaller building masses and articulated facades.

### BUILDING HEIGHT

New development must meet zoning requirements in the District while stepping down to create smooth transitions with adjacent lower-scale commercial and residential buildings.

#### 3.4 Provide variation in building heights.

- a. Incorporate height variations to reduce the scale of a larger building.
- b. Use variation in building and parapet heights to add visual interest and reduce boxy or monolithic building masses.

#### 3.5 Locate the taller portion of a structure away from neighboring residential buildings of lower scale or other sensitive edges.

- a. Step down a taller, new building toward existing, lower-scaled neighbors.
- b. Where permitted by the base zoning, locate towers and other taller structures to minimize looming effects and shading of lower-scaled neighbors.



Incorporate height variations to reduce the scale of the building.



Use variations in building and parapet heights to add visual interest and reduce boxy or monolithic building masses.

## BUILDING ARTICULATION

Building articulation includes vertical or horizontal changes in materials, texture or wall plane that influence the scale of a building. New development in the District should incorporate articulation techniques that promote a sense of human scale and divide the mass and scale of a larger building into smaller parts.



Provide vertical articulation in a larger building mass to establish a sense of scale.

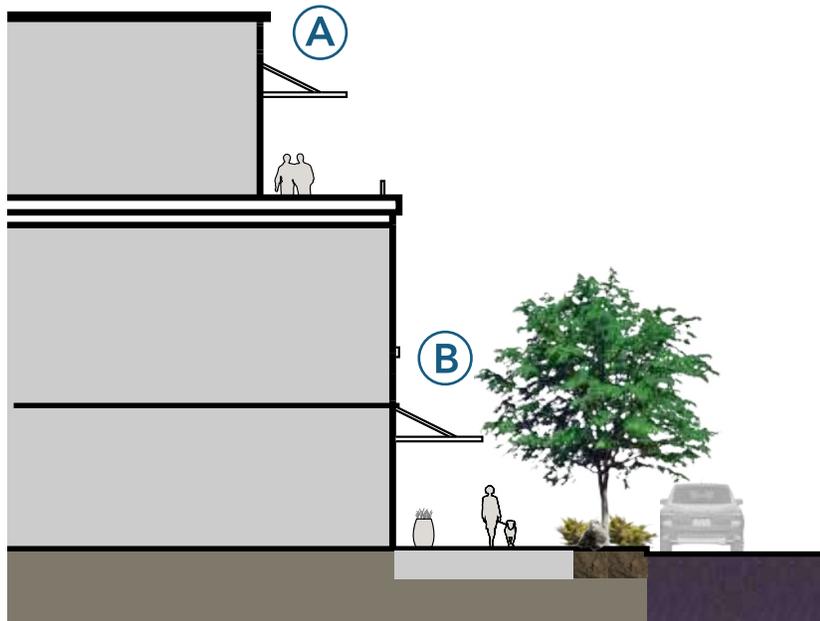


Use materials to convey a sense of human scale and visual interest to pedestrians.

### 3.6 Establish a sense of human scale in the design of a new building.

- a. Use vertical and horizontal articulation techniques to reduce the apparent scale of a larger building mass.
- b. Use articulation techniques in proportion to a building's overall mass. For example, deeper insets are needed as a building's length increases.
- c. Apply materials in units, panels or modules that help to convey a sense of human scale and interest to pedestrians.
- d. Create a sense of texture through shadow lines which also provide a sense of depth and visual interest.

### Human Scale Building Design



**Diagram 3-1** Human Scale Building Design

<b>A</b>	Upper story stepback
<b>B</b>	Awning, Canopy or Arcade

### 3.7 Incorporate horizontal design changes to establish a sense of scale.

- Use moldings, a change in material, or an offset in the wall plane to define the scale of lower floors in relation to the street.
- Align architectural features with similar features along the street, where a distinct alignment pattern already exists.



Incorporate horizontal expression lines to establish a sense of scale.

### 3.8 Provide vertical articulation in a larger building mass to establish a sense of scale.

- Use moldings, columns, a change in material or an offset in the wall plane to define different building modules.
- Organize modules to reflect traditional lot widths or facade dimensions.



Organize modules to reflect traditional lot widths or facade dimensions.

### 3.9 Incorporate balconies to create depth and interest on a building facade.

- Integrate balconies into the design of a building facade to express different modules.
- Use a balcony to provide shade for the sidewalk or lower balcony areas.

### 3.10 Create a sense of visual interest by using a variety of cornice heights for individual modules.

### 3.11 Vary roof heights along the street to create visual interest.

- Vary roof heights through differences in parapet height.
- Vary the roof profile by stepping down some parts of the facade.
- Varying roof heights through changes in roof form may also be considered.



Vary roof heights along the street to create a sense of visual interest.



One design method for buildings located on the corner is to chamfer the corner and provide a visual connection between the street and the interior at the ground level.

**3.12 Utilize one of the following methods to design a building that is located on the corner:**

- a. Chamfer the corner and provide a visual connection between the street and the interior at the ground level.
- b. Curve the corner of the building.
- c. Increase the setback from one or both of the street frontages with a corner plaza.

**3.13 Incorporate a roof form that provides a “cap.”**

- a. Define a flat roof form with a distinct parapet or cornice line. This can help reinforce a vertical base, middle and cap building articulation, and contribute to a sense of iconic design.
- b. Use an overhang on sloped roof forms on multi-family buildings. This helps to define the roof as a building cap.



Define a flat roof form with a distinct parapet or cornice line. This can help reinforce a vertical base, middle and cap building articulation, and contribute to a sense of iconic design.

**Base, Middle, Cap Design**

On a taller (over two stories) commercial or mixed use building, horizontal articulation techniques may be used in combination to express a traditional base, middle and cap facade composition. This design creates well-defined ground or lower floors and a distinctive “cap” element that frame middle building floors.



**Diagram 3-2** Base, Middle, Cap Design

## Options for Building Articulation (page 1 of 2)

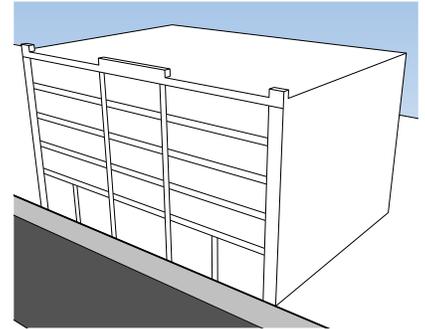
The design options illustrated below and on the next page may be used individually, or in combination, to meet the intent of the design guidelines for building articulation. Note that other creative building articulation strategies may also be appropriate.

### A1. Accent Line

Accent lines include vertical and horizontal moldings and attached columns, as in this example. An accent line projects sufficiently from the face of a building wall to cast a distinct shadow.

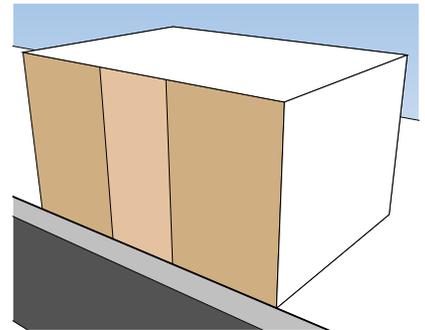
#### Examples include:

- a. Moldings
- b. Sills
- c. Cornices
- d. Canopies



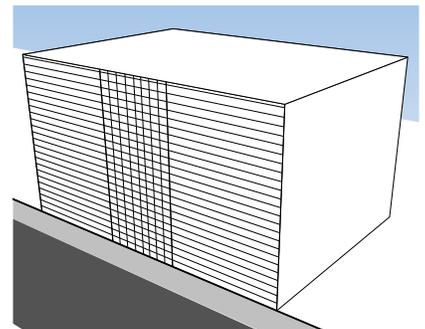
### A2. Color Change

Color changes may occur as significant vertical or horizontal area on a building wall. In this example, different facade modules vary in color.



### A3. Material Change

Material change may appear as a significant vertical or horizontal surface. In this example of townhomes, a change in material expresses each unit.

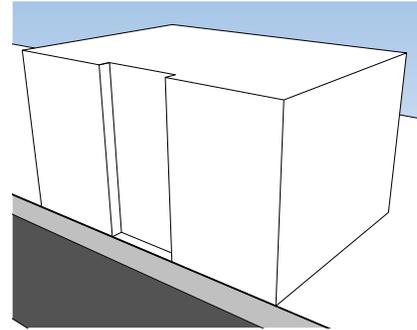


**Diagram 3-3** Options for Building Articulation

## Options for Building Articulation (page 2 of 2)

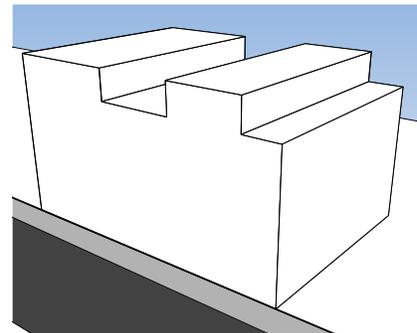
### A4. Minor Wall Offset

A minor wall offset is a vertical expression line created by notching a building wall for its full height. Minor wall offsets are typically 5 feet or less. In this example the central bay is inset from the flanking walls.



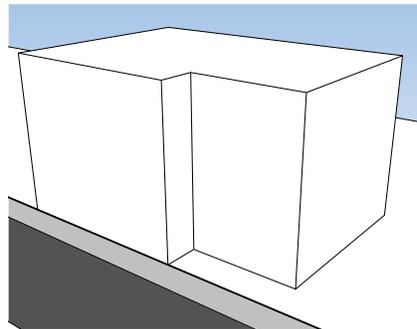
### A5. Height Variation

A variation in height may occur as a setback of part of a floor or a change in roof line. In this example of a single building, a portion on the right is one story less than that on the left.



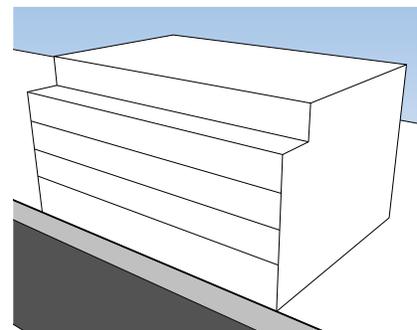
### A6. Increased Wall Setback

An increased setback is similar to a minor wall offset, but with a larger dimension. It often provides an outdoor amenity space along part of the front of a building.



### A7. Upper Floor Stepback

An upper floor stepback is similar to an increased setback, but it only occurs on an upper floor(s). In this example, a portion of the top floor is set back from the front wall plane.



## Combining Building Articulation Methods

A single building articulation method is typically insufficient to achieve a desired design outcome or promote architectural creativity. Combining multiple methods into a single building is highly encouraged. As shown in Diagram 3-4 below, a building often includes some or all of the building articulation methods identified previously in Diagram 3-3: Options for Building Articulation.



**Diagram 3-4** Combining Building Articulation Methods

- A1** Accent Lines
- A2** Color Changes
- A3** Material Changes
- A4** Minor Wall Offsets
- A5** Height Variation
- A6** Increased Setbacks
- A7** Upper Floor Stepbacks

## C. Overall Facade Character

A building facade should incorporate high-quality design features that enhance Berkley’s community image and convey an active and vibrant appearance. The design guidelines below apply to facade areas that face public streets, the pedestrian way, alleys or parking lots. They are especially important for visible facades along a major commercial corridor such as Twelve Mile Road and Coolidge Highway.



Incorporate design features that add depth and detail, such as deep roof eaves and changes in the facade plane that create patterns of light and shadow.

### 3.14 Design a building facade to enhance community image.

- a. Incorporate design features that add depth and detail, such as deep roof eaves, window openings and changes in the facade plane that create patterns of light and shadow.
- b. Use high-quality building materials on visible facades.

### 3.15 Design a building facade to be compatible with its context.

- a. When possible, align canopies, windows, moldings and roof cornices on adjacent buildings.
- b. Use materials or other facade features that are compatible with adjacent buildings.



Design a building facade to be compatible with its context. Use simple, traditional forms that are consistent with the facade composition of the District.

### 3.16 Design a building facade to convey visual interest.

- a. Incorporate facade features such as pergolas, arcades or awnings to add visual interest.
- b. See “Design Options for a Pedestrian-friendly Commercial Ground Floor” on page 58, for additional information.



Incorporate facade features such as pergolas, arcades or awnings to add visual interest.

## D. Ground Floor Design

A building should incorporate features that create a pedestrian-friendly street level. High-quality ground floor design considers elements such as height, transparency, entrance location, canopies and awnings. In mixed-use areas, it is especially important to incorporate active features such as plazas and storefront windows. In residential areas, the ground floor may incorporate other design features, such as porches and stoops, to engage the sidewalk and street.

### 3.17 Design the ground floor to engage the public realm and promote pedestrian activity.

- Incorporate recessed entries, courtyards or other setbacks in the ground floor facade.
- Use design features such as windows, display areas and awnings to engage the street and add pedestrian interest.
- Avoid long blank side walls that will diminish pedestrian interest. Instead, add visual interest to blank walls through at least one of the techniques shown in Diagram 3-6.



Design the ground floor to engage the public realm and promote pedestrian activity.

### 3.18 Incorporate a high level of ground floor transparency when designing a new commercial or mixed-use building.

### 3.19 Use building materials to define the ground floor and add visual interest.

- Use changes in material to add ground-floor interest.
- Define the ground floor of a building by incorporating a different material, color or texture.



Use design features such as windows, display areas and awnings to engage the street and add pedestrian interest.

### 3.20 Include architectural features to enhance the character of a new building

- Design architectural features to create a sense of depth and shadow on a building facade.
- Align architectural features along a block face to develop a rhythm along individual building facades.
- Use architectural features to enhance the pedestrian experience.



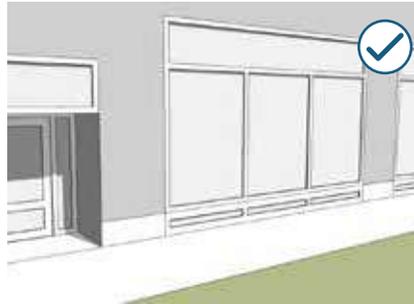
Incorporate a high level of ground floor transparency when designing a new commercial or mixed-use building.

## Design Options for a Pedestrian-Friendly Commercial Ground Floor

The design options described and illustrated below may be used individually, or in combination, to meet the intent of the design guidelines for ground floor design. In most cases, the street level of a building should incorporate windows and other pedestrian-friendly features. Where windows are not possible, other features may be used.

### 1. Windows

Commercial buildings should incorporate a high percentage of transparent glass to actively engage the street and sidewalk. Windows may be combined with canopies, awnings, planters and other features to enhance the street level.



### 2. Display Areas

Display cases or other product displays can create pedestrian interest and engage the street and sidewalk. Such treatments are especially appropriate along an otherwise windowless facade.



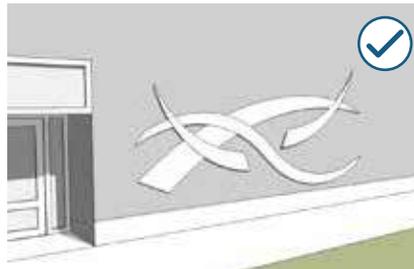
### 3. Canopies and Awnings

Canopies and awnings help define the street-level pedestrian area and may provide shade or highlight entries and storefront windows.



### 4. Wall Art

Wall art, mosaics, or murals add interest, especially along an otherwise windowless facade.



### 5. Planters/Landscaping

Integrated planters, large pots or other areas for landscaping add interest along the building facade and help engage the street and sidewalk.



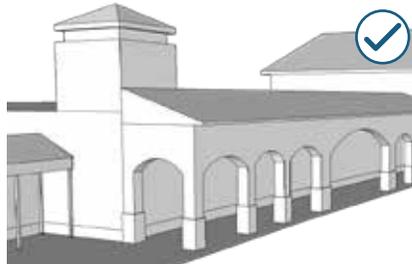
**Diagram 3-5** Design Options for a Pedestrian-Friendly Commercial Ground Floor

## Design Options for Addressing Side Walls

In some cases, a building may have windowless side walls where the interior contains parking, retail shelving, storage or other inactive uses. The design options illustrated below are appropriate methods of meeting the intent of Guideline 3.17 on page 57 by promoting an active appearance on a side wall area facing a sidewalk, parking area or other public frontage. Note that other creative strategies are also appropriate to address windowless facade areas, including the “Design Options for a Pedestrian-Friendly Ground Floor” on page 58.

### 1. Arcades

An arcade or loggia can help create a more transparent appearance on an otherwise windowless facade while also adding visual interest.



### 2. Architectural Details/ Screens

Details such as architectural screens or patterned materials can help create a more active appearance and add visual interest on a windowless facade.



### 3. Pergolas/Structures

Pergolas or other landscape structures can help soften the view of a windowless facade and help create a more active appearance.

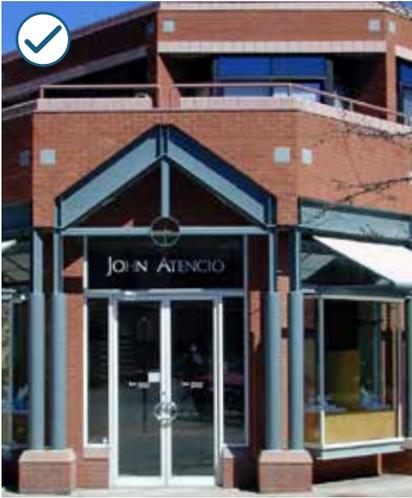


### 4. Vertical Trellis/ Landscaping

A vertical trellis allows vines and plants to cover blank wall areas and provide visual interest. A vertical trellis may work in combination with a raised planting bed.



**Diagram 3-6** Design Options for Addressing Side Walls



Design the main entrance to be clearly identifiable.



Use an architectural element(s) to highlight an entrance, and to provide weather protection, where feasible.



Use a “double-fronted” design that provides an entry to the street and another to an outdoor amenity space, plaza or a parking lot, when present.

## PRIMARY BUILDING ENTRANCE

The primary entrance of a structure should be oriented to a street, major sidewalk, pedestrian way, plaza, courtyard or other outdoor public space. The objective is to provide a sense of connection with the neighborhood and add “eyes on the street.” In most cases, orienting the entrance toward the street is preferred, but in some designs, orienting an entrance to an active courtyard or other outdoor amenity space that is visible from the street will accomplish the same objective.

### 3.21 Design the main entrance to be clearly identifiable.

- a. Use an architectural element(s) to highlight an entrance, and to provide weather protection, where feasible. Potential treatments include:
  - Canopy
  - Awning
  - Building recess
  - Moldings
  - Change in material
  - Change in color
- b. Use variation in building mass and height to highlight a main entrance.

### 3.22 Orient the functional entrance of a building to face a street, plaza or pedestrian way.

- a. Orient the primary entrance towards the street.
- b. Use a “double-fronted” design that provides an entry to the street and another to an outdoor amenity space, plaza or a parking lot, when present.
- c. Clearly define a front entry that is positioned perpendicular to the street. This may be achieved by:
  - Incorporating a recessed entry, canopy or awning for commercial/mixed-use building types, or
  - Incorporating a porch, stoop or canopy for residential building types

## AWNINGS & CANOPIES

Traditionally, awnings and canopies were noteworthy features of buildings in the District and their continued use is encouraged. These elements are simple in detail and they reflect the character of the buildings to which they are attached.

### 3.23 A fabric awning is encouraged.

- Operable awnings are encouraged, but rigid frame types, and fixed metal canopies may also be considered.
- Operable awnings are encouraged because they include an energy efficient mechanism for managing interior light and air conditions. (See Diagram 3-7)
- Appropriate supporting mechanisms are wall mounted brackets and wires.

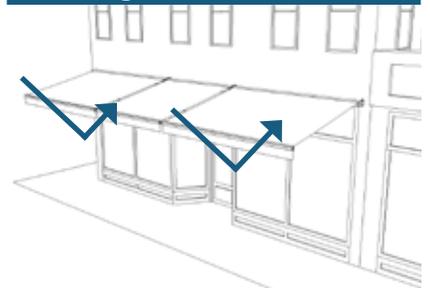
### 3.24 An awning or canopy should be in character with the building and streetscape.

- Mount an awning or canopy to accentuate storefronts and entries. In most cases, the awning or canopy should fit in the opening of the building.
- Use colors that are compatible with the overall color scheme of the facade. Solid colors are encouraged.
- Use simple shed shapes for rectangular openings. Odd shapes, bullnose awnings and bubble awnings are inappropriate.
- Internal illumination of an awning is inappropriate.
- Position awnings to remain a subordinate feature on the facade, where they are used.
- Do not use post supported canopies on commercial buildings in the District as they are inappropriate.



## Use of Operable Awnings for Energy Efficiency

### Awnings Open to Provide Shading



Awnings can be opened in the summer to provide shading for a storefront and the sidewalk.

### Awnings Closed to Allow Solar Access



Awnings can be closed in the winter to provide solar heat gain and daylighting.

**Diagram 3-7** Use of Operable Awnings for Energy Efficiency



Use awning colors that are compatible with the overall color scheme of the facade. Solid colors are encouraged.

## E. Iconic Design Features

Iconic design features include those that help define a building, convey a unique appearance, or make an area more memorable. New development in a highly-visible location, such as at the intersection of arterial roads, should incorporate iconic design features. In most cases, large-scale new development projects in any location should incorporate iconic design features for entries, view corridors, building form or roofs.



Incorporate iconic design features such as well-defined entries or tower elements into the design of a new development that is large-scale or located in a highly-visible location.

### 3.25 Use an iconic design feature to foster a unique sense of place.

- a. Incorporate iconic design features such as well-defined entries or tower elements into the design of a new development that is large-scale or located in a highly-visible location.
- b. Design an iconic design feature to be in proportion with a building and its features as well as nearby buildings.

### 3.26 Locate an iconic design feature to maximize its visibility and impact. Appropriate locations include:

- At a primary building entry
- Adjacent to, or at the entrance to, an outdoor public space
- At the corner of a building (especially when the building itself is at the intersection of two streets or lanes)
- At the termination of a view or vista (i.e., located to be highly visible when looking down a street or path)



Locate an iconic design feature to maximize its visibility and impact. Here, the iconic design feature accentuates the primary building entry.

## F. Building Elements

Building elements such as forecourts, building arcades and front porches connect buildings to the public realm. Building elements will create visual continuity along the street and a cohesive transition from building to building.

### 3.27 Include building elements to create a street edge that invites pedestrian activity. Potential building elements to incorporate include:

- Building forecourts
- Plazas
- Arcades
- Porches

### 3.28 Design a forecourt to enhance the pedestrian experience. Forecourts help to:

- Maintain the street edge
- Engage the street
- Provide interest and activity
- Create accessibility



Include building elements to create a street edge that invites pedestrian activity.

## Strategies to Activate a Forecourt

Three strategies that promote an active street frontage for forecourts are illustrated below.

### Colonnade/Arcade



Extending a colonnade or arcade wall across a forecourt can help maintain an active, pedestrian-oriented street frontage.

### Site Wall



A low wall with plantings to the front or rear can help bridge a forecourt to maintain an active, pedestrian-oriented street frontage.

### Planters



A low planter or series of planters can help bridge a forecourt to maintain an active, pedestrian-oriented street frontage.

**Diagram 3-8** Strategies to Activate a Forecourt



A larger forecourt may be considered in areas with high pedestrian traffic.



Include an arcade on a building sidewalk to provide architectural interest and variation.



Incorporate building elements that are visually consistent with elements on adjacent, new buildings.

**3.29 A larger forecourt may be considered in an area with high pedestrian traffic.**

- a. Expand a forecourt to increase pedestrian interest.
- b. Design a forecourt to provide architectural interest and variation in the design of a building.
- c. Use strategies as shown in Diagram 3-8 to define the public edge of a forecourt.

**3.30 Encourage consistency in arcade design.**

- a. Integrate a building arcade into the design of a building.
- b. Use materials for an arcade that are compatible with the primary building.

**3.31 Design an arcade on a building sidewall to improve the pedestrian experience by including elements to:**

- Protect pedestrians from the weather
- Create a human-scaled building element
- Create interest by increasing building articulation
- a. Include an arcade to provide architectural interest and variation.
- b. Use an arcade to create a more transparent appearance.

**3.32 Incorporate a front porch to create a visual and functional connection between a residential building and the street.**

- a. Locate a front porch to define a residential entry.
- b. Orient a front porch towards the street and sidewalk.

**3.33 Incorporate building elements that are visually consistent with those on adjacent, new buildings.**

- a. Include building elements that are of a scale and form similar to those on adjacent buildings.
- b. Incorporate building elements that are unique to the development and compliment those on neighboring structures, but do not copy building elements on adjacent redeveloped sites.

## G. Building Materials

Exterior building materials and colors should provide a sense of scale and texture and convey design quality and visual interest. Building facades should use high-quality, durable materials that contribute to the visual continuity of the context and convey high quality in design and detail.

### 3.34 Incorporate building materials that contribute to the visual continuity of the District.

- Utilize genuine masonry, metal, concrete and glass, where possible.
- Avoid using imitation or highly reflective materials.



Incorporate building materials that contribute to the visual continuity of the District.

### 3.35 Develop simple combinations to retain the overall composition of the building.

- Avoid mixing several materials in a way that would result in an overly busy design.



Develop simple combinations to retain the overall composition of the building.

### 3.36 Use high quality, durable building materials.

- Choose materials that are proven to be durable in the Berkley climate.
- Choose materials that are likely to maintain an intended finish over time or acquire a patina, when it is understood to be a desired outcome.
- Incorporate building materials at the ground level that will withstand on-going contact with the public, sustaining impacts without compromising the appearance.

### 3.37 Alternative primary materials may be considered in appropriate locations when they are designed to express modules and a sense of scale. These may include:

- Architectural metals
- Glass curtain walls



Incorporate building materials at the ground level that will withstand on-going contact with the public, sustaining impacts without compromising the appearance.

### 3.38 Utilize traditional masonry materials such as stone, concrete and brick, where feasible.

- Use genuine masonry units, which appear authentic in their depth and dimension.
- Wrap masonry units around corners of wall to ensure that it does not appear to be an applied veneer.

## Illustrated Building Materials

A number of building materials are illustrated below. As noted, they may be used individually or in combination to meet the intent of the design guidelines for building materials on page 65.

### 1. Masonry - Brick

Brick is an appropriate primary facade material for buildings throughout Berkley.



### 2. Masonry - Stone

Stone is also an appropriate primary facade material for buildings throughout Berkley.



### 3. Masonry - Detailed Concrete

Concrete that has been detailed in modules similar in scale to genuine brick or stone is an appropriate primary facade material.



### 4. Metal and Concrete Accents

Metal and concrete may be appropriate for use as accent materials.



### 5. Synthetic Stucco (EIFS) & Panelized Brick Accents

Synthetic stucco or panelized brick should only be used for accents or on less visible facade areas.



= Appropriate as a Primary (or Secondary) Material

= May be acceptable as an Accent Material

Diagram 3-9 Illustrated Building Materials

## H. Exterior Lighting

The character and level of exterior building lighting helps establish a sense of identity and cohesion in the District. It should help create a sense of place, highlight distinctive architectural details and reinforce the overall form, massing and spatial characteristics of the building or site. Exterior lighting is also important to provide safety for pedestrians along the street.

### 3.40 Install exterior lighting that will enhance the public realm and improve the pedestrian experience.

- On large projects, design a lighting plan to enrich the appearance and function of the building and site.
- Locate light fixtures to be visually subordinate to other building and site features during the day.
- Use exterior lighting to enhance the nighttime appearance of trees, shrubs and other landscape features.
- Design lighting so that it does not endanger the safety of pedestrian or automobile traffic.
- Avoid the use of blinking or flashing lights near window or door openings.
- Outlining windows with LED or other lighting material is not allowed.



Install exterior lighting that will enhance the public realm and improve the pedestrian experience.

### 3.41 Use exterior lighting to highlight the distinctive features of a site, such as:

- Building entrance
- Architectural details
- Signs
- Outdoor use areas
- Public art

### 3.42 Minimize the visual impacts of architectural lighting on neighboring properties.

- Use exterior light sources with a low level of luminescence.
- Using white lights that cast a color similar to daylight is appropriate in most cases.
- Reserve washing an entire building elevation for civic buildings and landmark structures.



Use exterior lighting to highlight the distinctive features of a site, such as building entries.



Use shielded and focused light sources to prevent glare and light pollution.

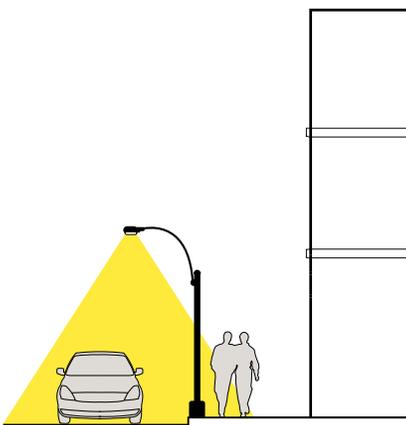
### 3.43 Use shielded and focused light sources to prevent glare and light pollution.

- a. Provide shielded and focused light sources that direct light downward.
- b. Do not use high intensity light sources or cast light directly upward.
- c. Shield lighting associated with service areas, parking lots and parking structures.
- d. Design, install and maintain light sources to prevent light trespass onto a neighboring property or the public right-of-way.



### 3.44 Coordinate fixture designs with abutting properties to establish a sense of continuity.

- a. This is especially important for walkways and lanes that interconnect within a development.



Design, install and maintain light sources to prevent light trespass onto a neighboring property or the public right-of-way.

# 1. Energy Efficiency, Collection and Conservation

The conservation of energy is a key objective in community planning and a guiding principle for the District. The design process should include an evaluation of the physical assets of the site to maximize energy efficiency and conservation in the placement and design of a building. Landscapes also play a large part in planning for energy efficiency and building performance on a site.

Building designs should address seasonal changes and design with Berkley's climate in mind. Designs should implement passive strategies that save energy (and money) whenever feasible. Natural lighting and ventilation, shading, thermal mass and many other options are available. Using sustainable building materials that are durable, long-lasting, locally-made and recycled/recyclable are encouraged. Careful consideration should also be given to balancing sustainable design principles with those related to maintaining the traditional character of the area.

## 3.45 Utilize sustainable building design solutions throughout the District.

- a. New building designs that promote energy conservation while adding visual interest should be supported.
- b. Design building projects to reduce environmental impacts, like stormwater runoff, on the public streetscape.



Design building projects to reduce stormwater runoff by including a greenroof.

## 3.46 Design with energy efficiency as a top priority.

- a. Examine energy efficiency opportunities when developing a design for a new project.
- b. Examine building performance and system efficiency for all new projects.
- c. Utilize external shading (integrated into the building and/or with the landscape) to keep out summer sun and let in winter sun.
- d. Design windows to maximize light into interior spaces.
- e. Use exterior shading devices, such as overhangs, to manage solar gain in the summer months and welcome solar access in winter months.
- f. Incorporate a renewable energy device, including a solar collector or wind turbine.



Utilize external shading integrated into the building or with the landscape to keep out summer sun and let in winter sun.

## J . Environmental Performance in Building Elements

The elements that make up a building, including windows, mechanical systems and materials, influence environmental performance. New building elements that improve environmental performance should be employed if they have been proven effective in Berkley's climate.

### 3.47 Use sustainable building materials whenever possible. These materials may be:

- Locally manufactured
- Low maintenance
- Materials with long life spans
- Recycled materials

### 3.48 Incorporate building elements that allow for natural environmental control, such as the following:

- Operable windows for natural ventilation to reduce air conditioning needs.
  - Locating vertical or horizontal shading devices to reduce solar heat gain.
  - Daylighting strategies to reduce electrical lighting demand.
  - Thermal mass or building materials that are capable of storing heat, which will reduce heat transferred through a building envelope.
  - "Green roof" to provide insulation, absorb water, and reduce heat island effect.
- a. Incorporate energy efficient mechanical systems.

### 3.49 Minimize the visual impacts of energy devices on the character of the district.

- a. Mount equipment where it has the least visual impact on buildings and important view corridors.
- b. Where exposed hardware frames and piping are visible, use a matte finish and color that is consistent with the color scheme of the primary structure.

# RENOVATING A PROPERTY

# 4

Many existing buildings will continue to meet owners' needs and contribute to the ongoing viability of the District. From time-to-time, owners will seek to make improvements to these properties. A building front may be enhanced or an addition may be constructed. In another case, an underutilized side lot or front yard may be developed. These investments are welcomed. This chapter addresses renovating properties in ways that will meet the community's design objectives for the District.

## Rehabilitating a Historic Building

Making improvements or repairs to a historic building requires special care. See Section F.

### IN THIS CHAPTER

A. Renovating an Existing Building Front	72
B. Adding onto an Existing Building	77
C. Alternative Strategies for Locating a Rooftop Addition	78
D. Alternative Strategies for Improving an Existing Setback	80
E. Alternative Development Strategies for Underutilized Side Lots	82
F. Historic Resources	84

# A. Renovating an Existing Building Front



An existing building may be modest in character with minimal detailing. A creative design that coordinates color, signs and awnings can improve it dramatically. In another case, a more extensive renovation may involve installing a new storefront and adding architectural details. In another case, two businesses may share the same facade. A design that coordinates the visual impacts of both while expressing the individual businesses will be especially important for this situation. In another case, one business may occupy two adjoining buildings. A design that maintains the sense of scale of the two buildings, while expressing the strength of a single business will be appropriate. This section provides design guidelines for these varying conditions.



Renovating a building front is encouraged to enhance community image and help attract tenants to commercial buildings. Renovation may include ground floor improvements, adding iconic design features or complete upgrades of an existing facade. When possible, such incremental improvements should anticipate future phases of development that may occur. These may include a new building, landscaping, parking area and installing a pedestrian path.



Design a contemporary interpretation of a traditional storefront where the original is missing.

## 4.1 Renovate a building front to enhance community image.

- a. Include iconic building features or improved building materials.
- b. Improve a ground floor design to encourage pedestrian activity.

## 4.2 Enhance the connection between a building front and the street when the front is set back from the street. See page 81 for additional information on "Alternative Strategies for Improving Existing Front Setbacks."

- a. Develop the area to provide visual interest to pedestrians.

**4.3 Develop a design that will create a distinct image for the building while also coordinating with neighboring properties.**

- a. While each building may have its own distinct design, it should be planned to complement others nearby, such that the impact of the block, as a whole, will be strengthened.

**4.4 Organize the basic elements of a building front in a coordinated design:**

- a. Use a consistent color scheme for the entire building front.
- b. Match colors for signs and awnings.
- c. Use lighting that complements product displays.

**4.5 Maintain the pattern of traditional building fronts along the street.**

- a. When a business occupies two adjoining buildings, develop a design that expresses the individual storefronts while also conveying that one business is located there.

**4.6 Maintain a coordinated design for a building front.**

- a. When two or more businesses occupy the same building, develop a design that expresses the individual businesses while conveying a composition that reads as a single facade.

**4.7 Provide an active street edge for the building front.**

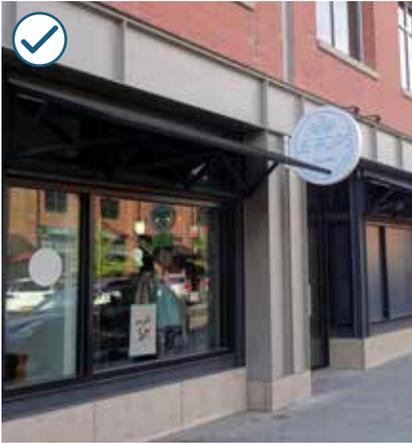
- a. Maintain a large storefront area with display windows when feasible.
- b. Provide alternative features that will create an active, pedestrian-oriented building front when using a large display window is not feasible. See "Design Options for a Pedestrian-friendly Commercial Ground Floor" on page 58 for more information.



Develop a design that will create a distinct image for the building while also coordinating with neighborhood properties.



Provide an active street edge for the building front.



Use materials that are compatible with the traditional context of the District.



Use a coordinated color scheme for a building front.

#### 4.8 Use materials that are compatible with the traditional context of the District.

- a. Brick, architectural concrete, finished wood and architectural metals are appropriate.
- b. Alternative materials, including fiber cement siding, are also appropriate. They should be proven to be durable in the Berkley climate.
- c. Imitation materials, such as stone veneer, panelized brick or plastic should be avoided.

#### 4.9 Highlight ornamental features that may exist on the building.

- a. For example, a decorative cornice may be a feature to accentuate with an accent color.

#### 4.10 Use a coordinated color scheme for a building front.

- a. Coordinate colors on:
  - The building wall
  - Trim and moldings
  - Cornice and parapet
  - Signs
  - Primary entry
- b. Use complementary colors.

#### 4.11 Use an accent color to direct the viewer's eye.

- a. For example, highlight the entry with an accent color.

#### 4.12 Use a sign to lead the eye to the building entry.

- a. Center a sign over the front entrance to draw attention to its location.

## Renovating an Existing Building Front

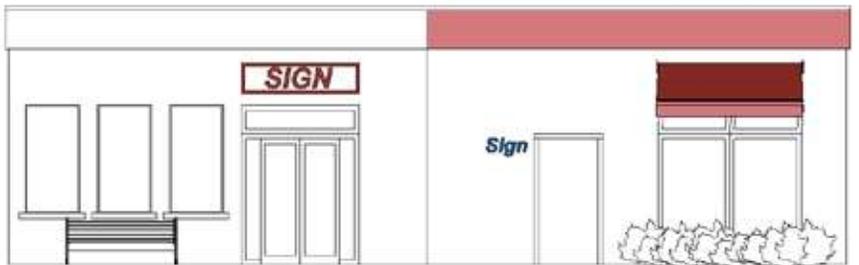
### 1a. Two businesses in two buildings

Recommended: Facade features, including windows, awnings and signs, are coordinated. The image of the individual businesses is strengthened.



### 1b. Two business in two buildings

Not recommended: Facade features, including windows, awnings, and signs, are not coordinated. The image of the individual business is weakened.



### 2a. One business in two buildings

Recommended: Awnings are separated to express two different facades while conveying the identity of one business.



### 2b. One business in two buildings

Not Recommended: A continuous awning obscures the identity of the two different facades.

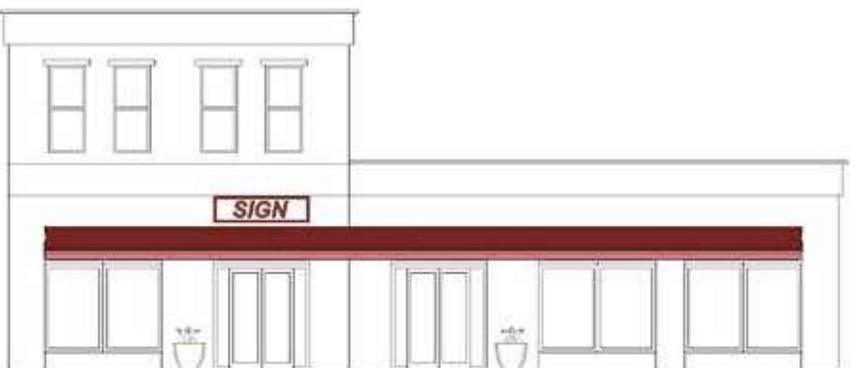
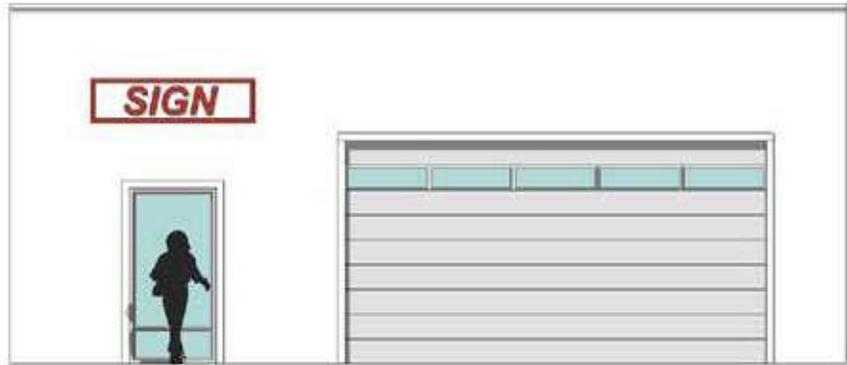


Diagram 4-1 Alternative Development Strategies for Undeveloped Areas

## Progression of a Building Facade: Garage Adaptive Reuse

### 1. Existing Condition

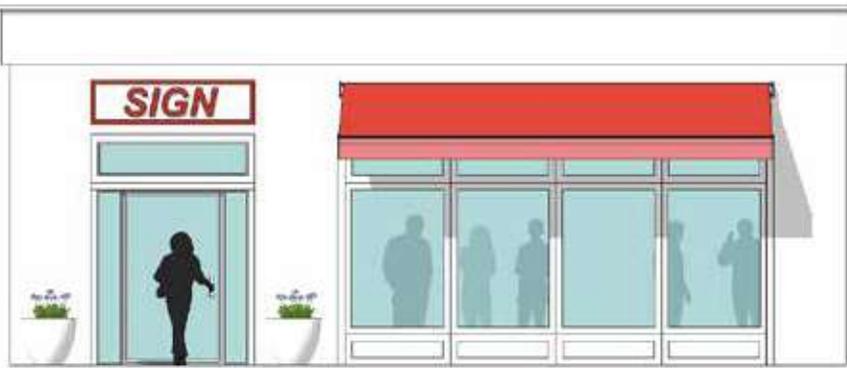
A garage door faces the street, but it lacks visual interest for pedestrians.



### 2. Fixed Storefront Option



A storefront replaces the garage door and a larger doorway adds more light.



### 3. Operable Storefront Option



An operable storefront can be opened in good weather and closed when needed. Outdoor seating in front activates the original garage access drive area.



Diagram 4-2 Progression of a Building Facade: Garage Adaptive Reuse

## Garage Adaptive Reuse



## B. Adding onto an Existing Building

Expanding an existing building can enhance functions and broaden the mix of uses in the District. Two distinct types of additions to an existing commercial building may be considered. First, for a building that sits on a single-lot an addition may involve adding a floor. This can be set to the front or to the rear of a building. These options activate rooftop space above the first story when stepping the addition to the street (front) or rear of the lot. A full length addition may also be appropriate.

In a second condition, a property may include an underdeveloped side lot, which may be used to expand to the side. Depending on the location of the side addition, a forecourt, rear plaza or enhanced streetwall may be options. For any addition, the materials, window sizes and trim elements should be compatible with those of the existing structure.

### 4.13 Design an addition to be compatible in scale, materials and character with the main building.

- a. Design an addition to relate to the building in mass, scale, character and form.

### 4.14 Avoid damaging or obscuring important architectural features.

- a. For example, avoid removing a cornice to extend the height of a wall.

### 4.15 Place the addition to be compatible with the setting.

- a. Set an addition back from the street when the context is low in scale.
- b. Set an addition back from the rear when abutting a single family neighborhood.

### Additions to Historic Buildings

Adding onto a historic building takes special care. See Section E, for more information.



Design an addition to be compatible in scale, materials and character with the main building.



Place the addition to be compatible with the setting.

### Built Example: Nomad Pizza - Princeton, NJ



Example of a garage adaptive reuse project that includes indoor/outdoor seating, landscape treatments and an operable storefront.

## C. Alternative Strategies for Locating a Rooftop Addition

A rooftop addition that covers only a portion of the structure below offers opportunities to create decks for outdoor uses, reduce the perceived scale of the development and make use of view opportunities. Stepping back an addition from a sensitive edge, such as when abutting a residential area, will also help to minimize impacts.

### Rooftop Additions: Built Examples

**Top Right:** Corner, double-lot, second floor stepback addition.

**Middle Right:** Corner, single-lot, second floor stepback addition with an activated rooftop.

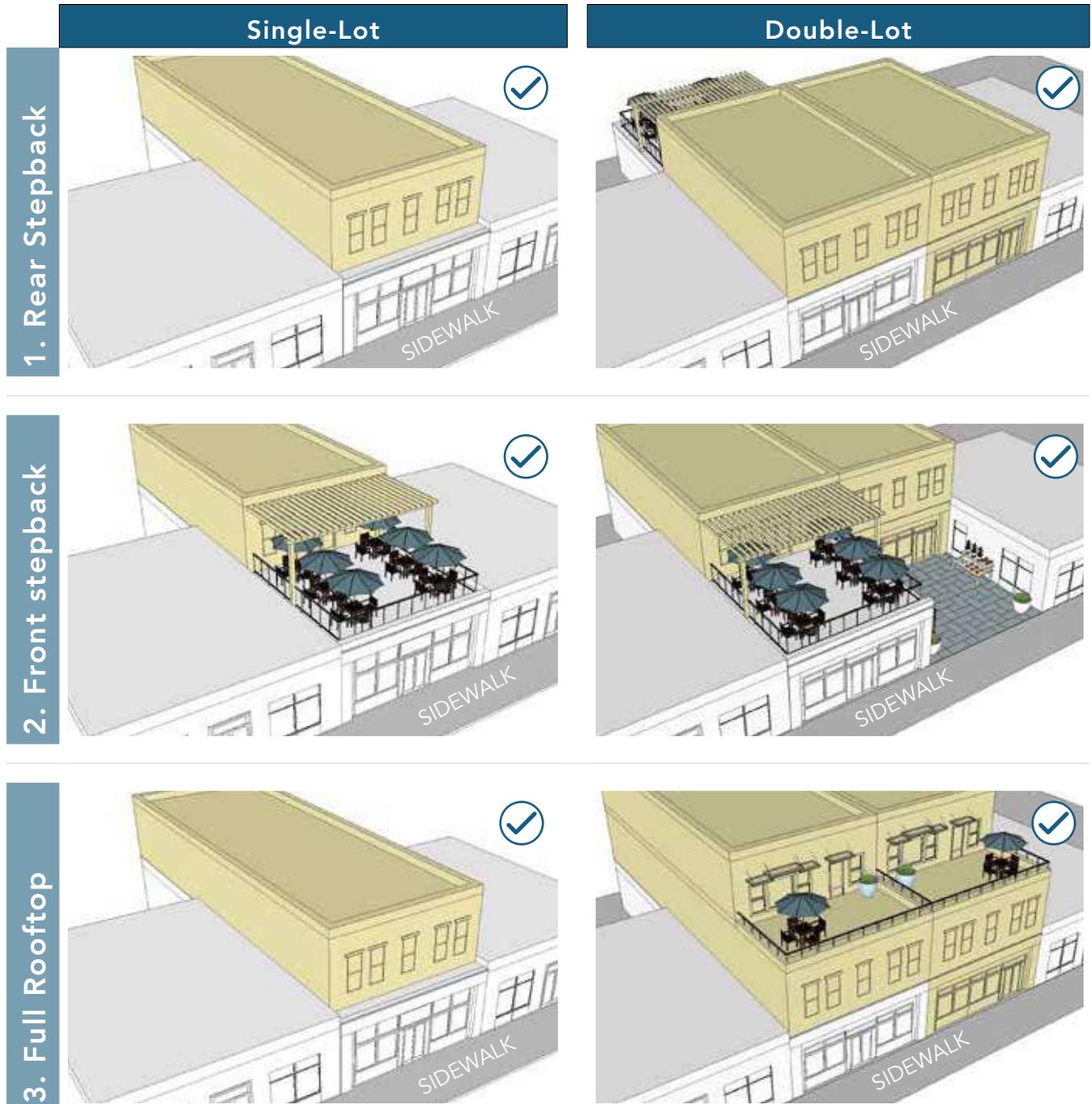
**Bottom Right:** Double-lot, front stepback addition of second and third floors with an activated rooftop.

**Bottom Left:** Corner, single-lot, two-story addition.



## Locating a Rooftop Addition

A variety of roof-top additions may be appropriate in different contexts. Maintaining traditional scale and respecting neighbors are some considerations in determining appropriate locations.



**Diagram 4-3** Locating a Commercial or Mixed-use Addition

## D. Alternative Strategies for Improving an Existing Setback

Some buildings are set back from the street. Sometimes, this space is used for parking while in another case, it may simply be a front yard. Opportunities exist to make better use of this space and strengthen the street front with active uses. This section provides alternative designs for enhancing front setbacks.

### Architectural Feature Additions, Outdoor Seating and Landscape Improvements:



Before



After

### Hardscaped Frontage with Outdoor Dining and Improved Pedestrian Access:



Before



After

### Conditioned Transparent Enclosure Updates an Improved Landscape Frontage:



Before

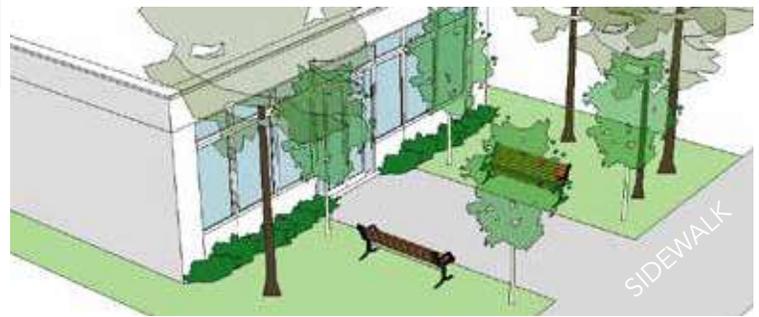


After

## Alternative Strategies for Improving an Existing Front Setback

### 1. Improved Landscape and Pedestrian Access

- Walkway leads directly to the entrance.
- Trees provide seasonal shade and color.
- Benches invite pedestrian use.



### 2. Hardscaped Frontage with Outdoor Dining

- Decorative paving adds visual interest.
- Seasonal outdoor seating creates pedestrian and vehicular interest.



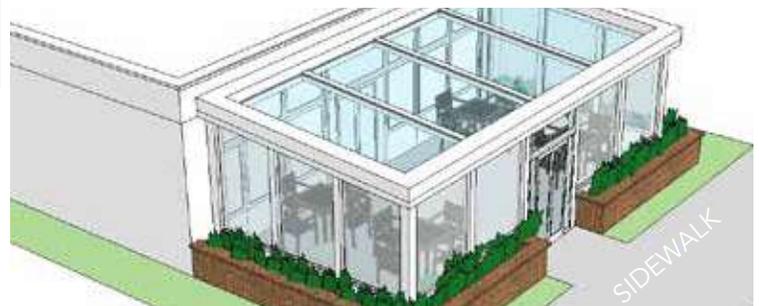
### 3. Architectural Elements with Outdoor Product Display

- Architectural elements enhance the street presence.
- Product display invites pedestrian activity.



### 4. Conditioned Transparent Enclosure

- Glazed patio provides extended use through the seasons.



### 5. Improved Landscape and Pedestrian Access

- Addition to building front.

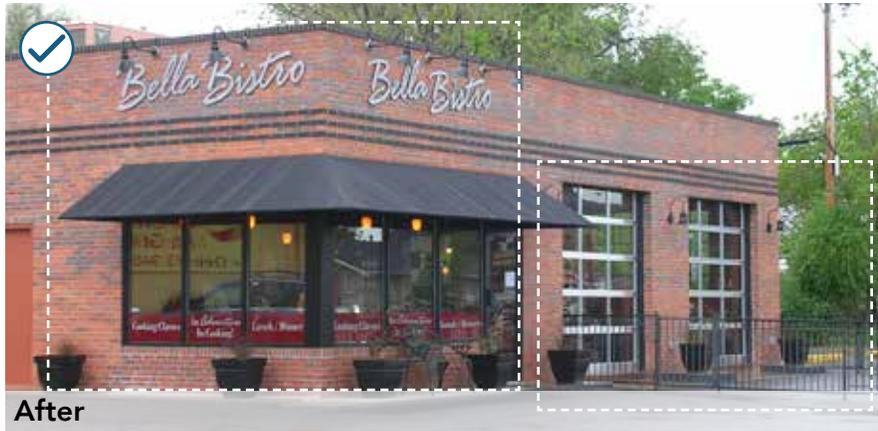


**Diagram 4-4** Alternative Strategies for Improving an Existing Front Setback

# E. Alternative Development Strategies for Underutilized Side Lots

Sometimes, a property may include a side lot that is vacant, or underutilized. This offers an opportunity to expand the building or to create an outdoor use area. This section provides alternative strategies for improving underutilized side lots.

**Renovated Facade with Seasonal Outdoor Seating and Operable Bay Doors:**



## Side Lot Development Strategies: Built Examples

**Top Right:** Side Addition with a semi-public forecourt



**Bottom Right:** Side Addition with improved pedestrian access



**Bottom Left:** Shared public-private plaza for outdoor seating and landscape improvements.



## Alternative Development Strategies for Underutilized Side Lots

### 1. Alley accessed parking and landscape treatments

- Landscape buffer screens parking.
- Outdoor use area activates the sidewalk edge.
- Side entrance orients to parking.



### 2. Shared public-private plaza

- Outdoor seating flanks side entry.
- Walkway connects to parking in rear.
- Landscape edge designs building line.



### 3. Pedestrian pass-through and private forecourt

- Side addition with entry facing the street.
- Outdoor seating and a semi-public area are placed in the front setback.
- A walkway connects to the alley.



**Diagram 4-5** Alternative Development Strategies for Undeveloped Areas

## F. Historic Resources

Some properties in the District have historic significance and their preservation is to be encouraged. These require special care. This section provides design guidelines for historic preservation.

Preservation means keeping properties and places of historic and cultural value in active use and accommodating appropriate improvements to sustain their viability while maintaining the key, character-defining features which contribute to their significance as historic resources. It also means keeping historic resources for the benefit of future generations. That is, while maintaining properties in active use is the immediate objective, this is in part a means of assuring that these resources will be available for others to enjoy in the future.

### Downtown Berkley Buildings of Historic Significance:

#### Twelve Mile Road: (west to east)

- Doll Hospital & Toy Soldier Store -1943 (3995 12 Mile)
- Articipate Studio - 1930 (3833 12 Mile)
- Cobblestone Cabinets - 1933 (3311 12 Mile)
- Council Thrift – 1948 (3297 12 Mile)
- Oddfellows Antiques – 1920’s (3248 12 Mile)
- St. Mary’s Orthodox Church - 1932 (3212 12 Mile)
- Anytime Fitness – 1949 (3144 12 Mile)
- Berkley Theatre Building (Rite Aid) – 1941 (2990 12 Mile)

#### Coolidge Highway: (north to south)

- Spike Lawrence, Inc. - 1926 (3020 Coolidge)
- Decypher Corp. - 1923 (3010 Coolidge)
- The Wedding Shoppe - 1929 (2186 Coolidge)
- Our Lady of La Salette School – 1943 (Parducci sculptures on front facade)

## DETERMINING HISTORIC SIGNIFICANCE

What makes a property historically significant? A property is considered to have historic significance if it meets a defined age threshold, and meets at least one of a list of criteria for determining significance. In so doing, it also must retain sufficient integrity to be able to convey that significance. Those concepts are explained in this section.

### Age of Historic Resources

In general, properties must be at least 50 years old before they can be evaluated for potential historic significance, although exceptions do exist when a more recent property clearly has historic value. With the age of the property in mind, it is then evaluated for its significance, using defined criteria.

### Criteria for Determining Significance

A property may have historic significance if it meets at least one of these criteria:

- It is associated with events that have made a significant contribution to the broad patterns of our history.
- It is associated with the lives of persons significant in our past.
- It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or it possess high artistic values, or that it represents a significant and distinguishable entity whose components may lack individual distinction.
- It may yield or may be likely to yield, information important in prehistory or history.

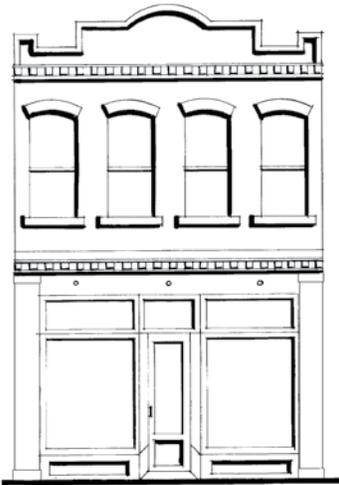
## Integrity

In order to convey significance, a property also must retain integrity, with a sufficient percentage of the structure dating from its period of significance. A majority of the building's structural system and materials and its character-defining features should remain intact.

## BUILDING INTEGRITY

Preserving historic integrity of a historic resource is an objective. The degree of a building's integrity is shown below.

### Original Facade



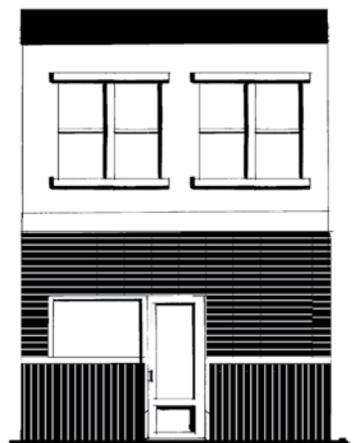
"Historic" Property. This building retains its integrity.

### Altered, traditional facade



"Historic" Property with some alterations. This building retains its integrity.

### Altered, no historic features



"Non-Historic" Property with major alterations. This building does not retain its integrity.



Seek uses that are compatible with the historic character of the property.



Maintain significant features and stylistic elements.



Repair deteriorated historic features and replace only those elements that cannot be repaired.

## OVERARCHING PRESERVATION GUIDELINES

The following overarching guidelines apply to all historic properties:

### 4.16 Respect the historic character of a property.

- The basic form and materials of a building, as well as architectural details, are a part of the historic character.
- Do not try to change the style of a historic resource or make it look older than its actual age.

### 4.17 Seek uses that are compatible with the historic character of the property.

- Converting a building to a new use different from the original use is considered to be an “adaptive reuse,” and is a sound strategy for keeping an old building in service. For example, converting a residential structure to offices is an adaptive use. A good adaptive use project retains the historic character of the building while accommodating a new function.
- Every reasonable effort should be made to provide a compatible use for the building that will require minimal alteration to the building and its site.
- Changes in use requiring the least alteration to significant elements are preferred. In most cases, designs can be developed that respect the historic integrity of the building while also accommodating new functions.

### 4.18 Maintain significant features and stylistic elements.

- Distinctive stylistic features and other examples of skilled craftsmanship should be preserved. The best preservation procedure is to maintain historic features from the outset to prevent the need for repair later. Appropriate maintenance includes rust removal, caulking and repainting.
- These features should not be removed.

### 4.19 Repair deteriorated historic features and replace only those elements that cannot be repaired.

- Upgrade existing materials, using recognized preservation methods whenever possible. If disassembly is necessary for repair or restoration, use methods that minimize damage to original materials and facilitate reassembly.

## FACADE TREATMENTS

For most historic resources in the District, the front wall is the most important to preserve intact. Alterations are rarely appropriate. Many side walls are also important to preserve where they are highly visible from the street. By contrast, portions of a side wall that are not as visible may be less sensitive to change. The rear wall is usually the least important (excepting civic buildings), and alterations can occur more easily without causing negative effects to the historic significance of the property.

### Location A: Building Front

- Preservation and repair of features in place is the priority.
- This is especially important at the street level and in locations where the feature is highly visible.

### Location B: Highly Visible Side Wall

- Preservation and repair in place is the priority.

### Location C: Less Highly Visible Side Wall

Preservation is still preferred.

- A compatible replacement or alteration is appropriate.
- More flexibility in treatment may be considered.

### Location D: Not Highly Visible Rear Wall

- A compatible replacement or alteration may be appropriate when it is not visible to the public.
- More flexibility in treatment may be considered.

### Location E: Highly Visible Rear Wall

This applies to many cultural buildings of historic significance, such as churches, civic buildings and other landmarks that are designed to be viewed "in the round" or border a public space such as a park.

- Preservation and repair in place is the priority.
- Some flexibility may be considered on upper facades.

Continuing to keep buildings in active use is a key objective for preservation in Berkley, especially in the DDA District. Doing so retains a link to our heritage and also is sound environmental policy. Re-using a building preserves the energy and resources invested in its construction, and avoids the need for producing new materials that would be required to construct a replacement.

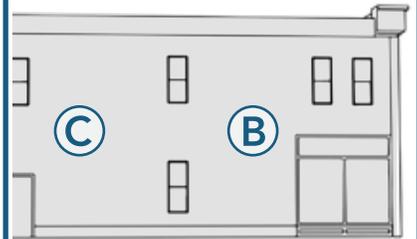
While the best use for a historic resource is that for which it was designed, there are cases where adapting to a new use will be necessary. Many adaptations can occur relatively easily, but some unique resources, will require creative solutions. Additional flexibility will be considered for new uses in those circumstances.

## Commercial Facades

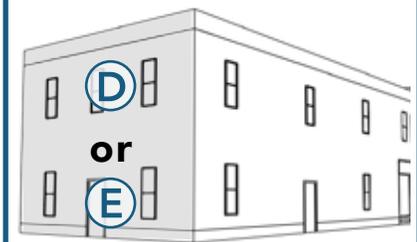
### Building Front



### Side Wall



### Rear Wall



### Site Plan



Diagram 4-6 Commercial Facades



Preserve significant stylistic and architectural features.

## ARCHITECTURAL DETAILS

Architectural details contribute to the character of a historic structure. Specific details are associated with different architectural styles. Select an appropriate treatment that will provide for proper preservation of significant features. The method that requires the least intervention is preferred.

### 4.20 Preserve significant stylistic and architectural features.

- a. Preserve architectural features such as storefronts, cornices and brackets.
- b. Employ preventative maintenance measures such as rust removal, caulking and repainting.
- c. Do not remove or alter architectural details that are in good condition or that can be repaired.

### 4.21 Repair deteriorated architectural features.

- a. Patch, piece-in, splice, consolidate or otherwise upgrade existing materials, using recognized preservation methods.
- b. Removing significant features that can be repaired is inappropriate.

### 4.22 When reconstructing an element is impossible, develop a new design that is a compatible interpretation of it.

- a. The new element should be similar to comparable features in general size, shape, texture material and finish.

### 4.23 Avoid adding details that were not part of the original building.



Before



After

If it is not feasible to repair a historic feature (top window sill), replace it in kind (bottom).

## MATERIALS AND FINISHES

Original building materials and finishes are also key features of historic buildings. Historic building materials should be preserved in place.

### 4.24 Preserve original building materials.

- a. Do not remove or alter original building materials that are in good condition or that can be repaired.
- b. Remove only those materials which are deteriorated beyond repair and must be replaced.

### 4.25 Repair deteriorated primary building materials.

- a. Patch, piece-in, splice, consolidate or otherwise upgrade existing materials, using recognized preservation methods.

### 4.26 Do not use imitation materials as replacements in primary locations.

- a. Do not use fabricated materials that are designed to look like wood or masonry siding, such as synthetic vinyl or panelized brick.
- b. Consider alternative materials that convey a character similar to the historic material in secondary locations when replacement with the original is not feasible.
- c. Use “green” building materials, such as those made with renewable and local resources, as replacement materials.

### 4.27 Covering original building material with a new one is inappropriate.

- a. Consider removing later covering materials that have not achieved historic significance. Once the non-historic siding is removed, repair the original, underlying material.

## Maintaining Historic Materials

Primary historic building materials include masonry (brick, mortar, stone and concrete), wood and metal. These should be preserved and repaired.

Appropriate treatments to protect specific materials from deterioration include:

### Masonry

- Maintain the natural water-protective layer (patina)
- Do not paint, unless it was painted historically (this can seal in moisture, which may cause extensive damage over time).
- Repoint deteriorated masonry mortar joints with mortar that matches the strength, composition, color and texture of the historic material.

### Wood

- Maintain paint and other protective coatings to retards deterioration and ultraviolet damage.
- Provide proper drainage and ventilation.

### Metal

- Maintain protective coatings, such as paint, on exposed metals.
- Provide proper drainage.



# CHARACTER AREAS

# 5

In many respects, the District is a single place, with traditional storefronts, office buildings, residential structures and institutional facilities mixed throughout. Many buildings share similarities in form and materials, in orientation to the street and scale of building. The way in which people circulate - on foot, by bicycle and in vehicles - also is generally consistent. Nonetheless, differences exist that should be understood when designing improvements to properties.

One part of the District may have a greater percentage of traditional storefronts that align at the sidewalk edge, while in another area more variety in building setbacks exists. Another area may have more properties with parking located in the rear; another area may have no on-street parking. The width of the street, including travel lanes and sidewalks, also can vary. When these variables are considered along with others that influence how the setting is perceived, a set of Character Areas emerges. Within each Character Area, the way in which the design guidelines apply is influenced by these considerations of context.

This chapter describes the features of each of the Character Areas of the District and outlines design objectives for them. The discussion also indicates special conditions that should be considered when applying the design guidelines in the other chapters.

## IN THIS CHAPTER

Character Area 1: Gateway West	92
Character Area 2: Downtown Core	94
Character Area 3: Gateway South	97

# Character Area 1: Gateway West

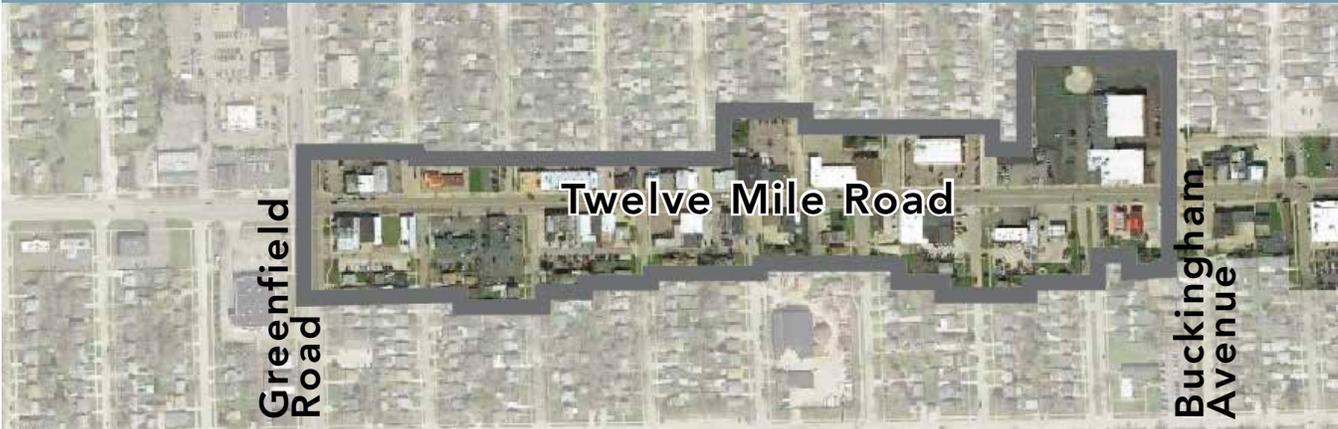


Diagram 5-1 Character Area 1 Map

## Key Design Objectives for Future Development

- A mix of commercial and residential uses exists throughout this area.
- Many arts and crafts businesses are found in this area.
- The majority of new buildings are built to the street edge and orient pedestrians along the sidewalk.
- Outdoor product display and active storefronts are encouraged.
- New development is two stories at the street edge with an occasional third story that is set back from the street edge.
- Compatible site and building transitions connect commercial developments to adjacent resident areas.
- More diversity in signs exists here.

The Gateway West Character Area is located in the western portion of the Downtown District along Twelve Mile Road. It is bordered on the west by Greenfield Road and to the east by Buckingham Avenue.

Variety, diversity, and a sense of surprise are features of this area. The individuality of businesses is evident in building designs, outdoor spaces and signs. These characteristics are part of the vision for this area:

## AREA-WIDE CHARACTERISTICS

### Uses:

A mix of commercial and residential uses exists here. A higher percentage of businesses relate to arts and crafts. These include shops selling art supplies and galleries exhibiting art. Cafes featuring live music are here also. Residential units are located above ground floor commercial space. Some units are artists' live-work apartments.

### Street front character:

All buildings have storefronts or other features at the street level that orient to pedestrians along the sidewalk. While most building fronts are sited close to the sidewalk edge, some are set back a small amount to provide room for wider sidewalks, as well as outdoor display areas. These often exhibit artwork and hand-crafted products. This modest variation in front setbacks contributes to a "village" atmosphere with a bit of whimsy and a sense of exploration. Mid-block passageways lead to parking in the rear and include outdoor displays as well.

### Building scale:

Most buildings are built to two stories in height at the street edge; some have an additional third floor, but most of that mass is set back from the floors below to maintain a lower scale along the sidewalk.

### Building materials:

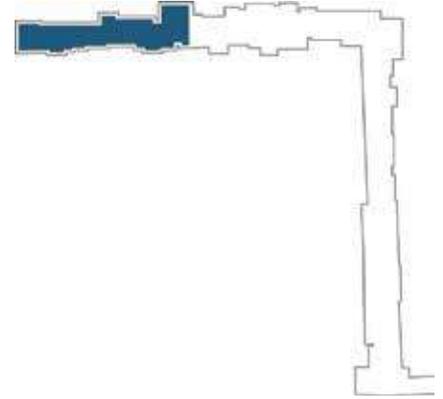
A variety exists. Masonry, including brick and stone predominates, but wood, concrete and architectural metals also occur. These contribute to the more varied nature of this area.

### Transitions:

Compatible transitions to residential neighborhoods behind are created with parking lots that have landscaped edges. Where a parking buffer does not exist, buildings step down in scale when close to rear property lines. On large lots with substantial depth, townhouses may provide a transition in use and scale.

### Signs:

More variety in signs exists in this character area. Many are individually designed and crafted, using a variety of materials, forms and symbols. There are no mass-produced signs that lack individuality and appear to be generic. Projecting signs are appropriately scaled. They add visual interest to buildings and help identify entries to shops and residential units.



Encourage a mix of commercial and residential uses.



Outdoor product display and active storefronts are encouraged.



More variety in signs exists in this character area.

# Character Area 2: Downtown Core



Diagram 5-2 Character Area 2 Map



## Key Design Objectives for Future Development

- An active, pedestrian-friendly street level with buildings that create a strongly-defined street wall is promoted.
- New development is two stories at the street edge with a third story that is set back from the sidewalk and adjacent areas of lower scale.
- A consistent building streetwall is developed along Twelve Mile Road and Coolidge Highway.
- Underused parking lots are adapted to include new beautification elements, access and passive use alternatives.
- The use of traditional materials helps maintain visual continuity.
- Civic uses are retained in this area.

The Downtown Core Character Area is located in the central portion of the Downtown District along Twelve Mile Road and Coolidge Highway. It is bordered on the west by Buckingham Avenue and to the south by Catalpa Drive.

This area feels like the heart of downtown. It appears higher in density and activity. It also is the civic core of the community, where institutional facilities serve as anchors. In the future, this area has a greater degree of consistency in building design, scale and materials that conveys a sense of being in the downtown core. These features are part of the vision for this area:

## AREA-WIDE CHARACTERISTICS

### Uses:

A mix of commercial and residential uses exists here. General retail, dining and services are part of the mix of uses. Governmental facilities anchor the town center.

### Sub-area A:

A focus on dining and retail

### Sub-area B:

A higher percentage of governmental offices and civic functions anchors this area.

### Sub-area C:

A higher concentration of specialty retail and offices

### Street front character:

All buildings have storefronts or other features at the street level that orient to pedestrians along the sidewalk. Most buildings sit close to the street edge, creating a strongly-defined street wall.

### Sub-area A:

A high percentage of buildings align at the sidewalk edge.

### Sub-area B:

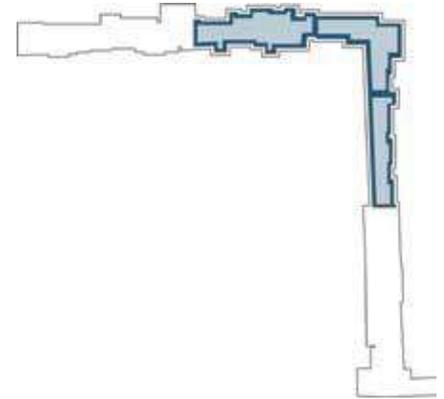
Some variety in street front character reflects the civic functions in this area.

### Sub-area C:

A high percentage of buildings align at the sidewalk edge.

### Building scale:

Most buildings are one or two stories in height at the street edge, with the occasional third story. Surface parking has been activated with appropriate infill or designed to be more pedestrian-friendly and visually appealing. All sub-areas have a similar scale of buildings.



New development is two stories at the street edge with a third story that is set back from the sidewalk and adjacent areas of lower scale.



Promote an active, pedestrian-friendly street level.



Promote the development of a consistent building street wall along Twelve Mile Road and Coolidge Highway.



Reinforce consistencies between the three subareas to create an expanded "Downtown Core" experience.



Adapt underused parking lots to include new beautification elements, access and passive use alternatives.

## Building materials:

Traditional materials, of masonry, including brick and stone predominate. These contribute to the high degree of visual continuity of this area. All sub-areas have the same materials palette.

## Transitions:

Compatible transitions to residential neighborhoods behind are created with parking lots that have landscaped edges. Where a parking buffer does not exist, buildings step down in scale when close to rear property lines. On large lots with substantial depth, townhouses may provide a transition in use and scale.

### Sub-area A:

Here, there is a great diversity in applicable transitions due to the variety of lot depths in the sub-area. All transition examples from Chapter 2, Section I will be applicable in this sub-area.

### Sub-area B:

There is a moderate diversity of lot depths in this area. All neighborhood transition examples will be relevant.

### Sub-area C:

There is a minimal amount of lot depth diversity in Sub-area C. Shallow lot neighborhood transitions are the most relevant.

## Signs:

Signs are scaled to pedestrians and are finely crafted. They fit within sign bands or other architectural features. Many are individually designed and crafted, using a variety of materials, forms and symbols. Mass-produced signs that lack individuality and appear to be generic are out of character here. Projecting signs are appropriately scaled. Pole-mounted signs do not exist. Signs add visual interest to buildings and help to identify entries to shops and residential units.

### Sub-area A:

Most signs are mounted on buildings. They include wall signs and projecting signs.

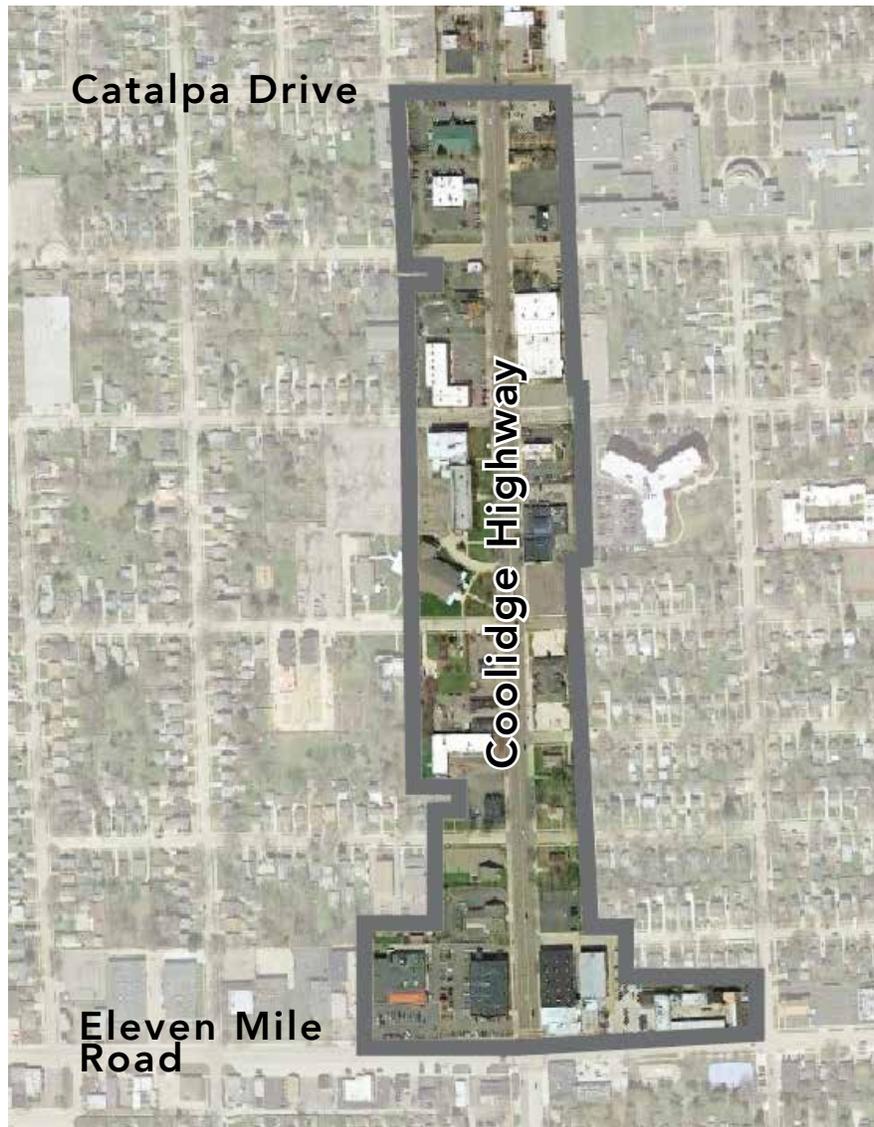
### Sub-area B:

Many wall signs and projecting signs are mounted on buildings, but some monument types exist.

### Sub-area C:

Most signs are mounted on buildings. They include wall signs and projecting signs.

# Character Area 3: Gateway South



**Diagram 5-3** Character Area 3 Map

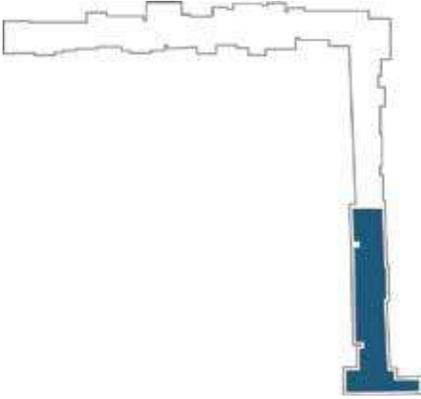
The Gateway South Character Area is located in the southern portion of the Downtown District along Coolidge Highway. The area is bordered on the north by Catalpa Drive and to the south by Eleven Mile Road.

The vision is for this area to be a mixed-use neighborhood, with a high percentage of residential, offices, restaurants and retail. It is a highly walkable place, with widened sidewalks enhanced by street trees.

## Key Design Objectives for Future Development

- Residential and commercial properties with upper floor residential units and townhomes exist in this area.
- An active, pedestrian-friendly street level with buildings that have entries is promoted along Coolidge Highway.
- New development is two stories at the street edge with an occasional third and fourth story that are set back from the street edge and adjacent areas of lower scale.
- Opportunities to activate existing building setbacks are explored.
- Underused parking lots are adapted to improve beautification, access and passive use alternatives.
- The use of traditional materials helps maintain visual continuity.

## AREA-WIDE CHARACTERISTICS



### Uses:

A mix of commercial and residential uses exists here. Many housing units are in apartments on upper floors of buildings which have commercial uses below; townhouses also occur, with some facing directly onto Coolidge while others align along sides streets as a transition to the single-family neighborhoods. A higher percentage of businesses here are professional offices and community-focused services. The higher density residential component helps to support these businesses.

### Street front character:

All buildings have storefronts, office entries or other features at the street level that orient to pedestrians. While most building fronts are located close to the sidewalk edge, some are set back a small amount to provide room for landscaped yards, dining patios and display areas. Some existing parking lots also have added outdoor display and sitting areas as well that support the businesses on site.

### Building scale:

Most buildings are built to two stories in height at the street edge; some have an additional third floor, and even a few have a limited amount of a fourth floor of housing. Most of the upper mass is set back from the floors below to maintain a lower scale along the sidewalk.

### Building materials:

A variety in materials exists. Masonry, including brick, stone and architectural concrete predominate, but detailed stucco and architectural metals also occur. These have a sense of refinement and are carefully detailed.

### Transitions:

Compatible transitions to the residential neighborhoods behind are created with rear parking lots that have landscaped edges. Where a parking buffer does not exist, buildings step down in scale when close to rear property lines. On large lots with substantial depth, townhouses provide a transition in use and scale.

### Signs:

Signs are scaled to pedestrians, and are finely crafted and fit within sign bands or other architectural features. Many are individually designed and crafted, using a variety of materials, forms and symbols. Mass-produced signs that lack individuality and appear to be generic are out of character here. Projecting signs are appropriately scaled. They add visual interest to buildings and help to identify entries to shops and residential units.



Explore opportunities to activate existing building setbacks.



Reinforce the mix of residential and commercial properties with upper floor residential units and townhomes.



Adapt underused parking lots to include new beautification elements, access and passive use alternatives.

# SIGNS

# 6

The following guidelines promote sign designs that will enhance the District's character. The following guidelines can be used in a variety of ways. The DDA and the City will use the guidelines to review improvement projects and new or altered signage throughout the District.

Signs serve two functions: to attract attention and to convey information. Signs produce a lasting impression and an indication of the commercial health of a business district. All new signs should be developed with the character of the building and its overall context in mind.

## IN THIS CHAPTER

A. General Sign Design Guidelines	100
B. Sign Types	104
C. Application by Character Area	109

## A. General Sign Design Guidelines

Signs are important design features in Berkley that bring attention to businesses, provide information about the City and direct visitors to their destinations. Balancing functional requirements for signs with objectives for the overall character of an area is a key consideration. While signs are needed for a variety of reasons, an overabundance of signs can be overwhelming and detract from the intent. Instead, the orderly location and design of signs can make fewer and smaller more effective. The design guidelines that follow provide considerations for all signs, as well as specific design guidelines based on sign type.



Consistency in sign location between businesses will influence their visibility. Align signs on the same building.

### LOCATION

Consistency in sign location between businesses will influence visibility of signs, conflicts between signs, and integration with architectural character.

#### 6.1 Locate a sign near the pedestrian level.

- a. Align signs on the same building. This applies to flush-mounted and projecting signs.
- b. Do not obscure windows, moldings or other architectural details.

### SIGN CHARACTER

A sign should be in character with the materials, colors and details of the building. Integrating a sign with the building facade is important and should be a key factor.

#### 6.2 Design a sign to be subordinate to the overall building composition.

- a. Keep a sign simple in character.
- b. Scale a sign to fit with the facade of the building.
- c. Locate a sign to emphasize design elements of the facade itself.
- d. Mount a sign to fit within existing architectural features using the shape of the sign to help reinforce the horizontal lines of the building.
- e. Avoid using rooftop signs, animated signs or message boards. These sign types are inappropriate.

## SCALE

A sign should be in scale with its building and with other compatible signs in the Character Area.

### 6.3 Relate sign scale to its building and Character Area.

- Use a size that relates to pedestrians and people moving in slow-moving vehicles. Large, auto-oriented signs should be avoided.
- Use smaller, simply designed signs as they are the easiest to read, and generally are the most effective.
- See also the guidelines for individual sign types.

## STYLE, CONTENT & LETTERING

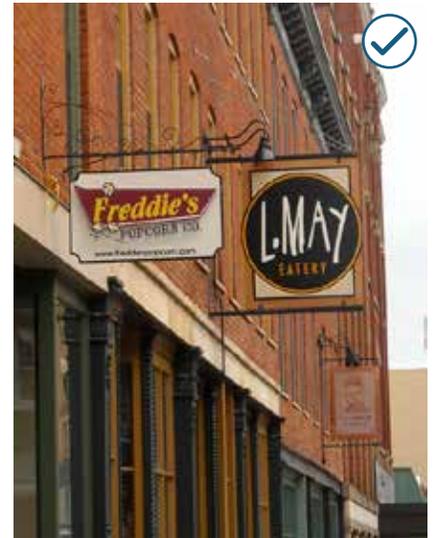
Sign content should be designed to be visually interesting and clearly legible.

### 6.4 Use a lettering style that is easy to read.

- Traditional block and curvilinear styles are preferred.
- Hard-to-read or overly intricate typeface styles should be avoided.

### 6.5 Design letters and symbols on signs to provide interest.

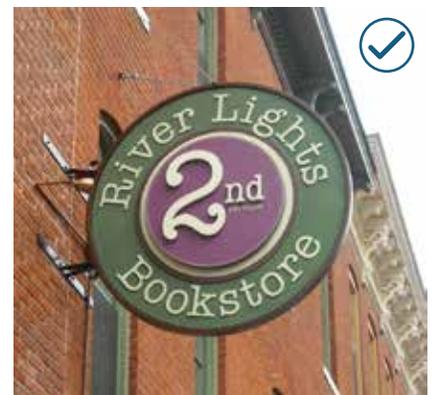
- Individual letters or symbols may be attached to an awning, marquee, building surface, wall or signboard.
- Use of a symbol for a sign is encouraged. A symbol sign adds interest to the street, can be read quickly and is often remembered better than written words.



The number and size of signs for each business has a direct influence on the character of the streetscape.



Use lettering styles which complement the style and period of the building on which they appear.



Sign content shall be designed to be visually interesting and clearly legible.



Use sign colors, materials and details that are compatible with the overall character of the building facade.

## MATERIALS

A sign should exhibit qualities of style, permanence and compatibility with the District. Materials should complement the construction materials and architectural style of the building.

### 6.6 Use sign materials that are compatible with the building facade.

- a. Permanent, durable materials are encouraged.
- b. Appropriate sign materials include glass, plastic with a matte finish, wood, metal, fabric, stone or concrete.
- c. Highly reflective materials should be avoided.

## COLOR

Consistency in sign colors among properties can enhance the impression of the District. Color shall be used both to accentuate the sign design and message and also to integrate the sign or lettering with the building and its context.

### 6.7 Use colors for a sign that are compatible with those of the building facade.

- a. Use sign colors that complement, not clash, with the color of the building facade.
- b. Limit the number of colors used on a sign. In general, no more than three colors should be used, although accent colors and additional colors for illustrations may be considered.
- c. Avoid "Day-Glo" colors, which are not appropriate.

## LIGHTING

Sign illumination should be designed to enhance the day and nighttime impression of the District.

### 6.8 Use a shielded lighting source on a sign.

- a. Direct lighting at signage from an external, shielded lamp.
- b. Use small and discreet light fittings which provide an unobtrusive alternative.
- c. Limit the light level so as not to overpower the facade.
- d. Use warm-color light that is similar to daylight.
- e. Avoid strobe lighting, which is not appropriate.
- f. Avoid the use of internal illumination of an entire sign panel, which is not appropriate. An internally lit sign with an opaque background and glowing translucent letters is appropriate.
- g. Neon and other tubular lighting is appropriate.

### 6.9 Halo illumination can be used for a sign.

- a. This can be used as a sign panel or as individual letters.
- b. The light source should not be visible.



Illumination techniques can enhance the day and night time impression of the District.



Direct lighting at signage from an external, shielded lamp.



Use small and discreet modern light fittings which provide an unobtrusive alternative.

## B. Sign Types

The type of sign used will have a large impact on the District. Sign types that are considered to be appropriate are defined here. While selecting a sign type, an important design principle is that it should not overwhelm the building.



### FLUSH-MOUNTED SIGNS

A wall sign is one that is fastened to or painted on the wall of a building in such a manner that the wall becomes the supporting structure or forms the background of the sign. This includes signs composed of individual letters or symbols.

#### 6.10 A flush-mounted sign may be considered.

- a. Place a wall sign to align with nearby buildings.
- b. Determine if decorative moldings exist that could define a sign panel. If so, locate a flush-mounted sign to fit within a panel formed by moldings or transom panels.



Locate a flush-mounted sign to fit within a panel formed by moldings or transom panels.

### CANOPY AND AWNING SIGNS

A canopy or awning sign is a frame structure with flexible vinyl or cloth covering designed in awning form. A sign may be mounted on an awning or canopy.

#### 6.11 A sign located on a canopy or awning may be considered.

- a. Consider using an awning or canopy sign where a flush-mounted sign would obscure architectural details.
- b. Use a canopy or awning sign if it complements the architectural character of the building.



Consider using an awning or canopy sign where a flush-mounted sign would obscure architectural details.

## PROJECTING SIGNS

A projecting sign is one that extends from the building and has one end attached to a building, and which does not employ ground support.

### 6.12 A projecting sign may be considered.

- Locate a projecting sign near the business entrance, just above the door or to the side of the door.
- A small projecting sign is appropriate under a canopy or awning.



Locate a small projecting sign near the business entrance, just above the door or to the side of it.

## MONUMENT SIGN

A monument sign is independent from a building and has a structural base of not less than 75 percent of the width of the sign face.

A small monument sign may be appropriate in the District where a shallow front yard exists. It should respect the scale of its setting.

### 6.13 A small monument sign should be in character with its setting.

- It is appropriate to provide a low-scale monument sign where a shallow front yard is provided.



A small monument sign should be in character with its setting.

## POLE-MOUNTED SIGN

A pole-mounted sign is generally mounted on one or two simple poles.

### 6.14 A pole sign should be appropriate to the context.

- The sign panel should be in scale with building mounted signs.
- Low-scale pole signs are appropriate in yard type settings.
- The top of the sign should not rise above the typical top of the street level storefront of a traditional commercial building.

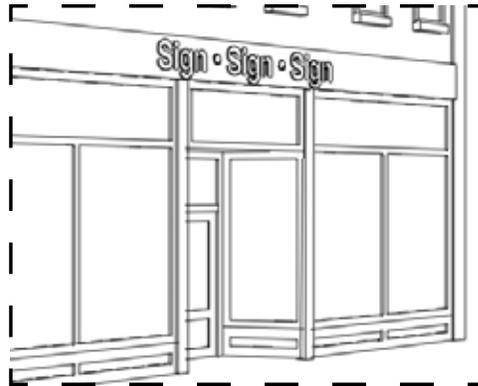
# Flush-Mounted Signs

Images



Sign • Sign • Sign

Location



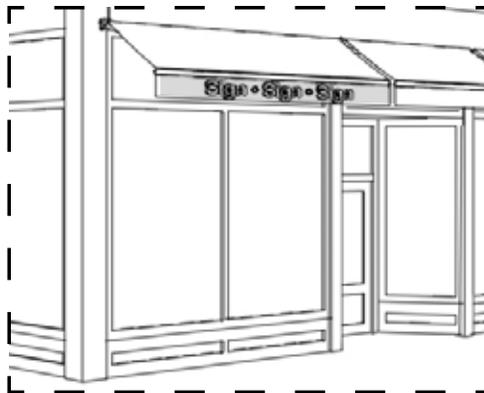
# Canopy and Awning Signs

Images



Sign • Sign • Sign

Location

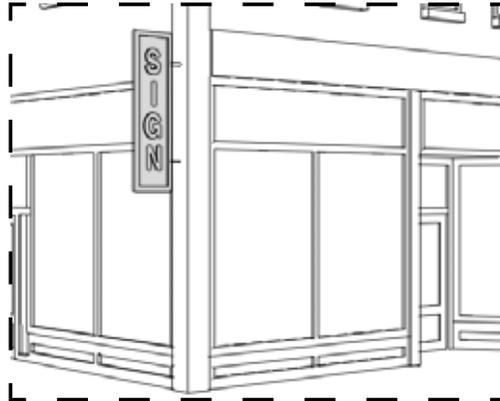


## Projecting Signs

Images



Location



Image

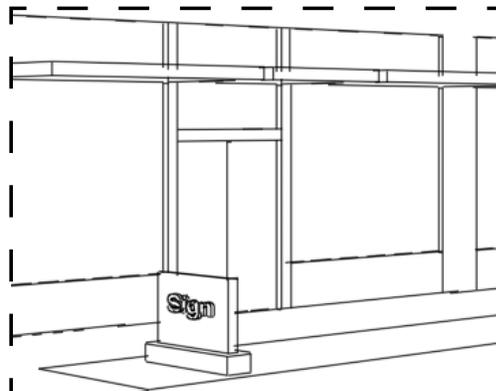


## Monument Signs

Images



Location

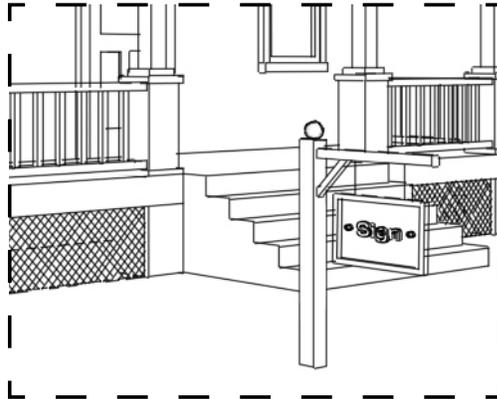
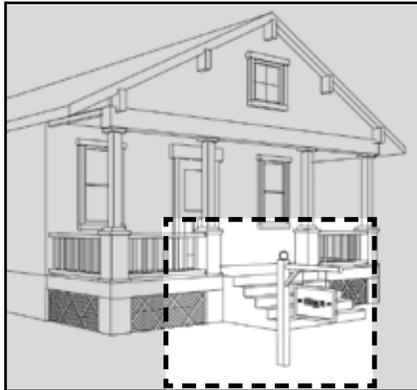


## Pole-Mounted Signs

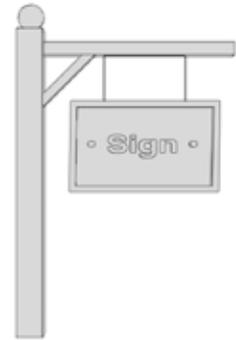
Images



Location



Image



# C. Application by Character Area

The table below illustrates appropriate and inappropriate sign types for each Character Area in the District.

		Sign Types				
		Flush-Mounted Signs	Canopy and Awning Signs	Projecting Signs	Monument Signs	Pole Mounted Signs
Character Areas	Gateway West	✓	✓	✓	✗	✗
	Downtown Core					
	Sub-area A	✓	✓	✓	✗	✗
	Sub-area B	✓	✓	✓	✓	✗
	Sub-area C	✓	✓	✓	✗	✗
	Gateway South	✓	✓	✓	✓	✓

- ✓ Appropriate
- ✗ Inappropriate



**AN ORDINANCE**

**of the City Council of the City of Berkley, Michigan to Amend Section 94-5, Exempt Signs (signs permitted in nonresidential districts), in Chapter 94, Signs, of the City of Berkley Code of Ordinances and Sections 138-143, Sec. 138-222, Sec. 138-526, Sec. 138-527, Sec. 138-679, and Sec. 138-680 of Chapter 138 – Zoning to implement the Downtown Design Guidelines adopted by the City.**

**THE CITY OF BERKLEY  
ORDAINS:**

**SECTION 1:** Section 94-5 of Chapter 94 of the Berkley City Code shall be amended, as follows:

**Sec. 94-5. - Exempt signs (signs permitted in nonresidential districts).**

The following signs are permitted in the Office, Downtown, Local Business, Eleven Mile, Twelve Mile, Coolidge, Gateway, Woodward, Industrial, Parking, and Cemetery districts and are generally exempt from the regulations of the ordinance from which this chapter was derived, except section 94-11 ~~must~~<sup>shall</sup> apply.

- (1) Banners, not exceeding six square feet, one per location
- (2) Barber poles, not exceeding 12 inches in diameter and eight feet in height.
- (3) Fuel pumps.
- (4) Time/temperature signs, not exceeding 20 square feet, one per location.
- (5) Vehicle signs.
- (6) Window signs, not exceeding ~~50~~<sup>25</sup> percent of glass.

**SECTION 2:** Section 138-32 of Chapter 138 of the Berkley City Code shall be amended, as follows:

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

[Unchanged.]

*Accessory buildings – Building, main or principal:* [Unchanged.]

[Build-to-line: The build-to-line is the maximum distance which any building front shall be located from a street right-of-way.](#)

*Canopy structure – Zoning map:* [Unchanged.]

**SECTION 3:** Section 138-143 of Chapter 138 of the Berkley City Code shall be amended, as follows:

**Sec. 138-143. - Requirements.**

(a) [Unchanged.]

(b) *Nonresidential districts.*

- (1) Any light fixture ~~must~~shall be placed in such a manner that no light source is visible from any residential area or public/private roadway, walkway, trail or other public way when viewed at eye level.
- (2) The level of lighting ~~must~~shall not exceed ~~0.5~~ 0.0 footcandles at any residential property line or 1.0 footcandles at any nonresidential property line.
- (3) Any canopy structure used at a business location ~~must~~shall have recessed lights with diffusers that do not extend below the surface of the canopy.
- (4) Any luminaire on a pole, stand or mounted on a building ~~must~~shall have a shield, an adjustable reflector and non-protruding diffuser.
- (5) General parking and pedestrian areas must maintain a minimum of 1.0 fc for all hours of operation outside of daytime hours.
- (6) All outdoor lighting fixtures, existing or hereafter installed and maintained upon private property, must be turned off or reduced to no more than 0.5 footcandles in lighting intensity between 11:00 p.m. and sunrise. The following exceptions may be approved by the Planning Commission as part of site plan review:
  - a. Where greater lighting levels are necessary for security or safety purposes; or
  - b. Where permissible commercial or industrial uses, including sales, assembly and repair operate after 11:00 p.m., in which case the lighting levels must be turned off or reduced to 1.0 footcandles or below after the use ceases for that day.

**SECTION 4:** Section 138-222 of Chapter 138 of the Berkley City Code shall be amended to add sub-section e, as follows:

**Sec. 138-222. - Parking lot location, design, and construction.**

(e) Pedestrian Connections. Plans for parking lots must include pedestrian circulation improvements incorporating striping, calming devices, hardscaping, pedestrian lighting, connections to buildings, and landscaping that ensures the visibility and separation of pedestrians from the street and pedestrian safety within parking lots to the front building entrance. Plans must allow pedestrians to walk parallel to moving vehicles and

[minimize crossing parking aisles unless the design is determined not to be feasible by the planning commission.](#)

**SECTION 5:** Section 138-526 of Chapter 138 of the Berkley City Code shall be amended, as follows:

**Sec. 138-526. - Schedule of regulations.**

Districts	Minimum Size of Lot per Unit		Maximum Height of Buildings In Feet	Front	Minimum Yard Setback			Maximum Percentage of Lot Coverage (Area of All Structures)	Minimum Floor Area Per Unit	
	Area in Square Feet (a)	Width in Feet			At Least 1 Side Yard	Total of 2 Side Yards	Rear		With Base-ment	Without Base-ment
R-1A	12,000	100	40	25(b)	5(c, d)	15	20	35(e)	1,800	2,000
R-1B	8,800	80	30	25(b)	5(c, d)	15	20	35(e)	1,500	1,700
R-1C	6,600	50	30	25(b)	5(c, d)	15	20	35(e)	1,300	1,500
R-1D	4,400	40	30	25(b)	5(c, d)	15	35	35(e)	1,300	1,500
R-2	4,000	40	30	25(b)	5(c, d)	15	35	35	1,100	1,300
R-M	(e)	(e)	30	25(b)	10(g)	20(f)	35	35	(h)	(h)
R-M-H	(See article V, division 5, High-Rise Multiple-Family Residential District)									
Greenfield	(See article V, division 7, Greenfield District)									
Community centerpiece	(See article V, division 8, Community Centerpiece District)									
Office	—	—	30	10(j, k)	(m)	(m)	10	—	—	—
Downtown	—	—	—	(n)	(n)	(n)	10	—	—	—
Local business	—	—	40	10(j, k)	(m)	(m)	10	—	—	—
Twelve mile	—	—	40	(n)	(n)	(n)	10	—	—	—
Coolidge	—	—	40	10( <del>j</del> , <del>k</del> )	(m)	(m)	10	—	—	—
Gateway	—	—	40	10( <del>j</del> , <del>k</del> )	(m)	(m)	10	—	—	—
Woodward	—	—	50	10(j, k)	(m)	(m)	10	—	—	—
Eleven mile	—	—	40	10(j, k)	(m)	(m)	10	—	—	—
Industrial	—	—	40	10(j, k)	(m)	(m)	10	—	—	—
Parking	—	—	15		(See sections 138-496—138-503)					
Cemetery	(See article V, division 16, Cemetery District)									

**SECTION 6:** Footnote j and n of Section 138-57 of Chapter 138 of the Berkley City Code shall be amended, as follows, and footnote o shall be added:

Text proposed for insertion: [Example](#)  
Text proposed for deletion: ~~Example~~

Sec. 138-527. - Notes to schedule of regulations.

~~(j) Parking shall be permitted in the front yard after approval of the parking plan layout and points of access by the planning commission. The setback shall be measured from the nearest side of existing and/or proposed right-of-way lines. Parking must be located in a side or rear yard; when located in a side yard and abutting the required build-to-line adjacent the primary building, parking must be screened with a minimum 30-inch masonry wall on the required build-to-line, or within 5 feet of the required build-to-line, provided that a landscape treatment is added between the wall and the required build-to-line.~~

(n) No setback ~~is shall be~~ permitted, unless the planning commission finds that the proposed setback ~~will shall~~ be developed as a defined plaza, outside eating area, or other pedestrian space. When a first-floor residential use is allowed, a setback of up to ten (10) feet may be allowed, as a defined plaza, outside patio or other landscaped pedestrian space.

(o) Buildings must meet a required front build-to-line of ten (10) feet, or the line formed by connecting the front building lines of the adjacent buildings, whichever is less. In cases where the adjacent buildings have different front build-to-lines, the adjacent building closest to the street right-of-way shall be used. 75% of the building façade must meet the required build-to-line, while up to 25% of the façade can be set back to allow for architectural consideration. The Planning Commission may adjust the required build-to-line up to a maximum of 30 feet beyond the property line for projects incorporating a permanent space for an outdoor seating area, or public space. Outdoor seating or public spaces must be developed as part of the primary building.

**SECTION 7:** Section 138-679 of Chapter 138 of the Berkley City Code shall be amended, as follows:

**Sec. 138-679. - Standards.**

The site plan ~~must shall~~ be reviewed and approved by the planning commission ~~upon finding that~~ based on the following standards:

(a) General Standards

- (1) The site meets the requirements of this Code.
- (2) The proposed development does not create adverse effects on public utilities, roads, or sidewalks.
- (3) Pedestrian and vehicular areas are designed for safety, convenience, and compliment adjacent site design.

- (4) Site design, architecture, signs, orientation, and materials are consistent with the city's master plan objectives and the design of the neighboring sites and buildings.
  - (5) Landscaping, lighting, dumpster enclosures, and other site amenities are provided where appropriate and in a complementary fashion.
  - (6) Site engineering has been provided to ensure that existing utilities will not be adversely affected.
- (b) Development must be compatible with existing commercial districts and include a transition between land uses through application of the following requirements:
- (1) Building design must improve the character of the surrounding area in relation to building placement, landscape and streetscape features, and architectural design.
  - (2) Street fronts must provide a variety of architectural expression in order to provide visual interest.
  - (3) Building façade and massing must achieve a compatible transition between adjacent properties with different height, massing, scale, and architectural style.
  - (4) For proposals in along Coolidge Highway from Twelve Mile Road to Eleven Mile Road or Twelve Mile Road from Coolidge Highway to Greenfield Road, the applicant must explain, and the Planning Commission must consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines adopted by the City Council on XXXX. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.
- (c) Development must incorporate the following recognized best architectural building design practices:
- (1) High quality design, and construction,
  - (2) Provide high quality, durable materials, such as but not limited to stone, brick, and glass. Metal, E.I.F.S., or material equivalent shall only be used as an accent material.
  - (3) Buildings that includes balanced compositions and forms.
  - (4) Roofs that are compatible with the architectural style of the building and contextual to the surrounding area.
  - (5) For commercial buildings, incorporate clearly defined, highly visible functional customer entrances that face the street, using features such as canopies, porticos, arcades, arches, wing walls, ground plane elements, and/or landscape planters.

- (6) New development or site redevelopment must incorporate community amenities that add value to the development such as patio/ seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located in areas accessible to the public. Such improvements shall be proportionate to the proposed scope of site work.
  - (7) For proposals along Coolidge Highway from Twelve Mile Road to Eleven Mile Road or Twelve Mile Road from Coolidge Highway to Greenfield Road, the applicant must explain, and the Planning Commission must consider how the proposal implements the character areas in Chapter V of the Berkley Downtown Design Guidelines adopted by the City Council on XXXX and the provisions of the following:
    - 1. Chapter III of the Berkley Downtown Design Guidelines for new construction; or
    - 2. Chapter IV of the Berkley Downtown Design Guidelines for renovations or façade alterations.
  - (8) The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines adopted by the City Council on XXXX.
- (d) Development must enhance the character, environment, safety, and access for motorized and non-motorized transportation through the following requirements:
- (1) Provide elements that distinguish the street and the pedestrian realm (area from the back of the street curb to the building front).
  - (2) Create a non-motorized pedestrian connection between the public right of way and ground floor activities.
  - (3) Create a safe environment by employing design features to reduce vehicular and pedestrian conflicts, while not sacrificing design excellence.
  - (4) Frame the sidewalk area with trees, awnings and other features.
  - (5) Promote safety and access for pedestrians through site design elements and lighting.
  - (6) For proposals along Coolidge Highway from Twelve Mile Road to Eleven Mile Road or Twelve Mile Road from Coolidge Highway to Greenfield Road, the applicant must explain, and the Planning Commission must consider how the proposal implements the site design elements in Chapter II and character areas in Chapter V of the Berkley Downtown Design Guidelines adopted by the City Council on XXXX. The Planning Commission may require changes to the site plan based on the Berkley Downtown Design Guidelines.

**SECTION 8:** Section 138-680 of Chapter 138 of the Berkley City Code shall be amended, as follows:

**Sec. 138-680. – Required information.**

The following information ~~must~~<sup>shall</sup> be included on the site plan for final review, unless waived by the planning commission. The site plan shall be to a reasonable scale and indicate:

- (1) Seal of architect and/or engineer who prepared plans.
- (2) An appropriate descriptive legend, including north arrow, scale, legal description and the names and addresses of the architect or engineer responsible for the preparation of the site plan.
- (3) The existing (and proposed) zoning.
- (4) Location and size of all structures (including location of entrances and loading points).
- (5) All outside dimensions of each structure, its distance from the property lines, its area and its height.
- (6) With multiple-family residential proposals, the number and location of one-bedroom units, two-bedroom units, etc., and include typical floor plans with square feet of floor areas.
- (7) Recorded and measured dimensions of all lot lines and location and design of all lots.
- (8) Adjacent property's structures, uses, zoning and other significant features of the community, where appropriate (using a location sketch).
- (9) Location of all existing and proposed drives and parking areas including types of surfacing, parking layout and dimensions.
- (10) Dimensions of road widths and rights-of way.
- (11) All existing easements and vacated easements and rights-of way.
- (12) All required minimum setbacks (from the existing or proposed right-of-way from adjacent properties).
- (13) Locations of lawns and landscaped areas, types and number of species, and how the landscaping is to be accomplished.
- (14) Locations, sizes, and types of existing trees over four inches in diameter (before and after proposed development).
- (15) Location and type of outside lighting, include site and fixture photometrics.
- (16) All proposed screen and freestanding architectural walls, including typical cross-sections and the heights above ground on both sides of walls.
- (17) Elevation drawings of all existing and proposed buildings on the site drawn to a scale of one inch equals four feet, or to another scale adequate to determine compliance with this chapter and to provide any other information needed to evaluate the overall site design on the basis of the criteria set forth in this section.
- (18) Color and type of façade materials. Samples representing color and materials shall be presented to the planning commission.
- (19) Stormwater engineering including: existing and proposed grading of the site, location of existing and proposed utilities, stormwater calculations for a 100-year storm, the drainage area on site that will detain the [volume required by the Oakland](#)

[County Water Resources Commission](#) ~~10-year storm~~, and a profile of the sanitary sewer.

**SECTION 9:** Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

**SECTION 10:** Penalty

All violations of this ordinance shall be municipal civil infractions and upon determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

**SECTION 11:** Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

**SECTION 12:** Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on November 21, 2022 .

Adopted on the Second Reading at the Regular City Council Meeting on \_\_\_\_\_ .

\_\_\_\_\_  
Daniel J. Terbrack, Mayor

Attest:

\_\_\_\_\_  
Victoria Mitchell, City Clerk



**CITY OF BERKLEY**  
**COMMUNITY DEVELOPMENT**  
3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

**MEMORANDUM**

**To:** City Council

**From:** Kristen Kapelanski, Community Development Director

**Subject:** Proposed Amendments to Implement the Downtown Design Guidelines

**Date:** November 16, 2022

---

Proposed are amendments to the City Code to implement the Downtown Design Guidelines. The Planning Commission has been working on this text in earnest in conjunction with the City's planning consultant, Carlisle Wortman, off and on for just less than a year.

The ordinance makes a number of quantitative and qualitative changes that in limited cases, implement specific dimensional recommendations in the guidelines but more commonly, provide the context to allow the Planning Commission to require applicants to design their sites with the intent and general guidance of the guidelines in mind.

The Planning Commission held the required public hearing and has recommended approval.

Council is asked to approve the first reading of the ordinance amendments.

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**THE REGULAR MEETING OF THE BERKLEY CITY PLANNING COMMISSION WAS CALLED TO ORDER AT 7:00 PM, OCTOBER 25, 2022 AT BERKLEY CITY HALL BY CHAIR LISA KEMPNER.**

*The minutes from this meeting are in summary form capturing the actions taken on each agenda item. To view the meeting discussions in their entirety, this meeting is broadcasted on the city's government access channel, WBRK, every day at 9AM and 9PM. The video can also be seen, on-demand, on the city's YouTube channel: <https://www.youtube.com/user/cityofberkeley>*

**PRESENT:** Matteo Passalacqua      Michael Woods  
Joe Bartus                              Greg Patterson  
Lisa Kempner                          Lisa Hamameh

**ABSENT:** Shiloh Dahlin

**ALSO, PRESENT:** Kristen Kapelanski, Community Development Director  
Megan Masson-Minock, Carlisle Wortman & Associates  
Ross Gavin, City Council

Motion by Commissioner Passalacqua to excuse the absence of Commissioner Dahlin. Motion supported by Commissioner Hamameh.

Voice Vote to approve the absence of Commissioner Dahlin.

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

\*\*\*\*\*

**APPROVAL OF AGENDA**

Motion by Commissioner Hamameh to approve the agenda with the addition of a discussion of live/work uses in the Eleven Mile District supported by Commissioner Woods.

Voice vote to approve the agenda

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

\*\*\*\*\*

**APPROVAL OF THE MINUTES**

Motion by Commissioner Hamameh to approve the minutes of regular Planning Commission meeting on September 27, 2022 and supported by Commissioner Woods.

Voice vote to approve the meeting minutes of September 27, 2022.

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

\*\*\*\*\*

**APPROVAL OF THE MINUTES**

Motion by Commissioner Bartus to approve the minutes of special Planning Commission meeting on October 11, 2022 and supported by Commissioner Hamameh.

Voice vote to approve the meeting minutes of October 11, 2022.

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**  
\*\*\*\*\*

**COMMUNICATIONS**  
NONE  
\*\*\*\*\*

**CITIZEN COMMENTS**  
NONE  
\*\*\*\*\*

**OLD BUSINESS**

1. **PUBLIC HEARING:** An ordinance to amend Section 94-5, Exempt Signs (signs permitted in nonresidential districts), in Chapter 94, Signs, of the City of Berkley Code of Ordinances and Sections 138-32, 138-143, 138-222, 138-526, 138-527 and 138-679 of Chapter 138 – Zoning to implement the Downtown Design Guidelines for the downtown area.

Planning Consultant Megan Masson-Minock went over the proposed amendment, highlighting changes made in response to the Commission’s previous discussions.

Chair Kempner opened the public hearing at 7:29PM. There were no email communications and no one in the audience wished to comment. Chair Kempner closed the public hearing at 7:29PM.

The Commissioners discussed the updated amendment language noting they would like the following revisions:

- Page 2: Letter (e), ‘protective lighting’ should be changed to ‘pedestrian lighting’.
- Page 3: The phrase ‘unless this is determined not to be feasible by the Planning Commission’ should be added to the paragraph at the top of the page.
- Page 4: Letter (n), the text should read ‘no setback is permitted’.
- Page 5: Letter (c)(4), the word appropriate should be changed to compatible.
- Page 6: Letter (d) should read developer must enhance.
- Page 7: Number (19) Specific storm numerical references should be removed and instead refer to the standards of the Oakland County Water Resources Commission.

The Commissioners considered a suggestion to allow for or require larger setbacks in the Twelve Mile District in light of the fact that larger sidewalks are desired in that location. The Commission decided to postpone that discussion at this time and include it in the upcoming Zoning Ordinance update as this situation might arise in other districts as well.

Motion by Commissioner Hamameh to recommend approval to the City Council of an ordinance to amend Sections 138-32, 138-143, 138-222, 138-526, 138-527 and 138-679 of Chapter 138 Zoning to implement the Downtown Design Guidelines for the downtown area.

Motion Supported by Commissioner Patterson

AYES: 6  
NAYS: 0  
ABSENT: Dahlin

**MOTION CARRIED**

**2. Outdoor Seating:** Discussion of ordinance language to allow outdoor seating accessory to a permitted use as a permitted use

Planning Consultant Megan Masson-Minock went over her staff memo discussing potential ordinance amendment items based on the Commission’s previous discussion.

The Commissioners discussed the outstanding questions and suggestions.

Rooftop seating was determined to be different than other types of outdoor dining and the Commission would like to move forward with that as a Special Land Use.

Outdoor seating should be permitted in front, side and rear yards. The Commission would like to discuss parklets as a future item.

The time of year outdoor seating is permitted should only be limited when the seating is in the right-of-way.

Noise should be governed by the City’s noise ordinance and potential outdoor seating applicants should be made aware of the standards in handouts and/or on the City’s website.

Enclosures should be well defined and clearly marked. General guidelines for the quality and maintenance of enclosures should be included.

No additional regulations should be included for street furniture and lighting or alcohol use.

A five-foot sidewalk and access to the door should be maintained.

Outdoor seating can occupy parking spaces so long as the site still meets minimum parking requirements.

Temporary shelters should be permitted year round.

**3. Vape Shops:** Discussion of an ordinance amendment to regulate the location of vape shops

Planning Consultant Megan Masson-Minock went over her staff memo discussing potential ordinance amendment items based on the Commission’s previous discussion.

The Intent section of the ordinance should read vape shops and tobacco shops, not stores.

‘The following definitions are for the purpose of this section’ should be added to the definitions section. The definition of nicotine in Section 82-385 of the City Code and as referenced in the proposed language should be consistent with those definitions listed on the CDC’s website. The definition of vapor product should be amended as a vapor product does not necessarily contain nicotine.

Vape shops should be permitted in the following zoning districts: Eleven Mile, Local Business, Woodward, Twelve Mile, Greenfield and Gateway. Vape shops should not be permitted on Ellwood. A vape shop should be 1,000 feet from another vape shop.

\* \* \* \* \*

**NEW BUSINESS**

**1. Southfield Master Plan Response**

Community Development Director Kapelanski noted the City of Southfield has updated their master plan and staff finds that are no inconsistencies with Berkley's master plan. The Planning Commission had no comments.

\*\*\*\*\*

**LIAISON REPORT**

NONE

\*\*\*\*\*

**COMMISSIONER COMMENTS**

Chair Kempner noted the City Council approved the marihuana business license for Moses Roses.

\*\*\*\*\*

**STAFF COMMENTS**

Community Development Director Kapelanski stated the Downtown Master Plan was adopted by the City Council and the Council approved the contract for a planned parking study.

\*\*\*\*\*

**ADJOURNMENT**

Motion to adjourn by Commissioner Patterson supported by Commissioner Woods.

Voice vote for adjournment

AYES: 6

NAYS: 0

ABSENT: Dahlin

**With no further business, the meeting was adjourned 9:13 at p.m.**

**AN ORDINANCE**  
**of the City Council of the City of Berkley, Michigan to Amend Article XII, Residential Grading & Drainage Standards, to Chapter 26, Buildings and Building Regulations, of the City of Berkley Code of Ordinances to Modify Standards for Residential Grading and Drainage and to Prescribe a Penalty for Violations.**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** Article XII of Chapter 26 of the Berkley City Code shall be amended, as follows:

ARTICLE XII. – RESIDENTIAL GRADING & DRAINAGE STANDARDS

**Sec. 26-334. Purpose.**

The purpose of this article is to establish standards for residential grading and drainage.

**Sec. 26-335. Residential Grading & Drainage**

In accordance with *Michigan Residential Code* standards, grading, as it relates to residential structures, shall be so developed as to drain storm and surface water away from residential dwellings to an approved place of discharge. New grades shall not be established that would permit an increase in the runoff of surface water onto adjacent properties. The existing or natural drainage of lands shall not be altered so as to obstruct, impede, accelerate, channel or concentrate the flow of storm or surface water onto or from the lands of another so as to cause damage thereto or create a nuisance thereon.

**Sec. 26-336. Grading Plan.**

(a) *Required.* Prior to issuance of a building permit for any new residential principal building or for an addition to a residential principal building that increases the footprint of the principal residential building by more than 50%, and prior to any grading or other land improvement that may alter or increase drainage or contribute to soil erosion or sedimentation, the owner, building contractor or landscape contractor must submit a grading plan to the Community Development Department. A grading plan is not required for remodeling work within an existing structure that does not affect the land or drainage outside of the structure..

The grading plan must be signed and sealed by a licensed engineer, surveyor, or architect and shall be reviewed by the Building Official and/or City Engineer to determine whether the proposed structure and any proposed grading changes will negatively impact adjacent property owners.

(b) *Contents.* The grading plan must depict one half foot contours of the area, must be on a scale of at least one-inch equals 10 feet and must show all property and structures within 25 feet of the property for which the permit is being sought. Specifically, the plan must include the following:

1. Existing grades and elevations at each lot corner and grade change points;
  2. Finish grade and finish floor elevations for the first floor, garage and basement. Provide the finish grade elevation of adjacent houses. The grading plan must also indicate if the adjacent lot is unimproved;
  3. The location and elevations of all utilities, including manholes on or within 25 feet of the property;
  4. Drainage arrow of the subject property showing the flow of stormwater runoff to be directed to approved discharge areas, including, but not limited to, the location of pop-ups, French drain(s), a sump pump, or connection to the existing storm/sewer system. Connections to the existing storm/sewer system will require additional review by the Department of Public Works;
  5. Location of existing and proposed sidewalk and driveway, including the slope of the driveway to the street. All sidewalks and driveways shall be compliant with federal, state, and local laws, ordinances, and requirements;
  6. Provide temporary and permanent soil erosion and sedimentation control, including, but not limited to, silt fencing, catch basin inserts in the street adjacent to the subject property, etc.;
  7. Roof downspouts are not permitted to discharge directly into the combined storm sewer system and must be directed onto grass, landscape, or other green space area to prevent ponding of water on the property or from being directed towards adjacent properties;
  8. Existing sewer lead shall be properly abandoned and the proposed sewer lead must include a new connection, as approved by the Department of Public Works;
  9. Location of existing trees within the right-of-way; and
  10. Confirmation that a Design MISS DIG ticket has been requested and processed by noting the ticket number of the plan.
- (c) *As Builts*. "As Built" drawings, signed and sealed by a licensed engineer, surveyor or architect must be submitted to the Community Development Department at the completion of construction, prior to landscaping. A final certificate of occupancy shall not be issued until the "As Builts" have been reviewed and approved by the Building Official and/or City Engineer. A temporary certificate of occupancy may be issued, if determined appropriate, by the Building Official upon the posting by the permit holder or his authorized agent, of a cash bond in the sum of \$1,000.00, said to be released upon approval of "As Built" drawings and issuance of final certificate of occupancy.

Temporary certificates of occupancy will expire 6 months after issuance.

### **Sec. 26-337. Topographic Survey**

(a) *Required.* Prior to issuance of a permit for any addition to a residential principal building exceeding 300 sq. ft. or any addition to an attached or detached structure accessory to a residential principal building that exceeds 300 sq. ft. or increases the existing footprint of an accessory structure by more than 50%, the owner and/or building contractor must submit a topographic survey to the Community Development Department to establish existing grades. New attached or detached accessory structures 300 sq. ft. or less or that do not increase the existing footprint of an accessory structure by more than 50% are not required to submit a topographic survey. Additions to a residential principal building less than 300 sq. ft. are not required to submit a topographic survey. The topographic survey must be signed and sealed by a licensed engineer, surveyor, or architect.

The existing drainage of a property cannot not be altered so as to obstruct, impede, accelerate, channel or concentrate the flow of storm or surface water onto an adjacent property.

(b) *Contents.* The topographic survey must depict one half foot contours of the area, shall be on a scale of at least one-inch equals 10 feet and shall show all property and structures within 25 feet of the property for which the permit is being sought. Specifically, the survey must include the following:

1. Existing grades and elevations at each lot corner and grade change points;
2. Confirmation that a Design MISS DIG ticket has been requested and processed by noting the ticket number of the plan.

### **Sec. 26-338. Swimming Pools**

In ground pools and permanent above ground pools must not increase the runoff of surface water onto adjacent properties. A topographic survey per Section 26-337 is required for the addition of all in-ground pools.

### **Sec. 26-339. Violations**

Violations of this article shall be municipal civil infractions and will also be considered to be a Nuisance that the City may abate in accordance with the abatement procedures in Chapter 78 Nuisances.

### **SECTION 2: Severability Clause**

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

**SECTION 3:** Penalty

All violations of this ordinance shall be municipal civil infractions and upon determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

**SECTION 4:** Effective Date

This ordinance shall become effective 30 days following the date of adoption.

**SECTION 5:** Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, November 21, 2022.

Adopted on the Second Reading at the Regular City Council Meeting on XXXX.

\_\_\_\_\_  
Daniel J. Terbrack, Mayor

Attest:

\_\_\_\_\_  
Victoria E. Mitchell, City Clerk



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## MEMORANDUM

**To:** City Council

**From:** Kristen Kapelanski, Community Development Director

**Subject:** Ordinance Amendments to Address Residential Grading Impacts

**Date:** November 16, 2022

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Attached are ordinance amendments to the existing Residential Grading Ordinance. These are in response to issues that arose as a result of the implementation of the previous iterations of the ordinance leading to the current moratorium for residential redevelopment grading plan requirements outside of completely new construction. The attached amendments strike a balance between protecting neighboring properties from grading changes affecting drainage and limiting excess plan costs for residential additions and accessory structures.

Grading plans would continue to be required for all new single-family residential principal buildings and would also be required for any additions that increase the footprint of the principal building by more than 50%. The requirement for larger additions would be a new part of this ordinance. The cost of a basic grading plan ranges from \$3,000 - \$5,000. More complicated properties could exceed \$5,000.

A new section requiring topographic surveys would be added to the ordinance. A topographic survey would establish the existing grades of the property. This would be required for any addition to a residential principal building exceeding 300 sq. ft. or to a detached or attached accessory structure greater than 300 sq. ft. or an addition to any attached or detached accessory structure that increases the footprint by more than 50%. For reference, an average two car garage is about 400 sq. ft. A property owner could not alter existing grades on the property as part of the construction. In short, your water is your water to deal with and you cannot alter grades to discharge or reroute onto an adjacent property. By establishing existing grades, the City would be able to confirm grades have not been changed if we received any complaints from neighbors after construction. The cost of a topographic survey ranges from \$1,500 - \$3,000.

Additionally, in ground swimming pools would also require a topographic survey but above ground swimming pools would not. The former *Exceptions* section regulating landscaping, farming and gardening has been removed as it has been difficult to near impossible to enforce.

While the need for a topographic survey most definitely adds cost to a proposed garage or addition, the Council will need to determine what to prioritize: neighbor drainage complaints (via the topographic survey requirement) or reinvestment in one's property (which could be reduced given the additional cost of the survey). Staff feels the attached amendments strike the appropriate balance between the two.

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**AN ORDINANCE**  
**of the City Council of the City of Berkley, Michigan to Amend Section 30-187, General provisions and Section 30-188, Registration of rental properties, in Chapter 30, Businesses, of the City of Berkley Code of Ordinances to require registration and inspection of short-term rentals of an entire structure.**

**THE CITY OF BERKLEY ORDAINS:**

**SECTION 1:** Section 30-187 of Chapter 30 of the Berkley City Code shall be amended, as follows:

**Sec. 30-186. Definitions** [Unchanged.]

**Sec. 30-187. General provisions.**

No person shall rent, lease or let any real property [for any amount of time](#) within the city unless the rental property is registered with the city manager and unless the city has issued a certificate of compliance pursuant to this article. [This article does not apply to single-room rentals in single or multiple family units or to single family dwellings and commercial buildings that are occupied exclusively by the owner thereof.](#)

**SECTION 2:** Section 30-188 of Chapter 30 of the Berkley City Code shall be amended, as follows:

**Sec. 30-188 Registration of rental properties**

The owner of any premises or structure, ~~except an owner-occupied single family dwelling or an owner-occupied commercial building,~~ shall register with the city their name, place of residence or usual place of business, and the location of each premises regulated by this article. At the time of registration, the owner shall pay a biennial registration fee which shall be established by resolution of the city council. If the premises are managed or operated by an agent of the owner, then the owner shall furnish the agent's name and address at the time of each annual registration. The owner shall also furnish the agent's name and address at the time of each annual registration. The owner shall also furnish any other information required by the city. Failure of any owner to comply with the provisions of this section deprives the owner of the right to receive a certificate of compliance for each premises or structure which is not registered.

**Sec. 30-189 – Sec. 30-215** [Unchanged.]

**SECTION 3:** Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

**SECTION 4:** Penalty

All violations of this ordinance shall be municipal civil infractions and upon determination of responsibility therefore shall be punishable by a civil fine of not more than \$500, and/or such other sanctions and remedies as prescribed in Article IX of Chapter 82 of the Code of Ordinances.

**SECTION 5: Effective Date**

This Ordinance shall become effective 30 days following the date of adoption.

**SECTION 6: Publication**

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, November 21, 2022.

Adopted on the Second Reading at the Regular City Council Meeting on \_\_\_\_\_ .

\_\_\_\_\_  
Daniel J. Terbrack, Mayor

Attest:

\_\_\_\_\_  
Victoria Mitchell, City Clerk



# CITY OF BERKLEY COMMUNITY DEVELOPMENT

3338 COOLIDGE HWY, BERKLEY, MICHIGAN 48072

## MEMORANDUM

**To:** City Council

**From:** Kristen Kapelanski, Community Development Director

**Subject:** Amendments to Rental Licensing and Inspection

**Date:** November 14, 2022

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Attached are amendments codifying the City's current policies for short term rental properties. Per the amendments, short term rentals (rented for any length of time in the course of a year) would be treated and held to the same standards as long term rentals, requiring licensing, inspections, etc. through the City. This would not apply to single room rentals.

Alternatively, Council may want to consider only applying rental regulations to short term rentals rented out for more than a specific number of days per year (i.e. 14 days, 28 days, etc.) Staff was not able to find data on the average number of days a property is rented per year in the City but this would remove regulations that a resident would otherwise have to comply with even if they only wanted to rent out their home for a very small number of days per year.

Council is asked to approve the first reading.

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November 21, 2022 City Council Meeting

Moved by Councilmember \_\_\_\_\_ and seconded by Councilmember  
\_\_\_\_\_ to consider the formation of an Ad Hoc Committee to fill a City Council  
vacancy.

Ayes:

Nays:

Motion:



# MEMORANDUM

To: Mayor Terbrack and City Council  
From: Matthew Baumgarten, City Manager  
Date: November 21, 2022  
Subject: Process to fill a vacancy on City Council

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Mr. Mayor and Members of City Council,

Congratulations to State Representative-Elect Natalie Price on being elected to the Michigan Legislature. We thank her for all she has accomplished over the past three years as a City Council member. With her resignation, the City Council will need to appoint a resident to fulfill the remainder of her term ending in November 2023. The City Charter requires an appointment no later than 30 days of the resignation. According to her letter, Natalie Price plans to resign just prior to taking the oath of office as State Representative in December of this year.

To begin this process, the action required of City Council this evening is to appoint the Ad Hoc committee comprised of the Mayor Pro Tem (Bridget Dean), as chairperson, the most junior member of City Council (Jessica Vilani), and the most senior member of City Council (Steve Baker). The Committee will review and numerically score the candidate applicants on a 1 (lowest) to 3 (highest) scale based on criteria including community/municipal engagement, professional experience, background and diversity, and any other criteria that City Council may establish. After their work is completed, the scores and applications of all candidates shall be provided to the whole of City Council. The membership of the Ad Hoc committee, applications procedures, candidate scoring, and appointment process are all fully outlined in Section 7 of the City Council's adopted Rules and Procedures. In summary, the steps are as follows:

- 1) City Clerk advertises the vacancy with information on how residents can submit application materials. The application period must be open for at least 5 days and because of the Thanksgiving holiday, I would recommend that the application period remain open until 8:30am on Tuesday, November 29, 2022.
- 2) Once applications are received, an Ad Hoc Committee of the City Council will hold a special open meeting that week to develop a list of 5 candidates to appear before the City Council at the December 5<sup>th</sup> regular meeting. Note: If fewer than five candidates apply, the Ad Hoc committee will not need to meet and all candidates will appear before Council on December 5, 2022.
- 3) At the December 19, 2022 regular meeting, City Council members will nominate their preferred candidate and the Council will narrow the field until one candidate can obtain a majority of votes from the present elected members of Council. The candidate would then be appointed by the City Council and take the oath of office administered by the City Clerk.

The action this evening constitutes acting upon the resignation of the Council Member Price and will satisfy the time limit set by the City's Charter for the appointment of a new member of the City Council.

Thank you for your consideration of this matter,

Matthew Baumgarten  
Berkley City Manager

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**Natalie Price**

2428 Phillips Ave.  
Berkley, MI 48072  
nprice@berkleymich.net

November 16, 2022

**Matt Baumgarten**

City Manager  
City of Berkley  
3338 Coolidge Hwy.  
Berkley, MI 48072

Dear Mr Baumgarten,

I have been incredibly fortunate to be able to serve the residents of Berkley through my role on city council over the past three years.

As you are aware, I was recently elected to serve as a State Representative for Michigan's new House District 5. I am unable to serve simultaneously on City Council and in the State Legislature. As a result, I must resign my position on City Council.

My resignation will officially go into effect when I am sworn in as a State Representative or when the rest of council appoints my successor, whichever comes first.

I look forward to continuing to work with the City and I will continue to serve the residents of Berkley, and all who call Michigan home, in my new role.

Yours in Service,



Natalie Price

**A RESOLUTION**  
**of the Thirty-ninth Council of the City of Berkley,**  
**Michigan designating the time and place of City**  
**Council Meetings and its Rules and Order of**  
**Procedure**

**WHEREAS,** Section 4.6 of the City Charter requires that the Council shall determine its own rules and order of business and shall keep a journal of all of its proceedings in the English language, which shall be signed by the mayor and the clerk and shall be available for inspection to the public at all reasonable times.

**NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:**

**SECTION 1:**

That the Council shall generally conduct its regular meetings on the first and third Monday at 7:00 p.m. in City Hall at 3338 Coolidge Highway, (248-658-3300), or remotely in accordance with the Michigan Open Meetings Act, MCL 15.261 et seq., as amended by the adoption of Public Act 228 of 2020.

**SECTION 2:**

Except where in conflict with these rules, Federal or State law, the City Charter, or City ordinance, Robert's Rules of Order (current revision), shall govern the conduct of meetings.

**SECTION 3:**

Council agendas shall include the following, in the order that best suits the needs of each meeting, and posted accordingly:

- Call to Order
- Approval of Agenda
- ~~Invocation~~ Mayor led Moment of Reflection
- Pledge of Allegiance
- Public Comment
- Order of Business
- Consent Agenda
  - Approval of Minutes
  - Approval of Warrants
- Regular Agenda
- Communications
- Council Closed Session (if any)
- Adjourn

**At the Mayor's discretion, a moment of reflection may be observed at the beginning of Council meetings.**

Consent Agenda in this sense includes any item or resolution which is of a routine or recurring nature. If a Councilmember or member of the public attending the meeting requests to have any item removed from the Consent Agenda, the matter will be moved to the Regular Agenda for discussion or deliberation. All items on the Consent Agenda shall be read by title without debate. One motion shall be given for the Consent Agenda and a roll call vote shall be taken. Resolutions and/or proclamations honoring individual citizens for personal outstanding accomplishments shall also be included in the Consent Agenda. After the passage of the Consent Agenda, the mayor at his/her discretion, may read the entire resolution.

#### **SECTION 4:**

The City Clerk shall cause Minutes to be kept of every Council Meeting, whether open or closed, showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, all roll call votes taken at the meeting, and the purpose for which a Closed Session is held. Minutes of a Closed Session are to be retained for one year and are not available to the public unless ordered disclosed by a court. In addition, all audio and video recordings of Council Meetings, as well as meetings of the Planning Commission and Board of Appeal, shall be placed in the City's record retention file for not less than one day after the approval of the official minutes.

#### **SECTION 5:**

The following rules are hereby established not only to affirm the rights of the public to address the meeting and to fully participate in the democratic process, but also to facilitate the orderly and efficient conduct of Council business:

1. At a point on the Council agenda designated for public comment, any person may address the meeting for a reasonable period of time about items not on the agenda. The Mayor may set reasonable limits on the length of citizen comments.
2. Any person addressing the meeting must identify the city in which they reside and, if that person wishes a reply to any question, they must leave their full name, address and phone number with the City Clerk before leaving the meeting or via email to Clerk@Berkleymich.net if attending an electronic meeting.
3. No person shall make any statements or comments designed to announce or promote their candidacy or the candidacy of another for political office.
4. No person shall make any personal attack against a candidate, the Mayor, or any Councilmember or City employee.
5. Irrespective of Robert's Rules of Order, the Mayor, acting as presiding officer of the Council, shall have the same rights, responsibilities and power of discussion as other Councilmembers.
6. No new items shall be taken up for discussion on the regular agenda after 10:00 p.m.

7. At any point during the meeting, the Mayor may allow citizen comments on any issue on the agenda. The Mayor may set reasonable limits on the length of citizen comments.
8. All Regular and Special Meetings of the Council shall be open to the public, and all persons are permitted to attend any meeting unless a Closed Meeting is held.
9. Upon a two-thirds roll call vote of the members of Council elected and serving, a Closed Session may be held to consider the purchase or lease of real property, to consult with the City's attorney on specific pending litigation, to review applications or appointments to a public office where the candidate requests confidentiality, to consider complaints or charges against a public officer, employee or individual agent when the named person requests a closed hearing, for strategy and negotiations when connected with a collective bargaining process; and for any other permissible purpose under and in accordance with the Michigan Open Meetings Act.
10. The Council shall continue to cablecast its regular meetings to further inform local residents of City government issues, activities, and events.

**SECTION 6:**

Filling of Vacancies for Boards and Commissions

1. Requests will be made in local news media, social media, and the city website inviting qualified people to make application to the city manager. Applications are due eight business days before the meeting in which the appointment will be considered. The vacancy must be posted at least 10 business days before the application deadline.
2. Recommendations from the pool of applicants will be requested from the city council liaison and the officers of the board or commission where the vacancy exists. The recommendations must be provided to the city manager five business days before the meeting in which the appointment will be considered.
3. All applications for appointment or reappointment and all liaison and board recommendations will be forwarded to Council for its review four business days before the meeting in which the appointment will be considered. For those recommended for reappointment, included will be attendance records, and for the Planning Commission and Zoning Board of Appeals, training records.
4. If a Councilmember wants further information concerning the candidate, they may contact the applicant.
5. Each Councilmember may provide a ranked list of their choices for each vacancy from the list of applicants. The choices must be given privately to the City Manager at least three business days before the meeting in which the appointment will be considered.

6. At the next regular meeting, or a special meeting called for that purpose, the City Manager must present a slate of candidates for the vacancies based on the recommendations from Councilmembers. Council may vote on the slate as a whole, or any Councilmember may ask that a vacancy be considered separately from the slate. Any individual receiving four or more "yes" votes will be considered appointed.

**SECTION 7:**

Vacancies in the office of City Councilmember shall be filled pursuant to Sections 3.6, 3.7 and 13.5 of the City Charter through the following procedure:

1. The City Clerk shall publish and post notice of the City Council vacancy and the procedure and deadline for applying. City Council will accept applications from eligible candidates for 5 business days, or such other time as Council may prescribe, in order to complete the appointment process to fill the Council vacancy within the 30 days mandated by the City Charter.
2. If 5 or fewer candidates apply, those candidates will be invited to the next City Council meeting to make a presentation and/or be interviewed by Council, and at its next following meeting, Council shall appoint one of the candidates to fill the Council vacancy.
3. If more than 5 candidates apply, a 3-member Ad Hoc Committee shall be convened comprised of the Mayor Pro Tem, as chairperson, the most junior member of City Council, and the most senior member of City Council. The Committee shall be tasked with holding an open meeting to review and numerically score the candidate applicants on a 1 (lowest) to 3 (highest) scale based on criteria including community/municipal engagement, professional experience, background and diversity, and any other criteria that City Council may establish. The 5 highest scoring candidates shall be specifically invited to attend the next City Council meeting to present themselves, although the scores and applications of all candidates shall be provided to City Council, and all applicants may attend the City Council meeting and have an opportunity to address City Council.
4. Thereafter, each City Councilmember may nominate 1 candidate for appointment. No second to any nomination shall be required, nor is it necessary for a Councilmember to nominate a candidate if the Councilmember's preferred nominee has already been nominated.
5. A roll call vote shall be conducted, and each Councilmember shall vote among the nominees. A nominee who receives the vote of a majority of the Councilmembers currently holding office shall be declared appointed. If no nominee receives the vote of a majority of the Councilmembers currently holding office and there are more than 2 nominees, then the nominee who receives the fewest votes shall be dropped, and another vote shall be taken among the remaining nominees. This process shall continue until a nominee receives the vote of the majority of the Councilmembers currently

holding office.

**SECTION 8:**

The Daily Tribune shall be the official newspaper for the publication of notices and of proceedings and ordinances of the Council, as may be required by the law or by City Charter.

**SECTION 9:**

The City Attorney is designated to act as parliamentarian for the City Council.

**SECTION 10:**

Flagstar Bank is the designated official depository of City funding pursuant to Section 9.7 of the City Charter.

**SECTION 11:**

This resolution shall supersede all existing resolutions, orders, rules and order of procedures insofar as they may be inconsistent herewith.

**SECTION 12:**

The City Clerk shall cause a copy of this resolution to be posted in City Hall and in two other different public and conspicuous places within the City.

**SECTION 13:**

Code of Ethics for Government Service applies to City Council as well as administrative officials appointed by Council.

**Preamble**

A code of ethics for government service calls upon public servants to treat their office as a public trust. It often takes extraordinary moral courage to do what is right. The strength and value of a code of ethics are found in their capacity to inspire voluntary commitment to higher moral standards than law or custom. By doing so, public servants inspire and justify confidence and faith in government.

ANY PERSON  
IN GOVERNMENT SERVICE SHOULD:

1. Put loyalty to the highest moral principles and to country above loyalty to persons, party, or government department.
2. Uphold the Constitution, laws, and regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving earnest effort and best thought to the performance of duties.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.

5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept, for himself or herself or for family members, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a government employee has no private word which can be binding on public duty.
7. Engage in no business with the government, either directly or indirectly, which is inconsistent with the conscientious performance of governmental duties.
8. Never use any information gained confidentially in the performance of governmental duties as a means of making private profit.
9. Expose corruption wherever discovered.
10. Express themselves – in both spoken and written communications – in a manner becoming of a City of Berkeley official or representative and maintain a constructive tone that may not reasonably be construed as demeaning, harassing, accusatory, untruthful, or disrespectful.
11. Uphold these principles, ever conscious that public office is a public trust.

#### **SECTION 14:**

##### Electronic Meetings

1. Beginning January 1, 2021 through December 31, 2021, City Council meetings may be held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology due to circumstances requiring accommodation of any City Councilmember absent because of military duty, a medical condition, or when a declared statewide or local state of emergency or state of disaster exists and the personal health or safety of members of the public or public body would be at risk if the meeting were held in person. After December 31, 2021, electronic participation of a City Councilmember will be permitted only in circumstances requiring accommodation of a member who is absent due to military duty. As used in these Rules, the term “medical condition” means an illness, injury, disability, or other health-related condition, including the quarantine or isolation of a City Councilmember to minimize the spread of a contagious disease.
2. An electronic meeting of the City Council will be conducted in a manner that permits two-way communication so that members of the Council can hear and be heard by one another, and so that public participants can hear members of the City Council and be heard by both the Council and other public participants. The City may use technology to facilitate typed public comments submitted by members of the public participating in the electronically-held meeting that shall be read to or shared with members of the City Council and other participants.

As permitted by the Open Meetings Act, a physical place is not required for an electronically-held meeting. Members of the City Council and members of the public participating electronically in a meeting that occurs in a physical place are considered present and in attendance at the meeting for all purposes. For a meeting at which City Councilmembers are physically absent due to military duty or a medical condition and who are being accommodated by remote participation, all other City Councilmembers must be physically present at the meeting to be able to participate.

In addition to any other notice required by the Open Meetings Act, advance notice of an electronically-held meeting shall be posted on a portion of the City's website that is fully accessible to the public. The public notice must be included on either the home page or a separate webpage dedicated to public notices for non-regularly scheduled or electronically-held public meetings that is accessible through a prominent and conspicuous link on the City's website home page that clearly describes its purpose for public notification of non-regularly scheduled or electronically-held public meetings. Any scheduled meeting of the City Council may be held as an electronic meeting as permitted by the Open Meetings Act if a notice consistent with this Rule is posted at least 18 hours before the meeting begins. Any notice of the meeting of the City Council held electronically must clearly contain all of the following:

- a. Why the City Council is meeting electronically;
- b. How members of the public may participate in the meeting electronically (if a telephone number, internet address or both are required to participate, that information must be provided in the notice);
- c. How members of the public may contact members of the City Council to provide input or ask questions on any business that will come before the Council at the meeting; and
- d. How persons with disabilities may participate in the meeting.

If an agenda exists for an electronically held meeting of the City Council, the City shall, on a portion of its website that is fully accessible to the public make the agenda of the meeting available to the public at least 2 hours before the meeting begins. This publication of the meeting agenda does not prohibit subsequent amendment of the agenda at the meeting.

A member of the general public is not required to register or otherwise provide his or her name or other information or otherwise fulfill a condition precedent to attend an electronically-held meeting, other than mechanisms established and required by the City necessary to permit the individual to participate in a public comment period of the meeting.

Members of the general public otherwise participating in an electronically-held meeting of the City Council are excluded from participation in a closed session of the City Council

that is held electronically provided that the closed session is convened and held in compliance with the requirements of the Open Meetings Act applicable to closed sessions.

3. The order of business for all meetings of the City Council conducted electronically and held beginning January 1, 2021 through December 31, 2021 for City Council meetings held, in whole or in part, by electronic means using telephone conferencing or video conferencing technology when a declared statewide or local state of emergency or state of disaster exists shall be as follows: Call to Order; Approval of Agenda; Invocation; Pledge of Allegiance; Public Comment – Items On the Agenda; Approval of Minutes; Approval of Warrants; Consent Agenda; Regular Agenda; Public Comment – Items Not On the Agenda; Communications; and Adjournment. The order of business outlined in this paragraph is not applicable when electronic means is used to accommodate the absence of individual City Council members due to military duty or a medical condition.
4. During City Council meetings conducted electronically, members of the public attending the meeting, once recognized by the chair, shall identify themselves for the record and indicate the municipality where they reside. Comments by the public will be limited to three minutes for each speaker unless the time is extended by the chair or by vote of the Council. Comments by the public shall be confined to the Public Comment portions of the meeting.
5. A member of the City Council who anticipates being absent from a meeting due to the circumstances set forth in the Open Meetings Act and these Rules may request accommodation of their absence to permit their remote participation in and voting on Council business by two-way telephonic or video conferencing communication. A City Councilmember who desires to attend a meeting by telephonic or video conferencing shall inform the City Manager, or the City Manager's designee, at least 24 hours before the meeting to permit any necessary technology to be put in place to accommodate participation of the absent member. City Councilmembers attending a meeting by telephone or video conferencing may fully participate in the meeting, including voting and attendance in any closed session of the City Council. A Councilmember participating by telephonic or video conferencing is not permitted to chair the meeting unless all Council members are participating by telephone or video conferencing.

Any member of the City Council attending a meeting remotely must publicly announce at the outset of the meeting (which shall be included in meeting minutes) that the member is attending the meeting remotely. If the member is attending the meeting remotely for a purpose other than for military duty, the member's announcement must identify the member's physical location by stating the city, village, or township and the state from which the member is attending the meeting remotely.

Introduced and Passed at a Regular City Council Meeting on Monday, November 21, 2022.

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Daniel J. Terbrack, Mayor

Attest:

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Victoria Mitchell, City Clerk

DRAFT

# Memo

**To:** Mayor Terbrack and City Council  
**From:** Matthew Baumgarten, City Manager  
Victoria Mitchell, City Clerk  
**Date:** November 16, 2022  
**Subject:** Meeting Dates – 2023 and 2024

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The following schedule for the 2023 City Council meetings is based upon the approval of Resolution No. R-25-22. Considering the approval of a first and third Monday, the City Clerk has also developed a tentative 2024 schedule of meetings.

2023	2024 (Tentative)
Monday, January 9, 2023 Monday, February 6, 2023 Monday, March 6, 2023 Monday, March 20, 2023 Monday, April 3, 2023 Monday, April 17, 2023 Monday, May 15, 2023 Monday, June 5, 2023 Monday, June 19, 2023 Monday, July 17, 2023 Monday, August 14, 2023 Monday, September 18, 2023 Monday, October 2, 2023 Monday, October 16, 2023 Monday, November 20, 2023 Monday, December 4, 2023 Monday, December 18, 2023	Monday, January 8, 2024 Monday, February 5, 2024 Monday, March 18, 2024 Monday, March 20, 2024 Monday, April 1, 2024 Monday, April 15, 2024 Monday, May 6, 2024 Monday, May 20, 2024 Monday, June 3, 2024 Monday, June 17, 2024 Monday, July 15, 2024 Monday, August 12, 2024 Monday, September 16, 2024 Monday, October 7, 2024 Monday, October 21, 2024 Monday, November 18, 2024 Monday, December 2, 2024 Monday, December 16, 2024

The proposed schedule does not include a minimum of two regular budget work sessions to be scheduled in May. The months of July, August, and September have one meeting consistent with previous City Council summer meeting schedules, and January 2<sup>nd</sup>, 16<sup>th</sup>, and February 20<sup>th</sup> are holidays therefore city offices are closed.

I am also requesting the meetings on the first Mondays in May and November be canceled due to the possibility of a Special Election and the Local Election.

The law states that within 10 days of the first meeting of a public body in each calendar or fiscal year, the body must publicly post a list stating the dates, times, and places of all its regular meetings at its principal office. If a public body does not have a principal office, the notice would be posted in the county clerk's office for a local public body or the office of the Secretary of State for a state public body. If there is a change in schedule, within three days of the meeting in which the change is made, the public body must post a notice stating the new dates, times, and places of regular meetings.