



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, NOVEMBER 17, 2025
2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 083 5724**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

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

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: November 3, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 12/2/2025 – Regular City Council Meeting
- 3. Adjournments In Memory**

Scheduling

- 4. Council Worksessions Schedule**
- 5. Council Referrals to Agenda Committee for Scheduling**
- 6. Land Use Calendar**

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment – Next Meeting Monday, January 5, 2026

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**Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*


*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee’s published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*


*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee in advance of the meeting and retained as part of the official record.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.*

**COMMUNICATION ACCESS INFORMATION:**  
 This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on Thursday, November 13, 2025.


Mark Numainville, City Clerk

Communications

Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or policycommittee@berkeleyca.gov.

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, NOVEMBER 3, 2025

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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Roll Call: 2:32 p.m. All present.

Public Comment – 3 speakers

Review of Agendas

1. Approval of Minutes: October 21, 2025

Action: M/S/C (Humbert/Taplin) to approve the minutes of 10/21/2025.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 11/18/25 – Regular City Council Meeting

Action: M/S/C (Humbert/Taplin) to approve the agenda of 11/18/2025 with the changes noted below.

- *Item Added: License Agreement (City Manager) – item added to Consent Calendar*
- *Item 16 Alcor Solutions Contract (City Manager) – rescheduled to 12/2/2025*
- *Item 26 Unmanned Aerial Systems (Taplin) – moved to Action Calendar*
- *Item 30 Sanctuary City Contracting Ordinance (Lunaparra) – moved to Consent Calendar*
- *Item 31 Mills Act Agreements (Humbert) – moved to Action Calendar*

Order of Action Items

Item 28 Building Codes

Item 29 Zoning Ordinance

Item 31 Mills Act Agreements

Item 26 Unmanned Aerial Systems

Vote: All Ayes.

3. Adjournments In Memory – None

Scheduling

4. Council Worksessions Schedule – received and filed

5. Council Referrals to Agenda Committee for Scheduling – received and filed

6. Land Use Calendar – received and filed

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Humbert/Taplin) to approve the minutes of 10/21/2025.

Vote: All Ayes.

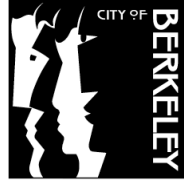
Adjourned at 2:48 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on November 3, 2025.

Mark Numainville, City Clerk

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, December 2, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE

DISTRICT 6 – BRENT BLACKABY

DISTRICT 7 – CECILIA LUNAPARRA

DISTRICT 8 – MARK HUMBERT

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Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via [internet video stream](#). All Council meetings are recorded.

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Preliminary Matters

Roll Call:

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

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

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

Public Comment on Non-Agenda Matters: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

1. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of November 6, 2025 (special), November 10, 2025 (closed), November 10, 2025 (regular), November 18, 2025 (special and regular).

Financial Implications: None

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

2. Revised Conflict of Interest Code

From: City Manager

Recommendation: Adopt a Resolution approving a revised Conflict of Interest Code for the City of Berkeley and rescinding Resolution No. 71,108–N.S.

Financial Implications: See report

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

Consent Calendar

3. Acceptance of Grant Funds and Contract: Healthy Black Families – Equity 4 Black Berkeley (E4BB) Transition

From: City Manager

Recommendation: Adopt a Resolution: 1. Accepting \$90,000 in grant funds from the San Francisco Foundation to support the Equity 4 Black Berkeley (E4BB) initiative; and 2. Authorizing the City Manager, or designee, to execute a contract and any amendments with Healthy Black Families (HBF) for an amount not to exceed \$90,000 to provide technical assistance, fiscal sponsorship, and organizational development services to support the establishment of an independent nonprofit organization to carry forward the work of Equity 4 Black Berkeley.

Financial Implications: See report

Contact: Rex Brown, Commission Secretary, (510) 981-7000

4. Authorizing the City Manager to Sign the Downtown Property-Based Business Improvement District (PBID) Petition and Ballot on Behalf of the City of Berkeley

From: City Manager

Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to approve and sign the “Preliminary Petition to Reestablish the Downtown Berkeley Property-Based Business Improvement District” document on behalf of City-owned properties in the proposed Downtown PBID area; and 2. In the event the petition is successful in generating a ballot process to reestablish a Downtown PBID, authorizing the City Manager to vote YES on any ballots on behalf of City-owned properties in the proposed Downtown PBID area.

Financial Implications: See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on December 02, 2025

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.

Financial Implications: See report

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

Consent Calendar

- 6. Contract: CentralSquare Technologies, LLC for Dispatch Center Software and Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to enter into a contract with Central Square Technologies, LLC for Dispatch Center software and services using Sourcewell Contract No. 030425. The four-year contract base period will begin on December 1, 2025, and end November 30, 2029, and will not exceed \$103,635. There will be two optional one-year extensions, from December 1, 2029, to November 30, 2031. The total six-year contract amount will not exceed \$212,602 which includes a \$20,000 contingency.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 7. Revenue Contract: 2026 Community Services Block Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to:
1. Accept the 2026 Community Services Block Grant (CSBG) contract to provide services for low-income people from January 1, 2026, to April 30, 2026; and, 2. Execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount, add discretionary funding, and change or update the contract terms.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
- 8. Contract No. 32000232 Amendment: Worldwide Travel Staffing for Nurse Registry Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to amend Contract No. 32000232 with Worldwide Travel Staffing for nurse registry services for a total contract amount not to exceed \$1,772,580 through June 30, 2027. This amendment will add \$500,000 in funding and two years to the contract term, through June 30, 2027.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Consent Calendar

9. Loan Modifications for Existing Housing Trust Fund Projects: Margaret Breland Homes (2577 San Pablo Avenue) and Mable Howard Apartments (3250 Sacramento Street)

From: City Manager

Recommendation: Adopt a Resolution approving amendments to existing Housing Trust Fund (HTF) loan documents for Margaret Breland Homes and Mable Howard Apartments to: 1. Approve the transfer of ownership of both properties to Berkeley Senior Recap, L.P., a new ownership entity formed to apply for Low-Income Housing Tax Credits (LIHTC), with Resources for Community Development (RCD) as the Managing General Partner; 2. Approve the addition of the future tax credit investor limited partner at the time of the construction loan closing, as required by the LIHTC program; 3. Approve the extension of the City's current loans and regulatory agreements for both properties to new 55-year periods and the reduction of interest rates from 6% simple interest to the Applicable Federal Rate (AFR) in effect at the time of construction loan closing (currently approximately 4.8%); and 4. Authorize the City Manager or their designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.

Financial Implications: See report.

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

10. Contract No. 081263-1 Amendment: Uprise Claremont Behavioral Services for Employee Assistance Program Services

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 081263-1 with Uprise Claremont Behavioral Services (Claremont) in order to provide continued services for the Employee Assistance Program (EAP) by approving the rate increases for January 1, 2026 through January 1, 2029 and extending the contract from December 31st, 2025 through January 1, 2029.

Financial Implications: See report

Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

11. Adoption of Successor Memorandum Agreement: International Brotherhood of Electrical Workers Local 1245

From: City Manager

Recommendation:

1. Adopt a Resolution approving the successor three-year Memorandum Agreement (MA) with the International Brotherhood of Electrical Workers Local 1245 (hereinafter referred to as the "Union") with a term of July 1, 2025, through June 30, 2028, authorizing the City Manager to execute and implement the revised terms and conditions of employment set forth in the Memorandum Agreement; and
2. Adopt a new salary Resolution for Representation Unit C that implements the salary levels negotiated in the new labor agreement and revises Resolution No.70,453-N.S.

Financial Implications: See report

Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

- 12. Contract: Plante Moran for Professional Services and Licensing of Informatica Integration Platform as a Service (iPaaS)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Plante Moran for professional services and software licensing of the Informatica Integration Platform as a Service (iPaaS) in an amount not to exceed \$700,000 from December 3, 2025 through Dec 31, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 13. Contract No. 32400019 Amendment: Berkeley Community Media for Public Access Television**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32400019 with Berkeley Community Media (“BCM”) for Public, Educational, and Governmental (“PEG”) access services for an additional \$150,000 for a total not to exceed amount of \$1,004,130.
Financial Implications: PEG Access Fund - \$150,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 14. Contract No. 32400104 Amendment: SmartWave for City Facility Managed Wi-Fi**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32400104 with Smartwave Technologies LLC, for managed Wi-Fi and related services increasing the amount by \$280,000 for a total not-to-exceed amount of \$900,000 from July 25, 2023 to June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 15. Contract No. 31900184 Amendment: Alcor Solutions, Inc. for Professional Services for ServiceNow and Intranet**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to contract No. 31900184 with Alcor Solutions, Inc. for professional services for ServiceNow and the City’s Intranet increasing the amount by \$155,000 for an amended total not to exceed amount of \$990,564 from February 14, 2017 to June 30, 2026.
Financial Implications: IT Cost Allocation Fund - \$155,000
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

- 16. Donation for the Thousand Oaks School Park Improvement Project in Memory of Michael Seltzer**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation of up to \$80,000 for the Thousand Oaks School Park Improvement Project in memory of Michael Seltzer.
Financial Implications: See report.
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 17. Contract: Bauman Landscape and Construction, Inc. for The Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project**
From: City Manager
Recommendation: Adopt a Resolution: 1. Approving the plans and specifications for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project (Bid Specification No. 25-11736-C); and 2. Rejecting the bid protest of Azul Works, Inc., the second-lowest bidder; and 3. Accepting the bid of Bauman Landscape and Construction, Inc. as the lowest responsive and responsible bidder on the Project; and 4. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Bauman Landscape and Construction, Inc., for the Tom Bates Regional Sports Complex Community Facility, Pickleball Courts and U8 Soccer Field Project, in an amount not to exceed \$6,515,433.35, which includes a contract base amount of \$5,223,908.50 and additive bid No. 1 in the amount of \$769,134.00 and an 8.7% contingency in the amount of \$522,390.85 for unforeseen circumstances.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 18. Grant Application: Environmental Enhancement and Mitigation (EEM) Tree Planting Proposal**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to submit an Environmental Enhancement and Mitigation (EEM) grant application to plant urban forest trees in the amount up to \$750,000; to accept the grant; to execute any resultant revenue agreements and amendments; and authorizing the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: One-Time Grants Fund - \$750,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

19. **Contract: Passport Labs Incorporated for Parking Citation and Permit Management System (CPMS)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Passport Labs Inc. for a Parking Citation and Permit Management System for a three-year contract for a total of \$1.7 million dollars with an option to extend the contract for two years for a maximum length of five years.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Council Consent Items

20. **Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Ishii (Author), Councilmember Tregub (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Ishii, \$500 from Councilmember Blackaby, and \$250 from Councilmember Igor Tregub to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100
21. **Urban Compassion Project: Relinquishment of Council Office Budget Funds to General Fund for Grant of Such Funds**
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including a \$1,000 donation from Councilmember Kesarwani and \$1,000 from Mayor Ishii to the Urban Compassion Project with funds relinquished to the City's General Fund for this purpose from the discretionary Council Office Budget of Councilmember Kesarwani and Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Council Consent Items

22. Creations Berkeley – Black Joy Club Kwanzaa Toy Drive and Celebration on December 11, 2025 – Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including \$250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support the Black Joy Club's Kwanzaa Toy Drive and Celebration at Sylvia Mendez Elementary School on Wednesday, December 11, 2025. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

Financial Implications: See report

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

23. Budget Referral: FY26 AAO1 Downtown Berkeley Revitalization Projects

From: Councilmember Tregub (Author)

Recommendation: Refer the (1) Addison Catenary Lighting Project, (2) Oxford for All proposal, and (3) Harold Way Placemaking Project schematic design to the Fiscal Year 2026 (FY26) Annual Appropriations Ordinance #1 (AAO1) budget process to be funded through the Street and Open Space Improvement Plan (SOSIP) and/or Long-Range Development Plan (LRDP) Funds.

These projects are high-impact investments in Downtown Berkeley's ongoing revitalization. By transforming these key downtown spaces into safe, visually captivating, walkable destinations, these projects will encourage more residents, students, and visitors to explore local shops, restaurants, and cultural venues. These projects will highlight Berkeley's creative and transit-oriented character, inviting people to visit, linger, take photos, and share their experiences. As pedestrian and bike traffic increases, existing businesses will be encouraged to extend hours, host outdoor events, and new businesses will be encouraged to occupy vacant storefronts creating a positive cycle of growth and reinvestment that benefits the entire community.

Through public-private collaboration and thoughtful designs, these initiatives will transform Downtown Berkeley with a spirit of creativity, inclusivity, urban vibrancy, and transit safety-- a place where people want to gather, spend time, and contribute to the city's economic life.

Financial Implications: See report

Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Council Consent Items

24. **Berkeley Symphony Orchestra Winter Promenade: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**
From: Councilmember Lunaparra (Author), Mayor Ishii (Co-Sponsor), Councilmember Tregub (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Lunaparra's discretionary fund and funds from any other Councilmembers who would like to contribute to the Berkeley Symphony Orchestra (BSO) for their 2025 Winter Promenade fundraising event with funds relinquished to the City's general fund for this purpose.
Financial Implications: See report
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

Action Calendar

The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.

Action items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

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

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

Action Calendar – Public Hearings

25. **Renewal of the Elmwood Avenue BID for Calendar Year 2026**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Elmwood Business Improvement District (hereafter, “the District”, “the Elmwood BID” or “the BID”) for 2025-26 and, if no majority protest exists, levy annual assessments in the District for calendar year 2026 to finance services and improvements and authorize a fiscal agency contract with Elmwood Business Association for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

26. **Renewal of the Solano Avenue BID for Calendar Year 2026**

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution confirming the Annual Report and Budget for the Solano Avenue Business Improvement District (hereafter, “Solano BID Advisory Board” or “the BID”) for 2025-2026 and, if no majority protest exists, levy annual assessments in the District for calendar year 2026 to finance services and improvements and authorize a fiscal agency contract for receipt and expenditure of District funds.

Financial Implications: See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

27. **Adoption of the 2025 California Fire Code with Local Amendments – Second Reading**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,990-N.S. repealing and reenacting the Berkeley Fire Code, including amendments to the California Fire Code as outlined in the proposed ordinance, plus Appendix Chapters D, E, F, O and P published by the International Code Council not included in the California Building Standards Code, as Berkeley Municipal Code Chapter 19.48.

First Reading Vote: All Ayes.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

28. **Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code – Second Reading**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt the second reading of Ordinance No. 7,991-N.S. creating a new Berkeley Municipal Code Chapter 19.49 and adopting the 2025 California Wildland-Urban Interface (WUI) Code, Title 24 Part 7, along with local amendments.

First Reading Vote: All Ayes

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

Action Calendar – Public Hearings

29. Amendments to Title 23 (Zoning) to Allow the Retail Sale of Alcohol in the Telegraph Avenue Commercial (C-T) Zoning District

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending the BMC Title 23 Section 23.204.020 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.

Financial Implications: See report

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

30. Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Title 21 (Subdivisions Ordinance) and Chapter 23.306 Accessory Dwelling Units to implement Assembly Bill (AB) 1033 by establishing local regulations for the separate sale of ADUs as condominiums.

Financial Implications: None

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

Action Calendar – New Business

31a. **Loan Modification Requests for Housing Trust Fund Projects at 1139 Hearst Avenue, 3253 Adeline Street, and 1471 Addison Street and Update Interest Rates and Accrued Interest on Housing Trust Fund Loans**

From: Housing Advisory Commission

Recommendation: Adopt a Resolution approving the following actions for Housing Trust Fund (HTF) loans and direct staff to examine the HTF administrative guidelines:

1. Extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reduce the interest rate for the remaining term to 3% simple interest. The principal amount of \$916,000 will remain the same.
2. Combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of \$1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Refinance existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of \$150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorize the City Manager or designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
5. Forgive the accrued interest as of the effective date of the new and/or amended loan for each new loan for Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative.
6. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

Financial Implications: See report

Contact: Mike Uberti, Commission Secretary, (510) 981-7400

Action Calendar – New Business

31b. Companion Report: Loan Modification Requests for Housing Trust Fund Projects at 1139 Hearst Avenue, 3253 Adeline Street, and 1471 Addison Street and Update Interest Rates and Accrued Interest on Housing Trust Fund Loans From: City Manager

Recommendation: Adopt a Resolution approving the following actions to modify three existing Housing Trust Fund (HTF) loans by:

1. Authorizing the City Manager or designee to extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reducing the interest rate for the remaining term to 3% simple interest. The principal amount of \$916,000 will remain the same.
2. Authorizing the City Manager or designee to combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of \$1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Authorizing the City Manager or designee to refinance the existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of \$150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorizing the City Manager or designee to execute all original or amended documents or agreements to effectuate these actions, including amendments to existing loan agreements.
5. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

Financial Implications: See report.

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

32a. Affordable Housing for Artists Report

From: Housing Advisory Commission, Civic Arts Commission

Recommendation: Approve the "Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists" report and direct the City Manager to evaluate and implement the report recommendations as appropriate.

Financial Implications: See report

Contact: Snow Zhu, Commission Secretary, (510) 981-5100, Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Action Calendar – New Business

32b. Companion Report: Affordable Housing for Artists Report

From: City Manager

Recommendation: Receive the Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists report. Should the Council wish to move forward with any of the report's policy recommendations, refer them to the budget process for evaluation of resource needs, feasibility, and prioritization through Reweighted Range Voting (RRV) process.

Financial Implications: See report.

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Action Calendar – Policy Committee Track Items

33. Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement

From: Councilmember Kesarwani (Author)

Recommendation: Adopt a resolution rescinding Berkeley Police Department's current required notification process for reporting pepper spray use after each incident. Further, recommend recording the use of pepper spray within the existing use of force reporting system to minimize the administrative burden on staff. The department's current transparency measures already provide the public with detailed data on all use of force incidents.

Financial Implications: None

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

34. Resolution Rescinding Resolution No. 51,408-N.S. Restricting the Use of Air Support and Canine Units And Updating Mutual Aid Policies

From: Councilmember Kesarwani (Author)

Recommendation: Adopt a resolution to rescind Resolution No. 51,408-N.S. which currently restricts the use of helicopters and police canine units by the Berkeley Police Department (BPD) and to update policies authorizing BPD to deploy these resources through mutual aid agreements directly with external agencies. The revised policy framework will replace the prior requirement for City Manager approval with post-deployment notification, ensuring rapid and effective responses during critical incidents. The policy will continue to explicitly prohibit the use of canines for crowd control.

Financial Implications: See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

35. Resolution for Unionization Efforts by Employees of École Bilingue

From: Councilmember Taplin (Author), Councilmember Tregub (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)

Recommendation: Adopt a Resolution in support of École Bilingue de Berkeley administrative, support, and enrichment staff unionization effort.

Financial Implications: None

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

Action Calendar – Policy Committee Track Items

- 36. Referral to the City Manager and City Attorney: Vibrant Storefront Policy**
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Blackaby (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)
Recommendation: Referral to the City Manager and City Attorney to develop a vibrant storefront policy that sets performance standards and considers additional strategies to address a growing number of ground-floor storefront vacancies in Berkeley's commercial districts.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 37. Notifying Residents of Upcoming Public Works Projects in their Neighborhoods**
From: Councilmember Blackaby (Author), Councilmember Tregub (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor), Councilmember Taplin (Co-Sponsor)
Recommendation: Referral to the City Manager to develop a proactive communication system to alert the community of upcoming infrastructure projects from Public Works, EBMUD, PG&E, and other large housing or commercial development projects.
Financial Implications: Staff time
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160
- 38. Setting Measurable Goals and Metrics for Key City Priorities**
From: Councilmember Blackaby (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Refer to the City Manager the development of 10-20 measurable goals and metrics that reflect key priorities for the City. These goals should focus on outcomes that matter most to residents, demonstrating both the impact of City government and the quality of life in our community.
After setting annual goals, the City should provide quarterly updates with progress towards those goals via an easily accessible dashboard on the city website or other mechanism. Also, the City should provide updates as a quarterly City Council agenda item, or other appropriate frequency.
Types of goals should be identified by analyzing similar work being done by other jurisdictions, and then quantifiable metrics for each goal should be set by staff and reviewed by City Council. How do peer cities and comparable jurisdictions define, structure, and establish outcome-based goals and metrics? What processes do they use to select them and align them with priorities? How do jurisdictions report on these goals and metrics, including the formatting, frequency, and accessibility of reporting to decision-making bodies and the public?
Goals should span a full range of City priorities, including housing production, public safety, transportation, public works, parks & recreation, homelessness, and economic development.
Financial Implications: Staff time
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Information Reports

39. Economic Impact Study: Berkeley's Creative Economy and Assessment of Pandemic Relief Investments

From: City Manager

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

40. Sanctuary City Contracting Compliance Report for FY 2024 and 2025

From: City Manager

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

41. Housing Advisory Commission Fiscal Year 2026 Work Plan

From: Housing Advisory Commission

Contact: Snow Zhu, Commission Secretary, (510) 981-5100

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: <https://records.cityofberkeley.info/>.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

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



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

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

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02a.20

CONSENT CALENDAR  
December 2, 2025

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), Councilmember Igor Tregub (Co-sponsor),  
Councilmember Brent Blackaby (Co-sponsor)

Subject: Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget  
Funds to General Fund and Grant of Such Fund

RECOMMENDATION

1. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Ishii, \$500 from Councilmember Blackaby, and \$250 from Councilmember Igor Tregub to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

Founded over a hundred years ago, in 1912, the Berkeley Holiday Fund, embodies the "the Berkeley Spirit" by providing aid to residents in Berkeley during the holiday season. Sending grants to almost 1,200 recipients in the past year, totalling over \$140,000, which is completely donation based and volunteer staffed.

From the outset the Berkeley Holiday Fund has traditionally been supported by the Berkeley Mayor and members of the Berkeley City Council. With the Berkeley Mayor often serving as the Honorary Chair and for more than thirty years the Mayor's office has provided a small grant to support the mailing of cash cards to the people referred by the Holiday Fund.

FINANCIAL IMPLICATIONS

No General Fund impact; \$500 is available from Mayor Ishii and Councilmember Brent Blackaby's Office Budget discretionary accounts. \$250 is available from Councilmember Igor Tregub's Budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Adena Ishii  
510-981-7100

Attachments: 1: Resolution for Council Expenditures

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

AUTHORIZING THE EXPENDITURE OF DISCRETIONARY FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Mayor Adena Ishii has funds in her office discretionary account; and

WHEREAS, a California non-profit tax-exempt corporation, the Berkeley Holiday Fund, seeks funds in the amount of \$500 to provide the following service of offering aid to residents in need in Berkeley during the holiday season; and

WHEREAS, the Berkeley Holiday Fund, founded in 1912, is completely donation-based & volunteer-staffed; and

WHEREAS, the Berkeley Holiday Fund embodies the “the Berkeley Spirit” by providing aid to residents in Berkeley during the holiday season; and

WHEREAS, historically the Berkeley City Council has generously supported and contributed small grants to the Berkeley Holiday Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the Berkeley Holiday Fund to fund the following service of offering aid to residents in need in Berkeley during the holiday season.





Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR  
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Rashi Kesarwani (Author) and Mayor Adena Ishii (Co-Sponsor) and Councilmembers Shoshana O’Keefe and Cecilia Lunaparra (Co-Sponsors)

Subject: Urban Compassion Project: Relinquishment of Council Office Budget Funds to General Fund for Grant of Such Funds

**RECOMMENDATION**

Adopt a resolution approving the expenditure of an amount not to exceed \$1,000 per Councilmember including a \$1,000 donation from Councilmembers Kesarwani and O’Keefe, \$1,000 from Mayor Ishii, and \$800 from Councilmember Lunaparra to the Urban Compassion Project<sup>1</sup> with funds relinquished to the City’s General Fund for this purpose from the discretionary Council Office Budget of Councilmembers Kesarwani, O’Keefe, and Lunaparra and Mayor Ishii and any other Councilmembers who would like to contribute.

**BACKGROUND**

The Urban Compassion Project is a non-profit entity that supports communities in need by providing mutual aid, linking homeless individuals to critical services and clearing illegally dumped waste and debris on impacted streets as a volunteer service. These efforts are provided to cities and communities at no cost. The money relinquished from Council Office budgets will be a donation to recognize the value of this organization’s work and support its mission with the hopes of fostering a continued partnership with the City of Berkeley. On November 8, 2025 the Urban Compassion Project hosted a cleanup event at Eighth and Harrison Street, which cleared 24,000 pounds of debris with the help of 60 volunteers as well as homeless individuals.

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<sup>1</sup> The Urban Compassion Project (UCP) supports vulnerable communities in need by clearing illegally dumped waste, providing mutual aid and clearing tons of dumped trash from city streets. See: <https://urbancompassionproject.org/>

Despite significant City effort to provide services, shelter, motel rooms, and save RV parking, the Harrison Corridor has continued to experience the detrimental impacts of homelessness for a number of years. As is often the case, homeless encampments become sites for illegal dumping and a build-up of trash and debris due to a lack of sanitation resources. Despite the City's attempts to address the public health and safety concerns associated with the build-up of illegally dumped materials and debris, it does not have the capacity to devote enough resources to effectively manage the persistent conditions on Harrison Street. This problem has grown to such an extent that two-way traffic on Harrison Street is compromised. In addition to the health and safety impacts to those living on the street, this has significantly affected the businesses, non-profit organizations and artists along the Harrison Corridor and surrounding areas. Supporting the work of the Urban Compassion Project will help strengthen a partnership with this organization that could assist with improving other areas throughout the City in the future.

### **FISCAL IMPACTS**

No General Fund impact. \$1,000 is available from the budget discretionary accounts of Councilmember Kesarwani, O'Keefe, and Mayor Ishii and \$800 from Councilmember Lunaparra's office budget discretionary account.

### **ENVIRONMENTAL IMPACTS**

Clearing Harrison and surrounding streets of trash and debris alleviates detrimental health and safety impacts on encampment residents, businesses, and non-profit employees and prevents unsafe run-off from entering Codornices Creek during the rainy season.

### **CONTACT PERSON**

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

### **ATTACHMENT**

- 1) Resolution

RESOLUTION NO. ##,###-N.S.  
URBAN COMPASSION PROJECT HARRISON CORRIDOR CLEANUP

WHEREAS, The Urban Compassion Project is a local nonprofit entity that tackles the intertwined issues of homelessness, public health, and environmental degradation; and

WHEREAS, The Urban Compassion Project operates using a multifaceted approach that cleans and beautifies neighborhoods while fostering community cohesion and supporting individuals in their journey towards stability; and

WHEREAS, The Urban Compassion Project has been sponsoring weekly cleanups in Oakland and other cities engaging thousands of volunteers over time, both housed and unhoused, while removing over 2,400 tons of trash; and

WHEREAS, The Urban Compassion Project has already engaged with the unhoused residents living along the Harrison Street corridor who are eager to have assistance with cleaning the area; and

WHEREAS, The Urban Compassion Project has already cleaned the Harrison Street corridor on November 8, 2025 bringing 60 volunteer participants to assist in removing 24,000 pounds of trash and debris; and

WHEREAS, the City of Berkeley would like to support and continue partnering with this organization; and

WHEREAS, the provision of their services has fulfilled the municipal public purpose of providing outreach to very low-income vulnerable residents while simultaneously improving the public health and safety of the Harrison Street corridor.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budgets up to \$1,000 per office shall be granted to the Urban Compassion Project to cover the costs associated with the Harrison Street Cleanup event.





**BEN BARTLETT**  
CITY COUNCILMEMBER, DISTRICT 3

02a.22

CONSENT CALENDAR  
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Creations Berkeley – Black Joy Club Kwanzaa Toy Drive and Celebration on December 11, 2025 – Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Adopt a Resolution approving the expenditure of funds, including \$250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support the Black Joy Club's Kwanzaa Toy Drive and Celebration at Sylvia Mendez Elementary School on Wednesday, December 11, 2025. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

BACKGROUND:

On December 11, 2025, the Black Joy Club at Sylvia Mendez Elementary School, facilitated by Creations Berkeley, will host a Kwanzaa Celebration and Toy Drive inspired by the Kwanzaa principle of *Ujima*, Collective Work and Responsibility. The event will take place from 5:45 PM to 7:00 PM at Sylvia Mendez Elementary School, located at 2840 Ellsworth Street, room 107. The event underscores the program's commitment to empowering youth through meaningful community engagement.

The Black Joy Club provides a space to celebrate culture, build community, and develop leadership through creativity and service. Guided by Creations Berkeley, students decided to put the principle of *Ujima* into action by organizing a toy drive to bring joy to families in need during the holiday season.

At the celebration, students will present the collected gifts to the public as a gesture of unity and shared community care. The gifts will be distributed to local families in need, continuing the spirit of collective responsibility.

The Kwanzaa Celebration will include food, music, dance, and cultural sharing, emphasizing the values of unity, creativity, and cultural pride. The event showcases the leadership of Berkeley's youth and their ability to engage in meaningful civic service.

Creations Berkeley Media & Performing Arts, Inc., a Berkeley-based nonprofit organization, empowers historically underrepresented youth through accessible media literacy and performing arts education. Its programs, including *Lights, Camera, Action!* and *Creations Dance Group*, merge creative expression with leadership development, preparing young people for future opportunities in higher education and the creative economy.

The collaboration between Creations Berkeley and Sylvia Mendez Elementary School highlights the City's commitment to youth empowerment, cultural celebration, and community engagement.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

There is no General Fund impact; \$250 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

Councilmember Ben Bartlett  
James Chang  
Lara Zangana

bbartlett@cityofberkeley.info  
jchang@cityofberkeley.info  
(510) 981-7130

ATTACHMENTS:

1. Draft Resolution
2. Black Joy Presents Kwanza Celebration Toy Drive Flyers

Attachment 1:

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE  
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A  
DONATION TO CREATIONS BERKELEY IN SUPPORT OF THE BLACK JOY CLUB  
KWANZAA TOY DRIVE AND CELEBRATION

**WHEREAS**, Councilmember Ben Bartlett has funds in his office expenditure account,  
and

**WHEREAS**, Creations Berkeley Media and Performing Arts, Inc, a non-profit  
organization, will receive funds for \$250 from Councilmember Ben Bartlett's office  
expenditure account; and

**WHEREAS**, Creations Berkeley Media & Performing Arts, Inc., a nonprofit organization  
dedicated to empowering historically underrepresented youth through accessible media  
literacy and performing arts education, facilitates the Black Joy Club at Sylvia Mendez  
Elementary School; and

**WHEREAS**, the Black Joy Club has launched a Kwanzaa Toy Drive and Celebration  
inspired by the Kwanzaa principle of *Ujima*-Collective Work and Responsibility, to bring  
joy and support to local families in need during the holiday season; and

**WHEREAS**, this youth-led initiative connects students, community members, and civic  
leadership in an act of shared service, fostering cultural pride and civic engagement;  
and

**WHEREAS**, the provisions of such services fulfill the municipal public purpose of  
promoting youth empowerment, community well-being, and cultural education in the  
City of Berkeley;

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that  
funds relinquished by the Mayor and Councilmembers from their office budgets, of an  
amount to be determined by each Councilmember, shall be granted to Creations  
Berkeley Media & Performing Arts, Inc. in support of the Black Joy Club Kwanzaa Toy  
Drive and Celebration on December 11, 2025.

Attachment 2:

BLACK JOY CLUB PRESENTS

# KWANZAA

## Toy Drive

*Inspired by the Principal of:*  
**UJIMA**  
*Collective work and responsibility*

**DONATE NEW, UNWRAPPED TOYS AND HELP MAKE THE HOLIDAYS SPECIAL FOR NEEDY CHILDREN.**


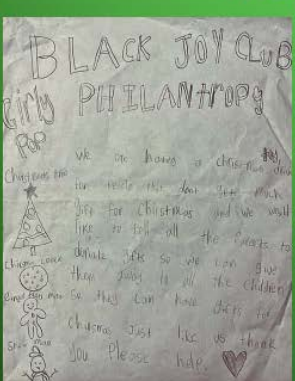
**DROP OFF POINT** Sylvia Mendez Elementary  
2840 Ellsworth St, RM 107

**BLACK JOY CLUB PHILANTHROPY**

*"We are having a Kwanzaa drive for People that dont get much gifts for Christmas and we would like to tell all the parents to donate gifts so we can give them away to all the children so they can have gifts for Christmas just like us. Thank you. Please help."*

**DONATIONS ACCEPTED FROM NOW UNTIL**

**THURSDAY, DECEMBER 11**

BLACK JOY CLUB PRESENTS


# KWANZAA CELEBRATION!

THURSDAY, DECEMBER 11

## Sylvia Mendez Elementary

5:45-7PM

*Come enjoy Kwanzaa with us!  
We warmly invite families to our celebration on December 11th,  
where we will enjoy food, music, dance, and more. Join in the  
celebration of community, culture, and togetherness!*



*Kwanzaa is a lively celebration honoring African heritage, taking place from December 26th to January 1st. Each day focuses on one of the Seven Principles, such as unity and self-determination. Immerse yourself in traditional music and dance, and don't miss the festive Karamu feast on December 31st, featuring delightful African-inspired dishes.*





**Berkeley City Councilmember**  
**Igor Tregub, District 4**  
2180 Milvia Street, 5th Floor  
Berkeley, CA 94704  
itregub@berkeleyca.gov

CONSENT CALENDAR

December 2, 2025

To: Honorable Mayor and Members of the City Council  
From: Councilmember Igor Tregub  
Subject: Budget Referral: FY26 AAO1 Downtown Berkeley  
Revitalization Projects

**RECOMMENDATION**

Refer the (1) Addison Catenary Lighting Project, (2) Oxford for All proposal, and (3) Harold Way Placemaking Project schematic design to the Fiscal Year 2026 (FY26) Annual Appropriations Ordinance #1 (AAO1), AAO2, or biennial budget process adoption,, as appropriate, to be funded through the Street and Open Space Improvement Plan (SOSIP) and/or Long-Range Development Plan (LRDP) Funds.

These projects are high-impact investments in Downtown Berkeley's ongoing revitalization. By transforming these key downtown spaces into safe, visually captivating, walkable destinations, these projects will encourage more residents, students, and visitors to explore local shops, restaurants, and cultural venues. These projects will highlight Berkeley's creative and transit-oriented character, inviting people to visit, linger, take photos, and share their experiences. As pedestrian and bike traffic increases, existing businesses will be encouraged to extend hours, host outdoor events, and new businesses will be encouraged to occupy vacant storefronts creating a positive cycle of growth and reinvestment that benefits the entire community.

Through public-private collaboration and thoughtful designs, these initiatives will transform Downtown Berkeley with a spirit of creativity, inclusivity, urban vibrancy, and transit safety-- a place where people want to gather, spend time, and contribute to the city's economic life.

## **FISCAL IMPACTS OF RECOMMENDATION**

The estimated costs for the three projects as proposed are as follows, in order of priority:

1. \$150,000 – Addison Street Catenary Lighting Project
2. \$2,500,000 – Oxford for All - design, engineering, and construction
3. \$250,000 – Harold Way Placemaking Project

Funds are available in both the SOSIP and LRDP funding streams to support all three requests. No use of General Funds is being proposed.

In addition, some staff time will be needed to administer funding from SOSIP and/or LRDP funds.

### **(1) Addison Catenary Lighting Project**

#### **BACKGROUND**

Addison Street is the heart of Berkeley’s Arts District and home to the majority of Berkeley’s arts institutions including the Berkeley Repertory Theatre, The Freight, and the California Jazz Conservatory, where many performances start and end in the dusk or complete darkness, especially in the fall and winter months.

Despite being a cultural and economic anchor, frequently visited by many, its streetscape lacks lighting, visual character, and design features that encourage extended evening activity.

Throughout the City we see examples of well and creatively lit streets, like “Lights on Fourth”<sup>1</sup> Street making it a warm, festive and welcoming destination where businesses are able to extend shopping and dining hours well into the evening attracting hundreds of visitors.

The opportunity exists to replicate this kind of creative lighting in Downtown Berkeley. The Downtown Berkeley Association (DBA) made this project one of their priorities and are leading a group of volunteer arts district community leaders and architects to work on this project *pro bono*.

#### **Proposed Elements Include:**

- **Bistro Lighting Installations<sup>2</sup>**

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<sup>1</sup> <https://www.berkeleyside.org/2023/11/09/around-berkeley-fourth-street-holiday-lights-san-francisco-symphony>

<sup>2</sup> Downtown Berkeley Addison Lights 2024 PDF (see attached)

- Seven sets of three light strands arranged perpendicular to the street
- Five feet between strands and 50 feet between sets
- Mounted approximately 20 feet high, to avoid a full canopy effect, maintaining an open streetscape
- **Tree Lighting Enhancements<sup>3</sup>**
  - Trees at the Addison and Shattuck and Addison and Milvia corners
  - LED lighting to enhance ambiance and safety
  - Seasonal flexibility for artistic variation and cultural celebration

## **CURRENT SITUATION AND ITS EFFECTS**

Despite frequent performances and events, the Addison Arts corridor lacks the visual cohesion and bright ambiance expected of Berkeley's Arts District, leading to low pedestrian activity during evening hours. The Addison Street Lighting and Ambiance Project can bring similar vitality to Downtown, showcasing the Berkeley Arts District as a place where people gather to experience culture, community, and creativity.

## **RATIONALE FOR RECOMMENDATION**

- **Lighting and Public Safety<sup>4</sup>**

Well-illuminated streetscapes support both real and perceived safety. Improved visibility allows pedestrians to better navigate the environment and assess traffic, while also reducing opportunities for disorder. When people feel safe, they are more likely to walk, stay longer, and participate in evening activities, which increases community presence and helps maintain a sense of shared stewardship in public space.
- **Cultural Identity and Place-Making**

Addison Street is the center of Berkeley's Arts District, where cultural institutions, performances, and community gatherings define the character of downtown. Thoughtful lighting can emphasize this identity by creating a welcoming and recognizable atmosphere. The project incorporates flexible design elements that can reflect seasonal and cultural moments and strengthen a shared sense of pride and belonging.
- **Economic Vitality and Evening Activation**

Cultural venues draw significant foot traffic, particularly in the evening. Lighting that supports comfort, visibility, and ambiance encourages visitors to spend more time in the district before and after events, benefiting nearby restaurants, cafes, and local shops. Increased evening presence supports

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<sup>3</sup> Downtown Berkeley Addison Lights 2024 PDF (see attached)

<sup>4</sup> Welsh and Ferrington, "Effects of Improved Street Lighting on Crime" <https://www.ojp.gov/ncjrs/virtual-library/abstracts/effects-improved-street-lighting-crime>

small businesses, encourages extended hours, and contributes to a more vibrant and inviting downtown.

- **Pedestrian Experience and Accessibility<sup>5</sup>**

Lighting is a core component of pedestrian-friendly design. National research shows that most severe pedestrian collisions occur in dark conditions. Enhancing lighting along Addison Street will improve visibility for both pedestrians and drivers, making it easier and safer for people to move through the corridor, especially during fall and winter months when many performances occur at dusk or after nightfall.

## **ENVIRONMENTAL SUSTAINABILITY**

Enhanced pedestrian lighting increases both safety and comfort, making it easier for people to navigate Downtown in the evening without relying on automobiles. The project's focus on durable, energy-efficient LED lighting ensures long-term sustainability with minimal maintenance and low energy consumption.

Additionally, the lighting design will complement Vision Zero<sup>6</sup> initiatives by improving visibility for all users, including cyclists and pedestrians, while strengthening the sense of place that supports a thriving, mixed-use urban core. The project's proximity to BART, AC Transit, and major bicycle routes amplifies its impact, fostering a more connected and environmentally responsible Downtown that aligns with the City's broader Climate Action Plan<sup>7</sup> and equity-focused sustainability framework.

## **(2) Oxford For All<sup>8</sup>**

### **BACKGROUND**

This item intends to reaffirm the Oxford for All Referral approved by the City Council on June 3, 2025. The \$400,000 was originally referred to the June budget process (FY26 Mid-Biennial Update) for a quick-build. Per City Manager the full amount for the project completion, which is approximately \$2,500,000, should be re-referred to non-General Fund funding sources (e.g., LRDP, SOSIP), as available and applicable to provide the City of Berkeley Public Works Department with necessary funds to support design, engineering, and construction costs for the project.

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<sup>5</sup> <https://www.nhtsa.gov/book/countermeasures-that-work/pedestrian-safety>

<sup>6</sup> <https://berkeleyca.gov/your-government/our-work/adopted-plans/vision-zero-action-plan>

<sup>7</sup> <https://berkeleyca.gov/your-government/our-work/adopted-plans/berkeley-climate-action-plan>

<sup>8</sup> <https://berkeleyca.gov/sites/default/files/documents/2025-06-03%20Item%2024%20Referral%20Oxford%20for%20All.pdf>

Improving safety on Oxford Street and Fulton Street is especially important at this moment. In the next decade, many significant developments are planned along the Oxford corridor that could dramatically affect transportation, development, urban design, housing, potentially land values/affordability and more. The University of California is planning to redevelop and expand University Hall at Oxford and University and is planning a student housing project at Fulton and Bancroft that will contain an estimated 1625 beds.<sup>9</sup> Anchor House, between University and Hearst on Oxford has already come online with 772 new beds for transfer students.<sup>10</sup> Additionally, a 17-story, 283-unit private mixed use development called The Hub will be built at the intersection of Oxford Street and Center Street.<sup>11</sup> Nearby on Hearst Avenue, the entirely new College of Data and Society Gateway building is currently under construction.<sup>12</sup> Beyond these projects, many substantial projects are planned on adjacent streets. These new developments will spur new transportation demand for safe bicycle and pedestrian infrastructure.

### **RATIONALE FOR RECOMMENDATION**

This referral builds on prior work and recognizes the urgent need to address traffic safety on Oxford Street with proven infrastructural solutions. Full build-out of Oxford for All will result in cost savings in the long run.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

Berkeley's 2019 Greenhouse Gas Inventory found that 60 percent of emissions in the City come from transportation sources, predominantly private vehicles. Building connected, safe active transportation facilities is one of the most effective ways Berkeley can reduce its largest source of greenhouse gas emissions. Oxford St. and Fulton St. next to campus are highly interconnected to other nearby streets that have already received bicycle and pedestrian safety improvements, such as Bancroft Way, Oxford Street, and Fulton Street south of Bancroft Way. Because this project would close a key gap in Berkeley's bicycle network, its impacts in reducing greenhouse gas emissions would be particularly high.

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<sup>9</sup> <https://capitalstrategies.berkeley.edu/Bancroft-Fulton>

<sup>10</sup> <https://studenthousingbusiness.com/uc-berkeley-completes-772-bed-residence-hall-for-transfer-students/>

<sup>11</sup> <https://berkeleyca.gov/sites/default/files/2022-04/4-The-HUB-Applicant-Statement-01-20-22-2128-Oxford.pdf>

<sup>12</sup> <https://capitalstrategies.berkeley.edu/gateway>

### **(3) Harold Way Placemaking Project**

#### **BACKGROUND**

In 2022, the DBA, in partnership with Berkeley Design Advocates (BDA), designed the Harold Way Placemaking Project Schematic Design. The DBA and BDA received input from neighbors, nearby property owners, City staff, and Councilmembers in the development of this concept.

The Harold Way Placemaking Project has long been envisioned as a key opportunity site for Downtown Berkeley, anchored between the Berkeley Public Library and YMCA. Historic buildings such as Dharma College and the Mangalam Center provide additional architectural and cultural character to this cityscape. The area presents a transformative opportunity to create a vibrant pedestrian-oriented open space.

In the past, Harold Way was the site for several community events including the Dia De Los Muertos celebration, Harold Way Pumpkin Patch, Asian Cultural Festival, Lunar New Year Celebration, and Berkeley Bliss Silent Disco.

#### **CURRENT SITUATION AND ITS EFFECTS**

Downtown Berkeley is rapidly evolving as a mixed-use, pedestrian-friendly district with a growing residential population and increased public activity. Harold Way exists between the bustling BART Plaza and the quieter institutional and residential spaces. The one-block street is nestled between the Berkeley Public Library Central Branch and the Downtown Berkeley YMCA, and just around the corner from Berkeley High School.

Creating an attractive, safe, and flexible open space here aligns directly with the community's goals for enhanced placemaking, pedestrian safety, and sustainability. Being just one block long, Harold Way is not a major thoroughway for vehicular traffic, making this an ideal place for creating a pedestrian hub with inviting features such as trees, seating areas, and a public restroom.

#### **RATIONALE FOR RECOMMENDATION**

The Harold Way Placemaking Project fulfills several primary objectives of the Streets and Open Space Improvement Plan (SOSIP):<sup>13</sup>

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<sup>13</sup> [Downtown-Streets-and-Open-Space-Improvement-Plan.pdf](#)

- **Placemaking:** Create an attractive, memorable public environment that reinforces Downtown Berkeley as a destination.
- **Public Life:** Encourage social, cultural, and business activity in the heart of the city.
- **Health & Comfort:** Provide safe, attractive, and comfortable spaces for pedestrians and cyclists.
- **Access:** Enhance multimodal connectivity and universal accessibility.
- **Sustainability:** Support Berkeley’s climate and resilience goals by promoting walkability and green design.

This schematic design phase is a critical next step toward delivering a shovel-ready project, positioning the City for future state, federal, and private grant opportunities to fund construction.

### **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

According to the Climate Action Plan and Resilience Update,<sup>14</sup> the transportation sector accounts for 46% of the City of Berkeley greenhouse gas emissions. Every effort to make communities safe and inviting for pedestrians contributes to the reduction of Vehicle Miles Traveled and, therefore, aids in decarbonization and overtime amounts to tangible sustainability impacts.

### **CONTACT PERSON**

Councilmember Igor Tregub, Council District 4  
510-981-7140  
[ltregub@berkeleyca.gov](mailto:ltregub@berkeleyca.gov)

Olga Bolotina, Chief of Staff, Council District 4  
[obolotina@berkeleyca.gov](mailto:obolotina@berkeleyca.gov)

Amy Johnson, Legislative Aide, Council District 4  
[amjohnson@berkeleyca.gov](mailto:amjohnson@berkeleyca.gov)

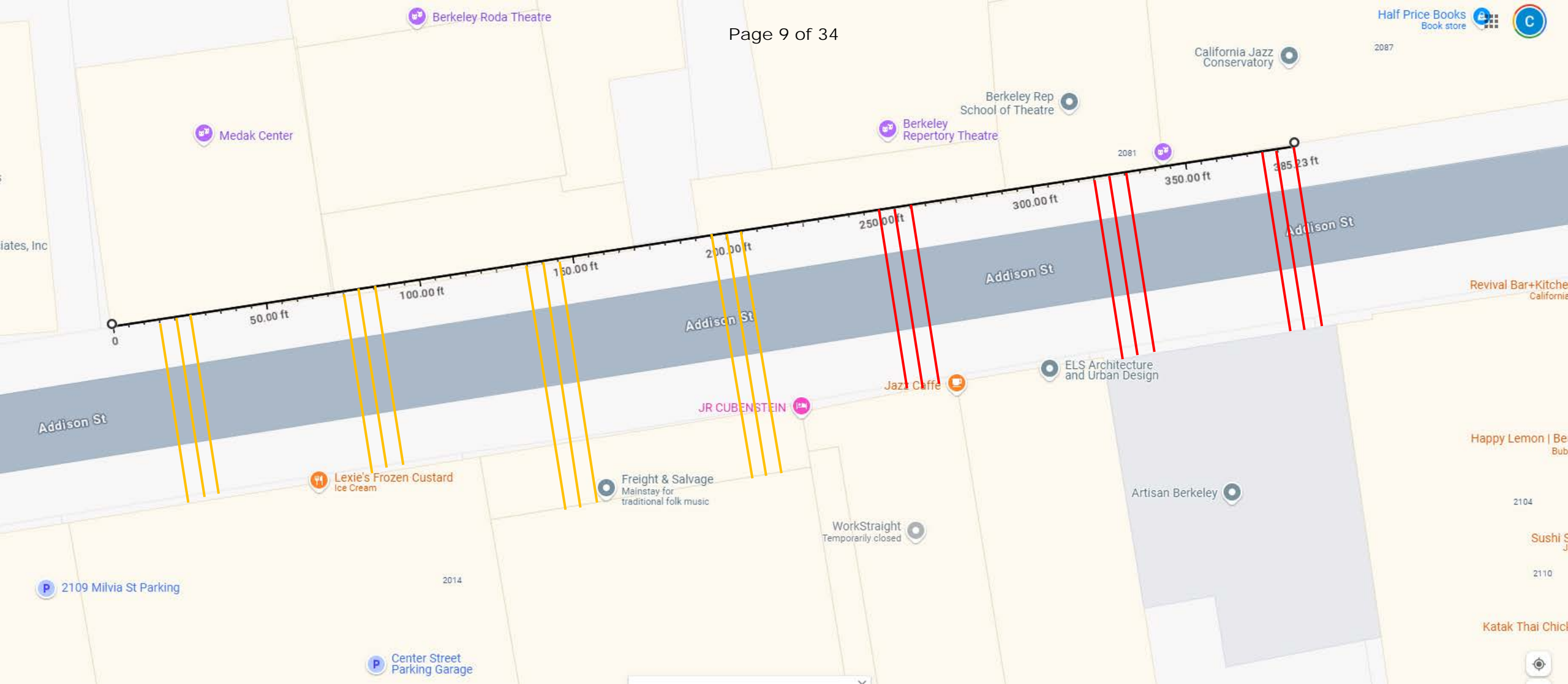
Shamaila Ahmed, Legislative Aide, Council District 4  
[sahmed@berkeleyca.gov](mailto:sahmed@berkeleyca.gov)

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<sup>14</sup> Climate Action Plan and Resilience Update:  
<https://berkeleyca.gov/sites/default/files/documents/2022-11-29%20Item%2016%20Climate%20Action%20Plan.pdf>

Attachments:

1. Downtown Berkeley Addison Lights 2024
2. Harold Way Placemaking Project Workshop Report & Initial Options 7/04/2022



Bistros perpendicular to street:

- 7 sets of 3 strands:
  - Phase 1 in yellow
  - Phase 2 in red
- 5' between strands
- Approx 50' between sets
- 20' high

# HAROLD WAY PLACEMAKING PROJECT

WORKSHOP REPORT  
04/25/2022 DRAFT



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historical context 4

urban context 3

how big is Harold Way? 4

opportunities 5

housing proposals 6

conversations 7

concepts

background

ideas



# introduction

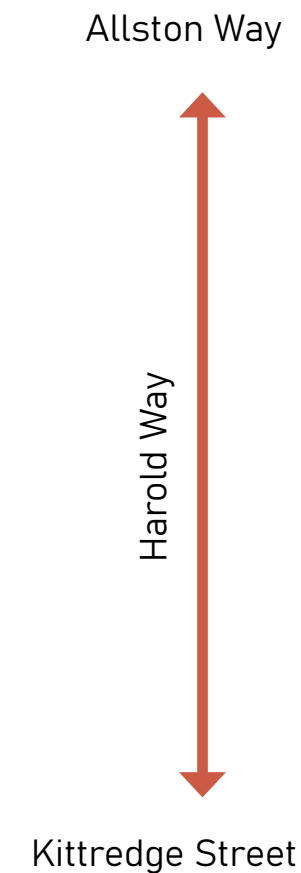
Harold Way is just one block long connecting Kittredge Street and Allston Way in Downtown Berkeley. It is centrally located to a number of Downtown Berkeley's star attractions such as the City Library, YMCA, Civic Center, the offices, shops and restaurants on Shattuck Avenue, Berkeley High School, Downtown Berkeley Bart Station, and the Downtown Bart Plaza. Demonstrated through temporary closures to vehicular traffic, Harold Way can be pedestrianized presenting a **valuable new public space opportunity in the downtown.**

Beyond its worn asphalt and narrow sidewalks, Harold Way can be reimagined as a rich and exciting public open space destination for gathering, festivals, recreation, or simply a safe place to enjoy a conversation with friends and family.

**The Harold Way Place-Making Project** was initiated to brainstorm with the community, what kind of place Harold Way could become.



Little need for vehicular traffic opens an opportunity to convert the entire street for pedestrian uses.





**background**

# historical context

Historically, Harold Way's primary purpose was to provide service access for commercial uses fronting Shattuck Avenue and Allston Way. These commercial tenants included the Former J.F. Hinks department store, Shattuck Hotel, as well as many small shops and restaurants. Harold Way also provided access to a service garage for the Post Office on the western half of the block.

Today the former J.F. Hinks Department Store was been repurposed as Landmark's Shattuck Cinemas, and Dharma College now owns all three properties on the west side of the street. Proposals for two new housing projects have been made recently for the site of the Post Office service garage, and the former J.F. Hinks department store.

The redevelopment of these two sites is indicative of a larger national trend where downtowns are diversifying land uses to create more residential opportunities in the downtown core convenient to shopping and transit.



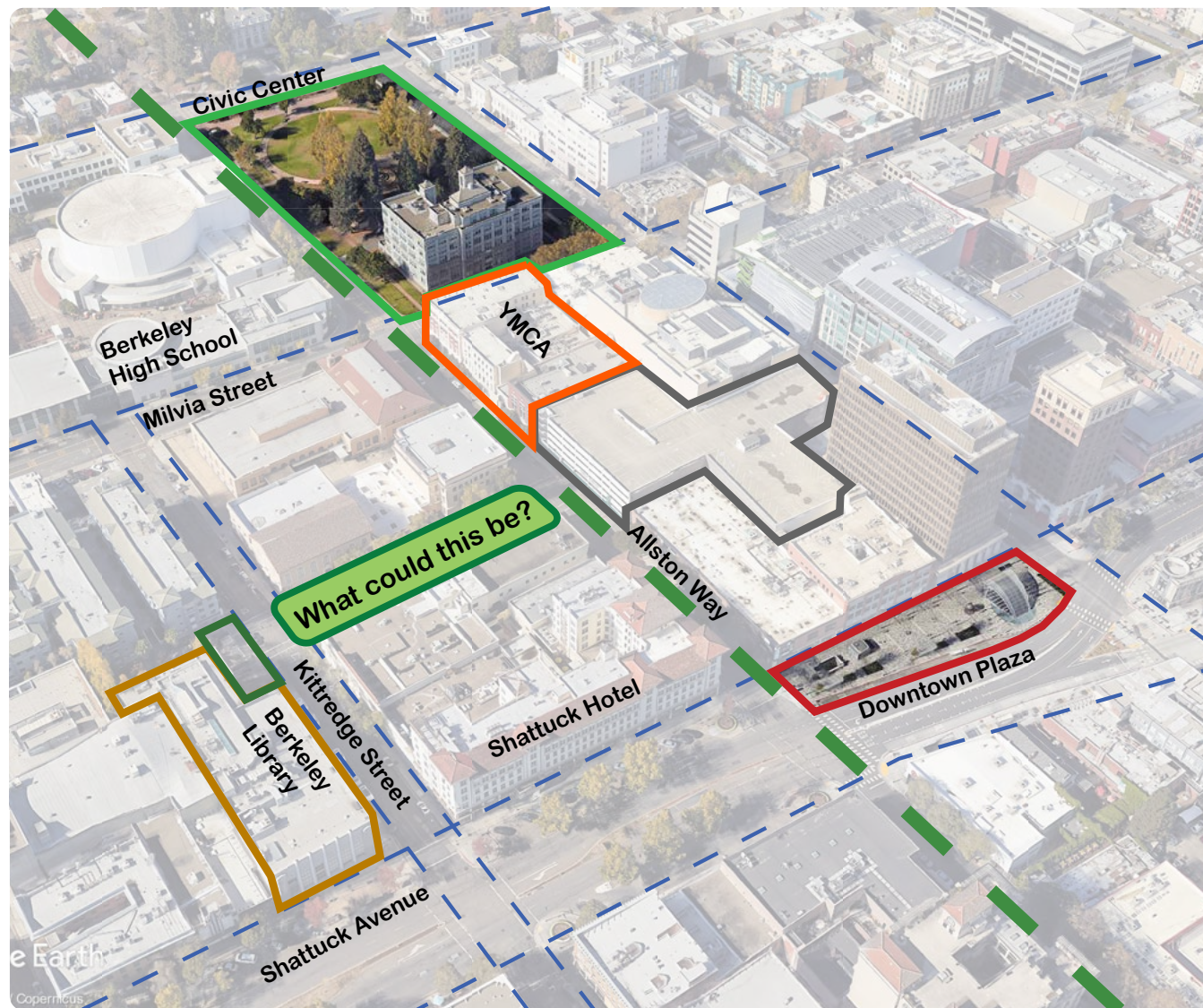
Downtown Berkeley prior to the extension of Kittredge Street and the creation of Harold Way.



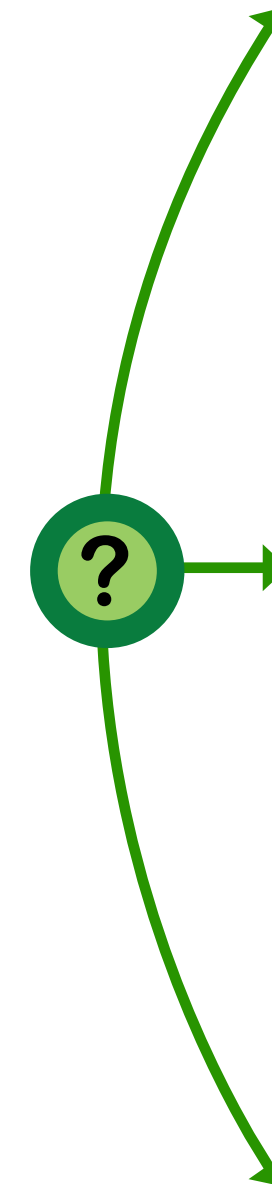
Dharma College is now located in the former Armstrong Business School Building

# urban context

Downtown Berkeley has a rich variety of public open spaces including Civic Center, Downtown Plaza, the Addison Arts district, Shattuck Avenue, and the nearby West Circle at UC Berkeley. Distinctly missing however are public spaces not fronting major streets with significant traffic. In contrast, Harold Way is distinctly quiet, and halfway between the downtown retail corridor and Civic Center. There is an opportunity to create a new kind of public open space in Berkeley, perhaps quieter, calming, and more locally oriented to downtown residents.



Little need for vehicular traffic opens an opportunity to convert the entire street for pedestrian uses.



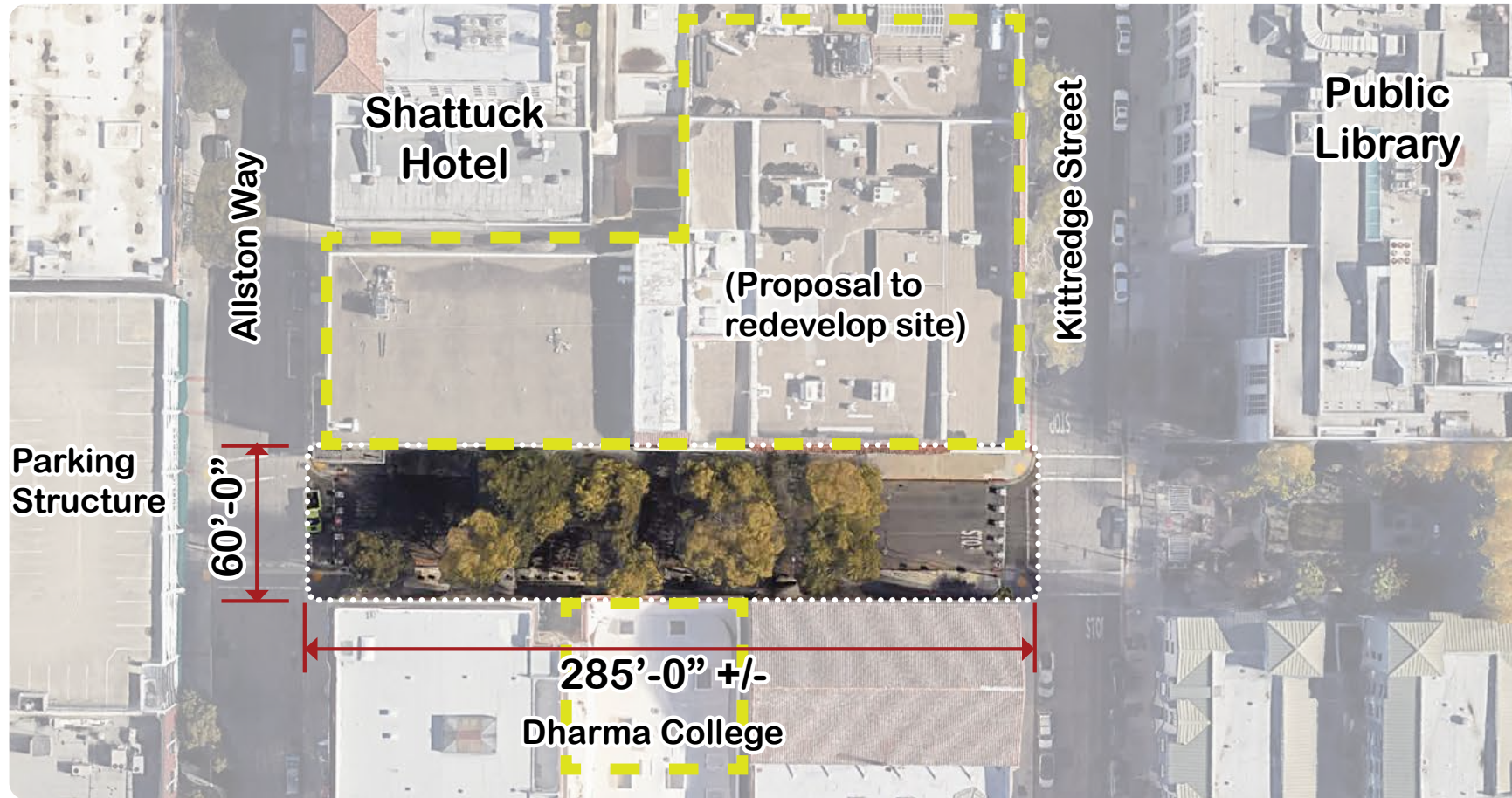
What kind of destination does downtown need?

How can it relate and support other attractions? Civic Center, Library, Downtown Plaza?

What amenities are missing downtown?



# how big is Harold Way?



What elements make a plaza more comfortable to spend time?

How flexible should the space be?

What kind of activities might be ideal for a space of this size and proportion?

How are challenges such as homelessness addressed?



A comparable pedestrianized street is the popular Mint Plaza in downtown San Francisco, providing a useful pedestrian connectivity as well as a place for events and gathering.



# opportunities

With the increasing desire amongst many communities to reconsider how streets are designed and who they serve, new examples of creative place-making are emerging in more and more urban areas. Below are a number of examples demonstrating ideas that span a spectrum from minimal to extensive interventions in the design of the streets and useable public open space. In all four cases the design of the street creates a memorable sense of place and enhances the quality of life for workers, tourists, and residents alike.



Arbour Blocks in Seattle, Washington is a richly designed street prioritizing the pedestrian.

credit: Lara Swimmer



Bradley Ave. Plaza and Green Alley, LA

credit: BUILD SF



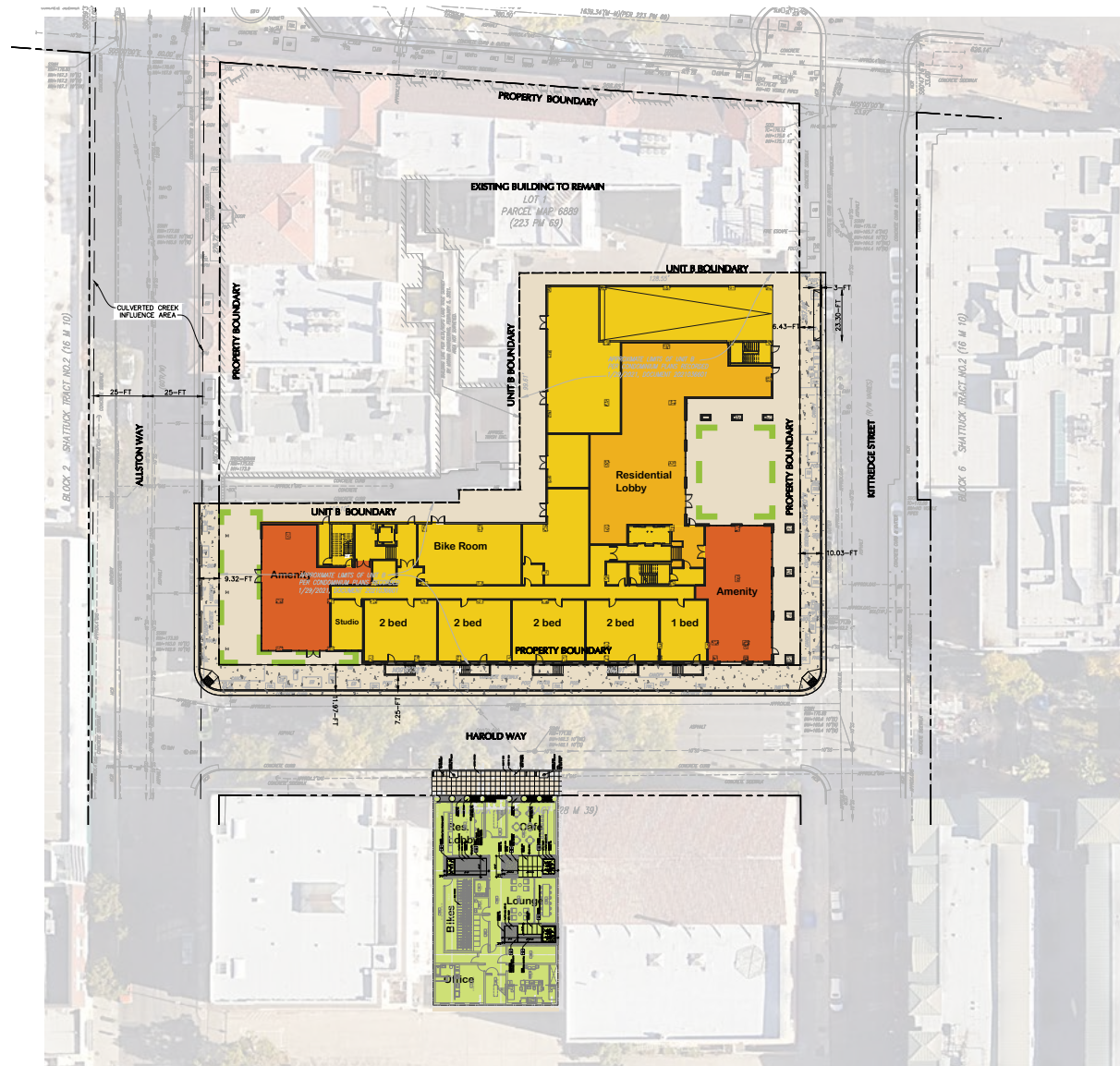
Linden Alley, San Francisco



Bell Street, Seattle

# in planning

Two projects that are currently in Planning with the City of Berkeley are 2065 Kittredge Street and 2210 Harold Way. 2065 Kittredge Street is proposed to replace the former department store / Landmark Shattuck Cinemas with 188 residential units, and 3,600 sf of retail space on the ground floor. 2210 Harold Way is proposing 36 apartments over a ground level lobby and small cafe.



2065 Kittredge Street: Corner of Allston Way and Harold Way

Arbour Blocks in Seattle, Washington is a richly designed street prioritizing the pedestrian.



2210 Harold Way

# ideas



# conversations

Quote from Mayor



# conversations

Ideas captured during the charette expressed great imagination and excitement for how a new public space in Berkeley could showcase the community's appreciation and wealth of culture, arts, food, and diversity.

AUDIENCE  
 high schoolers  
 library patrons  
 Y members.  
 local residents  
 in Downtown.

CULTURE  
 art  
 murals.  
 movies - at night.  
 cool backdrops  
 for instagramming  
 shots + selfies  
 books  
 author events.  
 Berkeley history  
 photography/

PAIN POINTS.  
 access to restrooms  
 clean / filtered  
 drinking water.  
 safe place to sit  
 no good local grocery  
 (aside from weekend  
 farmers mkt)

INSPO.  
 Tel Aviv.  
 greenways w/  
 juice bars  
 Paris - along  
 the river.  
 NY - High Line.

granite surface. free little  
PHYSICAL libraries  
 Lighting - atmospheric  
 plants / community  
 garden  
 tables / chairs for  
 enjoying food.  
 commercial kitchen  
 games - chess,  
 corn hole  
 bocce  
 basketball?  
 1/2 court.  
 parking. nfi  
 restroom / water.

FOOD.  
 invite local vendors  
 food trucks.  
mini-farmers mkt.

MARKETING,  
 dedicated.  
 social media  
 outreach.  
 posters in downtown  
 content  
 created by youth.  
 banners on Harold  
 way + surround  
 streets. (like Mexican  
 park / picado)

PROGRAMMING  
 exercise  
 partnerships with  
 Berkeley Historical  
 Society.  
 chalk festival.  
 BAM / PFA.  
 music. book groups  
 FBI Nights - ~~at~~ s/ten  
 Telegraph Ave. ch/ten  
 Oakland Museum.

HUMOR.  
 ie. piano crosswalk  
 shadow play  
 (exploratory)

# conversations

The Berkeley community has a deep and generous talent pool ready to offer world class thinking on design, social, cultural, and economic issues facing a re-imagined Harold Way.

Following a short presentation, participants developed sketches, discussed issues, precedents and shared their thoughts.



# conversations

The Berkeley community has a deep and generous talent pool ready to offer world class thinking on design, social, cultural, and economic issues facing a re-imagined Harold Way.

Following a short presentation, participants developed sketches, discussed issues, precedents and shared their thoughts.

SAN RAFAEL  
CHALK ARTIST  
EVENT  
SALESFORCE  
PARK - EVENTS  
TALKS

The openness of  
the space allows  
for large gatherings  
Such as Asian festival.  
How can we preserve  
the openness of the  
space

YMCA - COOL  
OUTDOOR EXERCISE  
- COOL CURATED  
EXERCISE  
- ABLE TO CHANGE

TRELLIS GIVES  
RES. NEIGHBORS  
ABOVE SOME  
FILTERING  
FROM ACTIVITY/  
NOISES

NICE TO  
HAVE A WATER  
FEATURE  
(ROSE GARDEN)  
FISH/FROGS/  
PEACEFUL GARDEN

A PLACE TO  
WALK TO IN THE  
EVENING, HANG  
OUT, CHIT CHAT.  
REGULAR SCHED.  
PERFORMANCE

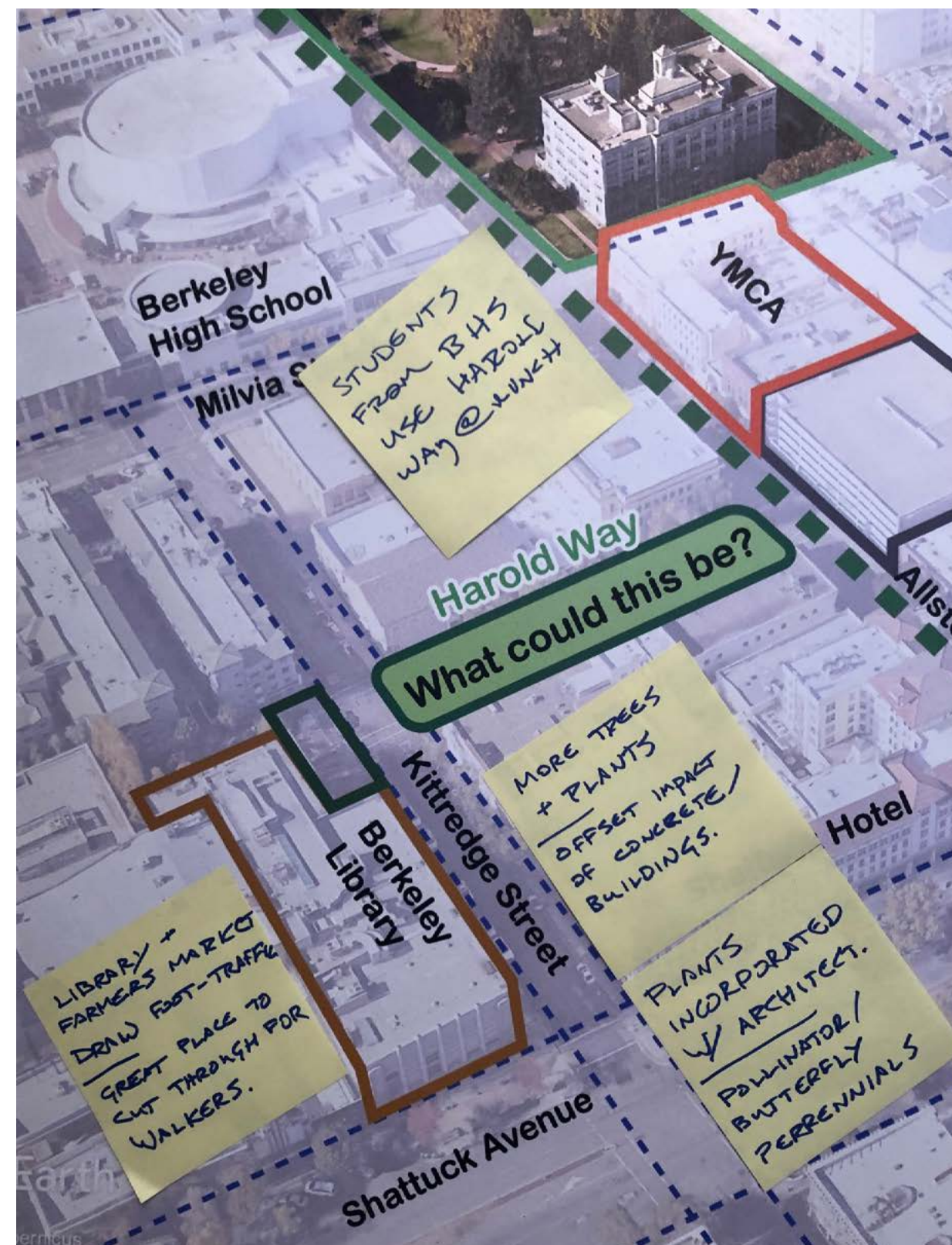
BRING ARTS +  
CULTURE OUT  
INTO THE STREETS  
- HISTORIC SOCIETY  
- BAMPHA EXP.  
CELEBRATE

This event had  
mostly white men.  
Plans to capture  
input from families  
and poe.?

Can this space  
speak to/  
connect to  
other public  
spaces in downtown  
(current + future)?

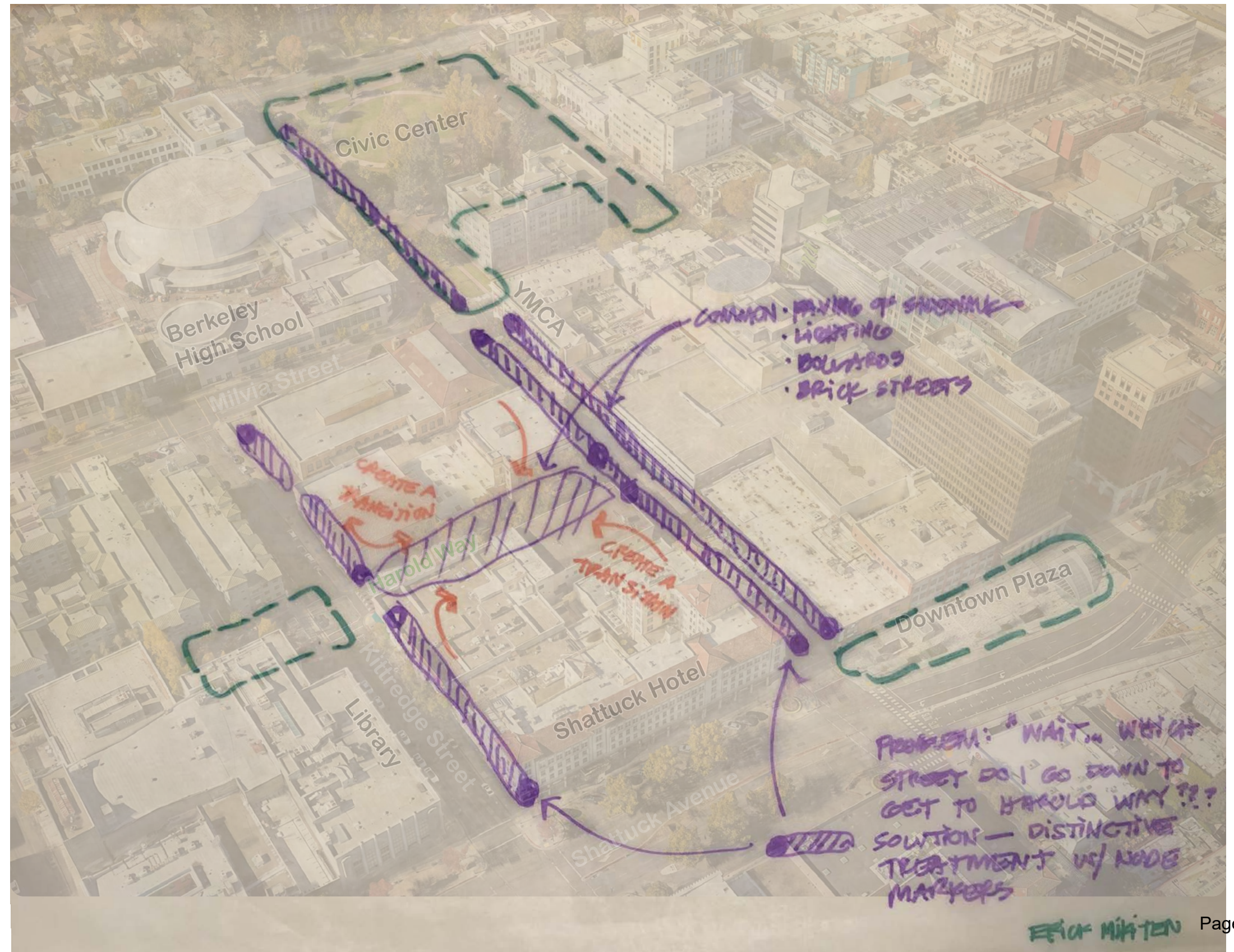
is Harold  
NO NEED FOR  
CARS -  
CHALLENGES  
NUISANCE BEHAV.  
FULL TIME RES.  
ON A BENCH.

281'-0" +/-



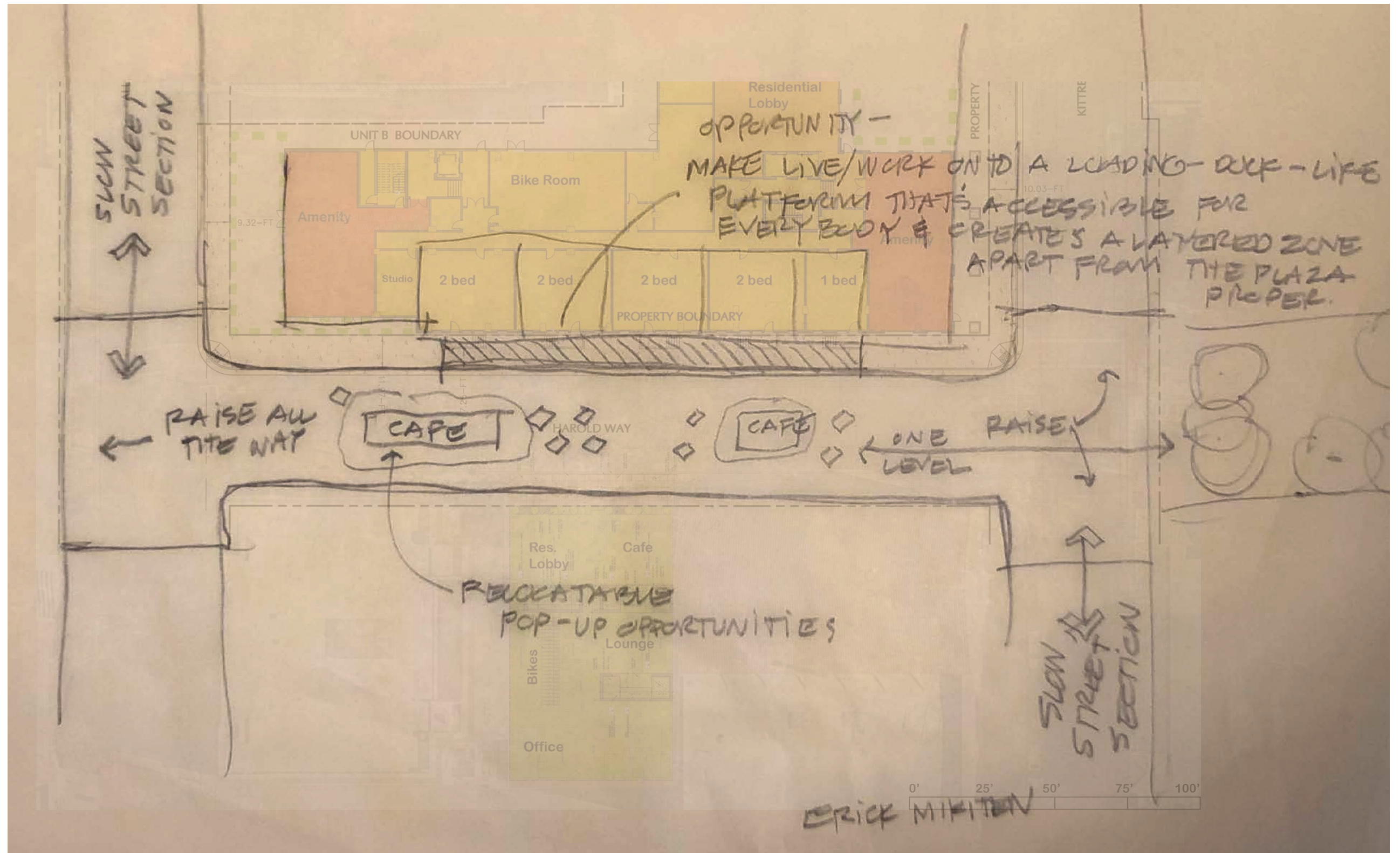
# sketch concepts

Bullet Points



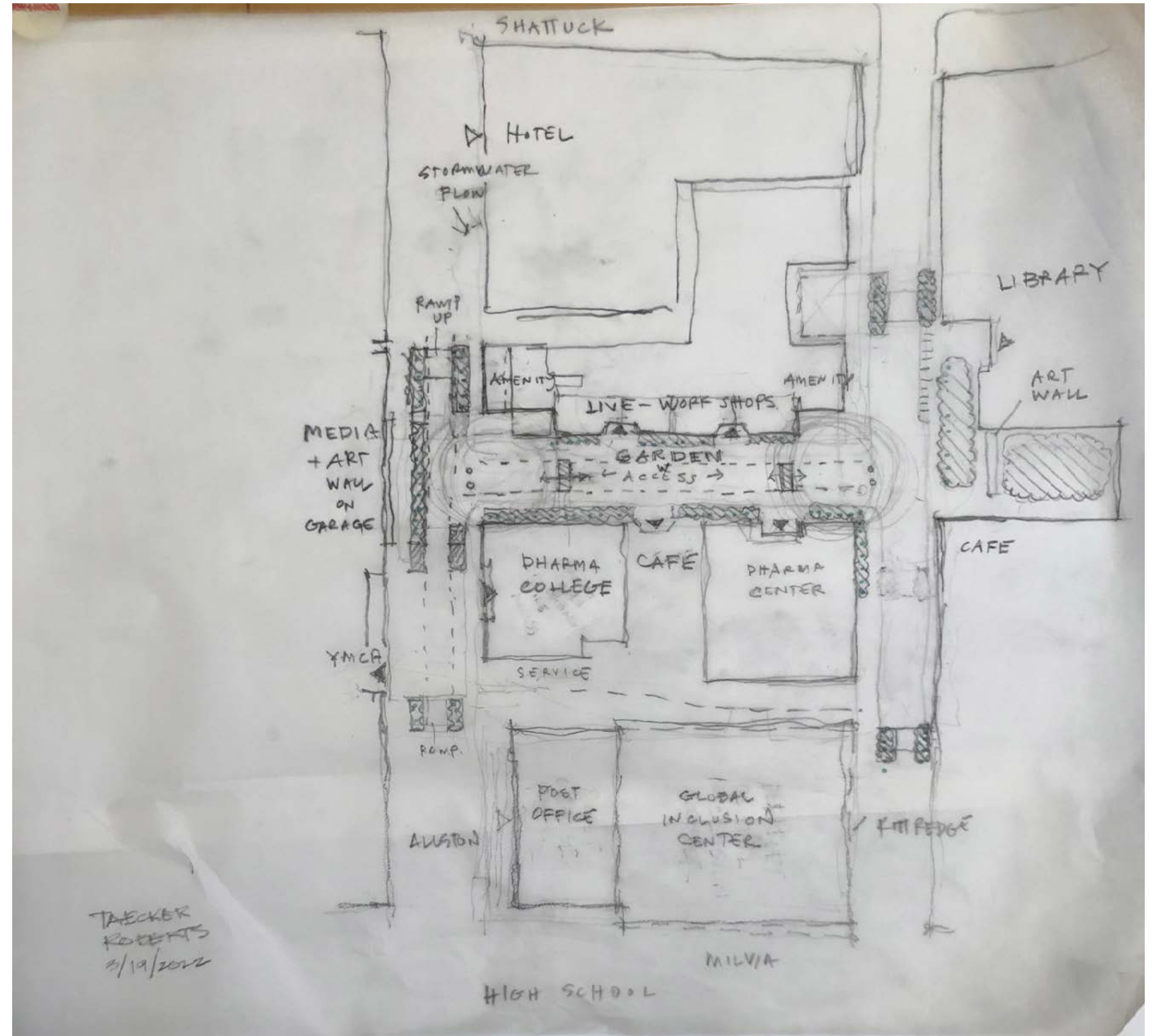
# sketch concepts

Bullet Points



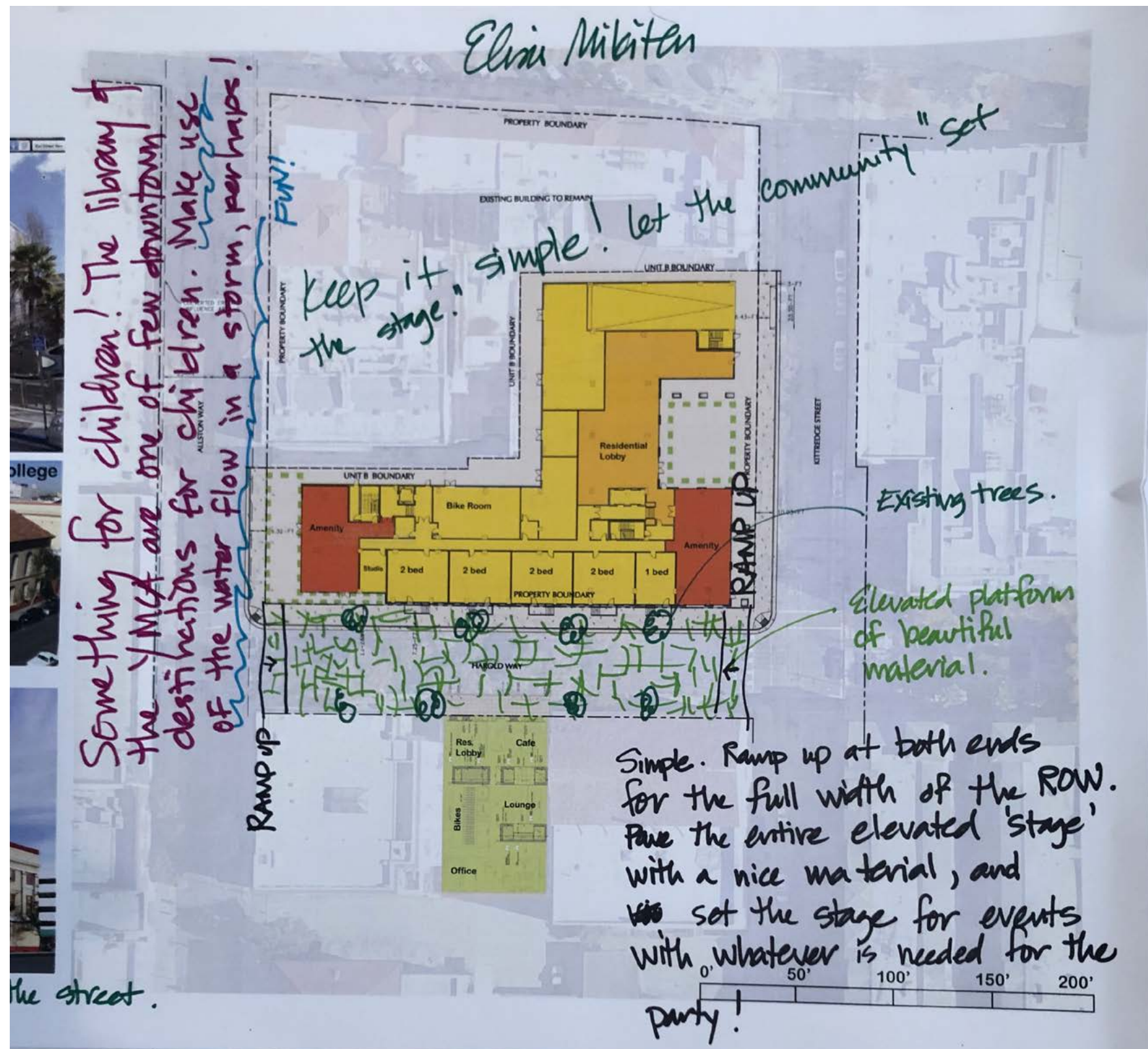
# sketch concepts

Bullet Points



# sketch concepts

Bullet Points



# sketch concepts

Bullet Points

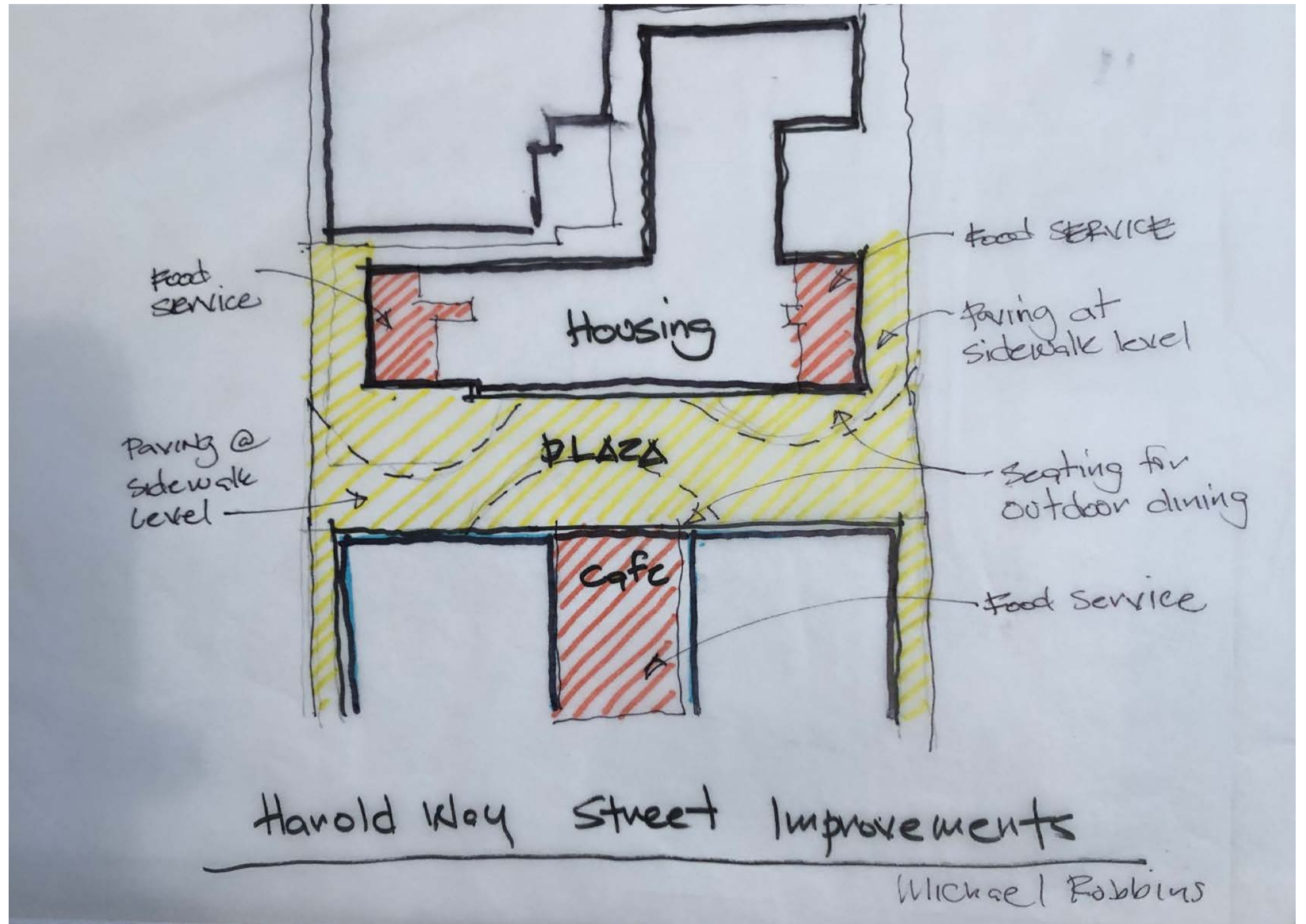


How can landscape, hardscape, art enhance the experience of Harold Way?



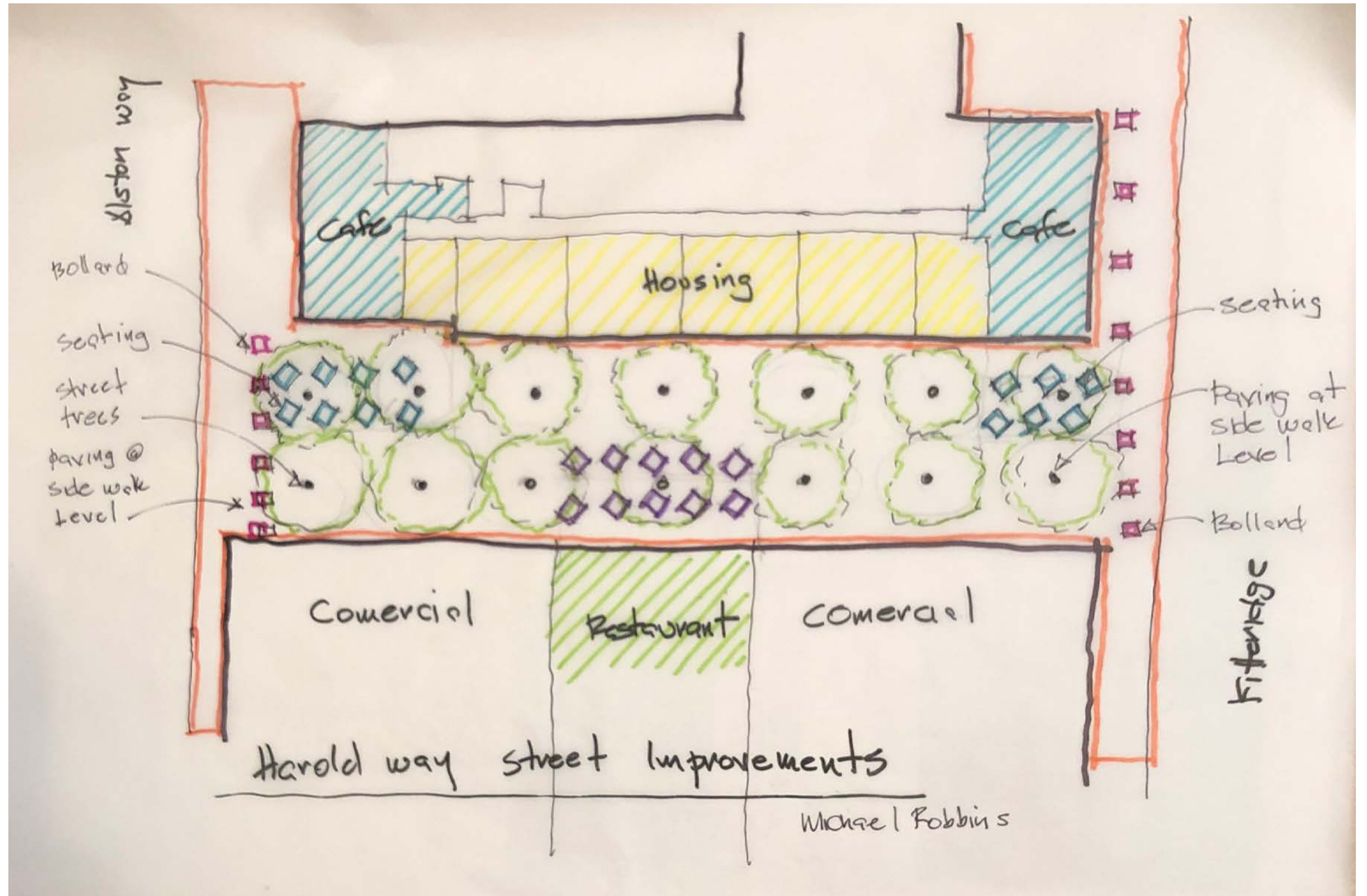
# sketch concepts

Bullet Points



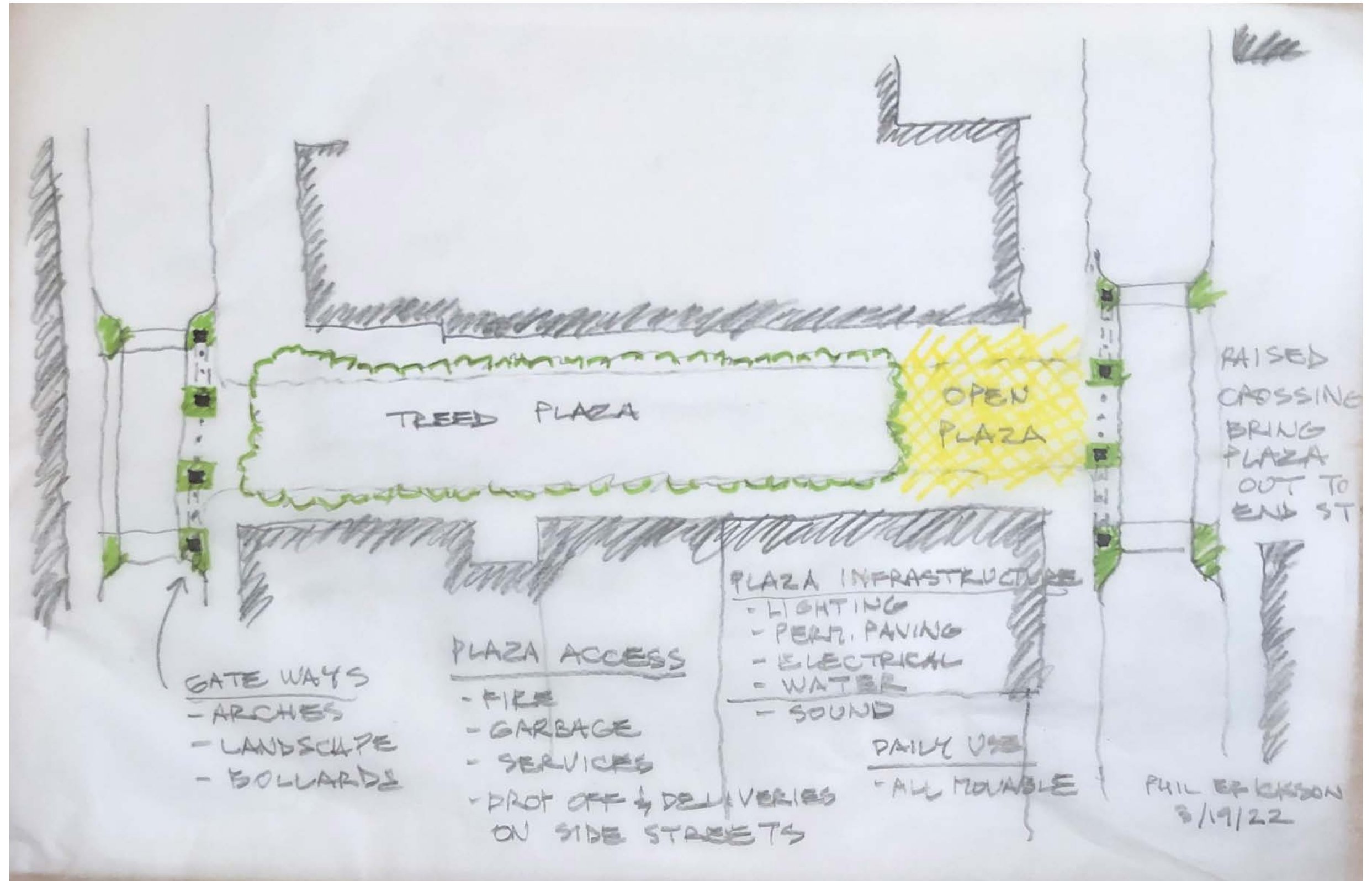
# sketch concepts

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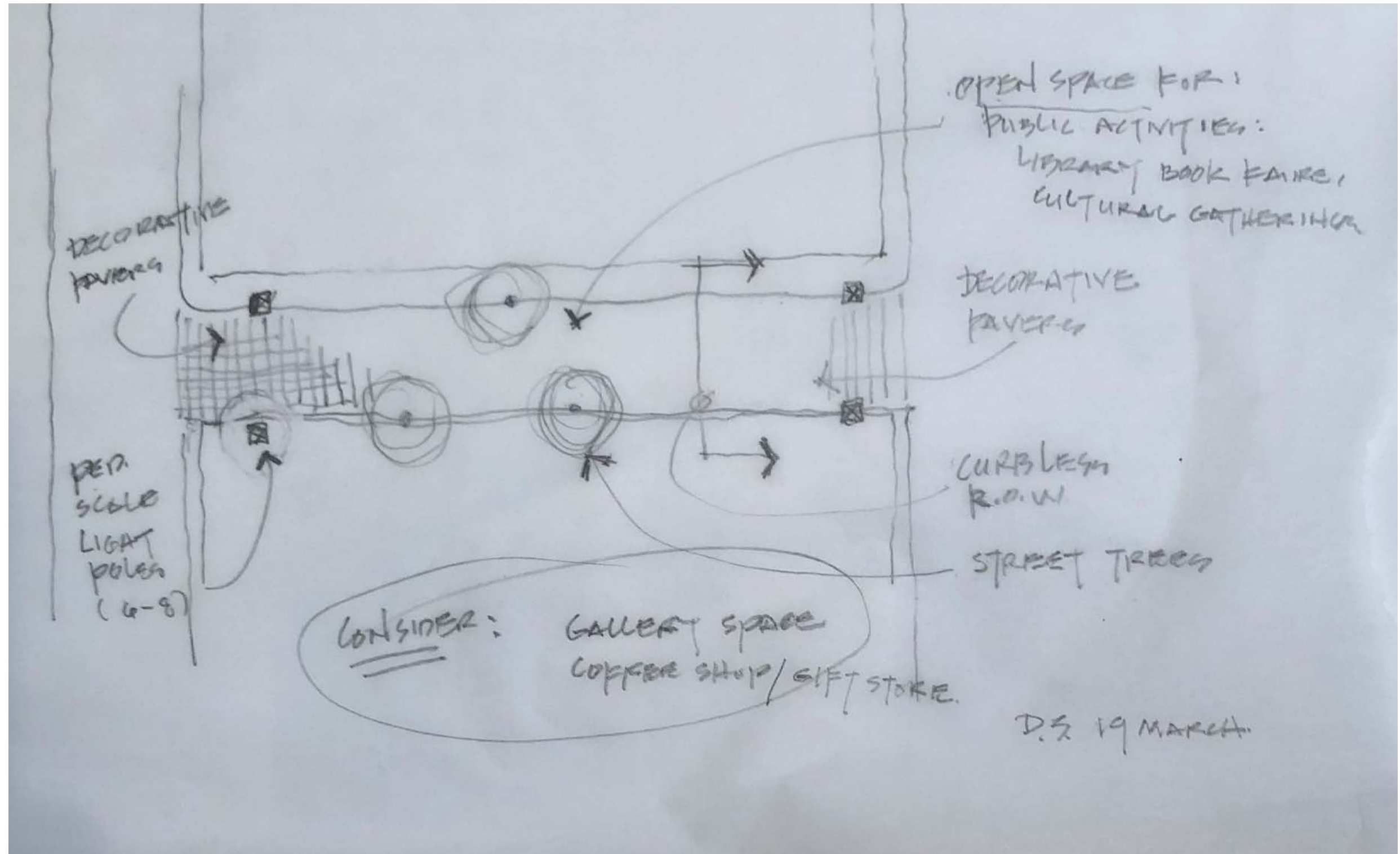
# sketch concepts

Bullet Points



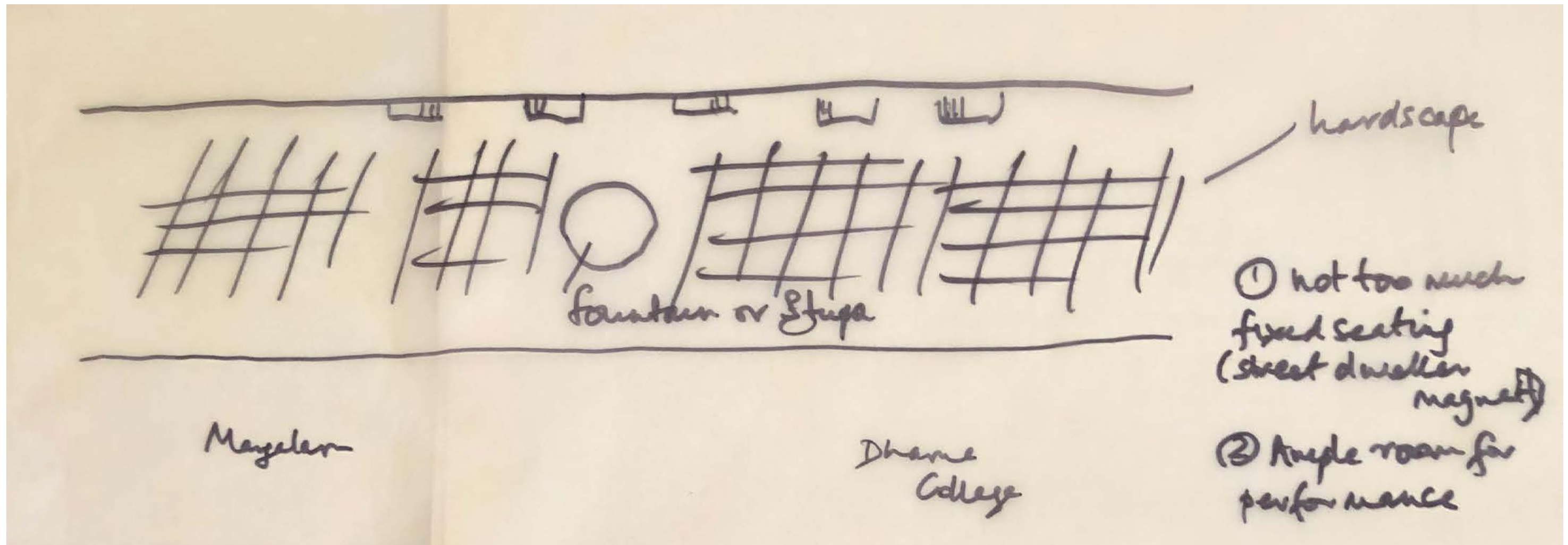
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# Synthesis



CONSENT CALENDAR

December 2, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (author), Mayor Ishii (co-sponsor),  
Councilmember Tregub (co-sponsor), Councilmember  
O'Keefe (co-sponsor)

Subject: Berkeley Symphony Orchestra Winter Promenade:  
Relinquishment of Council Office Budget Funds to General  
Fund and Grant of Such Funds

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Lunaparra's discretionary fund and funds from any other Councilmembers who would like to contribute to the Berkeley Symphony Orchestra (BSO) for their 2025 Winter Promenade fundraising event with funds relinquished to the City's general fund for this purpose.

BACKGROUND

The Berkeley Symphony Orchestra (BSO) will host its Winter Promenade fundraising event<sup>1</sup> on December 4, 2025, at Berkeley City Club, located in District 7. This event is the Symphony's major annual fundraising opportunity in 2025-26, helping to ensure continued community access to live, high-quality orchestral music that engages curiosity, imagination, and intellect.

Founded in 1971 by Thomas Rarick, Berkeley Symphony has earned a national reputation for artistic innovation, community connection, and educational impact. Known for adventurous programming, the Symphony presents major new works alongside fresh interpretations of classical repertoire, often collaborating with local artists and organizations to create performances that reflect the spirit and diversity of Berkeley. Through culturally relevant programming and creative partnerships, the orchestra brings together cross-sections of the community, expanding the traditional concert experience and redefining the role of a community-based symphony.

Each year, Berkeley Symphony presents a four-concert symphonic series and a four-concert chamber series in Berkeley and Piedmont, reaching an audience of approximately 2,600 people across the Bay Area. The Symphony employs over 200 musicians and teaching artists, providing stable, meaningful work for local arts professionals. Its programs blend symphonic music with dance, multimedia, and other art forms, creating accessible and engaging concert experiences that celebrate both innovation and tradition.

Beyond the concert hall, Berkeley Symphony extends its reach through free community performances at civic events such as Solano Stroll and the Front Row Festival. Partnerships with the Downtown Berkeley Association, Berkeley Public Library, and the

<sup>1</sup> [berkeleysymphony.org/event/winterpromenade](https://berkeleysymphony.org/event/winterpromenade)

Berkeley Art Museum and Pacific Film Archive allow the Symphony to offer inclusive programming for audiences of all ages, strengthening Berkeley's identity as a city that values creativity, collaboration, and public access to the arts.

Education is a cornerstone of Berkeley Symphony's mission. Its award-winning Music in the Schools program, founded in 1993 with the Berkeley Unified School District, serves more than 4,000 students annually through over 150 free engagements, including classroom visits, "Meet the Symphony" concerts, and "I'm a Performer!" side-by-side performance opportunities. Through initiatives such as Elevate, which offers targeted engagement for students of color, and Students at the Symphony, which gives free or discounted concert tickets to K–12 students and their families, Berkeley Symphony is proud to offer multiple pathways for lifelong musical enrichment.

### CURRENT SITUATION AND ITS EFFECTS

Berkeley Symphony has long been a cultural anchor for the city — a source of artistic excellence, education, and community connection. Yet, like many performing arts organizations nationwide, the Symphony now faces severe financial pressures that threaten its ability to continue serving the community at its current level.

In recent years, rising production costs, declining funding, and ongoing post-pandemic challenges have created a structural deficit of approximately \$500,000 annually. Temporary relief funds and extraordinary gifts have helped the Symphony sustain operations, but those one-time funds have run their course. Without new investment and community partnerships, Berkeley Symphony may be forced to reduce or suspend programs that have served residents for decades — from free community concerts to its award-winning Music in the Schools program.

The Winter Promenade is central to sustaining these efforts. As the Symphony's primary fundraising event for the 2025–26 season, it generates critical revenue that supports concerts, music education, and community engagement initiatives. Support from the City Council would not only help cover rising costs but also reaffirm the city's commitment to the arts, ensuring that Berkeley Symphony can continue to inspire, educate, and bring joy to residents for generations to come.

### FINANCIAL IMPLICATIONS

No General Fund impact. \$500 is available from the Councilmember's office budget discretionary account.

### ENVIRONMENTAL SUSTAINABILITY

No environmental impacts.

### ATTACHMENTS

1. Resolution

### CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170  
Jonah Gottlieb, Chief of Staff

RESOLUTION NO. ##,###-N.S.  
SUPPORT FOR THE BERKELEY SYMPHONY ORCHESTRA'S 2025 WINTER  
PROMENADE

WHEREAS, the Berkeley Symphony Orchestra (BSO), a registered 501c(3) organization, has earned a national reputation for artistic innovation, community connection, and educational impact; and

WHEREAS, the Winter Promenade, hosted by BSO on December 4th, 2025, is the Symphony's major annual fundraising opportunity in 2025-26, helping to ensure continued community access to live, high-quality orchestral music that engages curiosity, imagination, and intellect; and

WHEREAS, rising production costs, declining funding, and ongoing post-pandemic challenges have created a structural deficit of approximately \$500,000 annually, which may force them to reduce or suspend programs that have served residents for decades — from free community concerts to its award-winning Music in the Schools program; and

WHEREAS, Councilmember Lunaparra has surplus funds in her office expenditure account.

NOW THEREFORE, BE IT RESOLVED by the Berkeley City Council that up to \$500 relinquished by Councilmembers – including \$500 from Councilmember Lunaparra – shall be granted to the Berkeley Symphony Orchestra (BSO) for their 2025 Winter Promenade.





Housing Advisory Commission

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ACTION CALENDAR

December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Sarah Bell, Vice Chairperson, Housing Advisory Commission

Subject: Loan Modification Requests for Housing Trust Fund Projects at 1139 Hearst Avenue, 3253 Adeline Street, and 1471 Addison Street and Update Interest Rates and Accrued Interest on Housing Trust Fund Loans

RECOMMENDATION

Adopt a Resolution approving the following actions for Housing Trust Fund (HTF) loans and direct staff to examine the HTF administrative guidelines:

1. Extend Resources for Community Development's existing HTF loan for 1139 Hearst Avenue (Hearst Street Apartments) for five years and reduce the interest rate for the remaining term to 3% simple interest. The principal amount of \$916,000 will remain the same.
2. Combine South Berkeley Neighborhood Development Corporation's three HTF loans for 3253 Adeline Street (Lorin Station) into a new loan in the amount of \$1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Refinance existing HTF loan for 1471 Addison Street (Addison Court Housing Cooperative) into a new loan with a 55-year term and 3% simple interest. The principal amount of \$150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorize the City Manager or designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
5. Forgive the accrued interest as of the effective date of the new and/or amended loan for each new loan for Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative.
6. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

SUMMARY

The Housing Advisory Commission recommends modifying three Housing Trust Fund loans by reducing interest rates to 0-3%, extending terms to 55 years, and forgiving

\$2.8 million in accrued interest to prevent the loss of 57 affordable housing units. The modifications align unsustainable 1990s-era loan terms with current guidelines, establishing a framework for managing similar situations as approximately half of the HTF portfolio's loans come due in the next 2-5 years.

**FISCAL IMPACTS OF RECOMMENDATION**

Longer loan repayment terms, reduced interest rates, and forgiven interest for each of these loans, as summarized in the following table:

| Property                                 | Original Principal                      | Interest Accrued | Original Interest Rate | Original Loan Maturation Date | Updated Principal      | Updated Interest Accrued | Revised Interest Rate | Revised Loan Maturation Date |
|------------------------------------------|-----------------------------------------|------------------|------------------------|-------------------------------|------------------------|--------------------------|-----------------------|------------------------------|
| <b>Hearst Street Apartments</b>          | \$916,000                               | \$1,638,601      | 6% simple interest     | August 30, 2024               | \$916,000 (same)       | 0                        | 3% simple interest    | August 30, 2029              |
| <b>Lorin Station</b>                     | \$1,229,742 across three separate loans | \$1,020,064      | 6% simple interest     | Various dates**               | \$1,230,117 (combined) | 0                        | 0% simple interest    | May 7, 2079                  |
| <b>Addison Court Housing Cooperative</b> | \$150,000                               | \$216,657        | 6% simple interest     | October 31, 2026              | \$150,000 (same)       | 0                        | 3% simple interest    | November 1, 2080             |

Note that these loans are repaid via residual receipts for cashflow-constrained affordable housing providers, so the actual amount that each property will ultimately repay the city is likely to be unaffected by the forgiveness of accrued interest.

Staff time would be required to update guidance on interest rates and accrued interest for HTF loans.

**CURRENT SITUATION AND ITS EFFECTS.**

Three Housing Trust Fund properties face financial distress due to unsustainable loan terms from the 1990s-2000s. Two loans are past due, and all three properties cannot support 6% interest rates with their constrained cash flow.

Problem: Without modifications, these properties risk insolvency, threatening 57 affordable housing units serving extremely low to low-income households.

**Solution:** Modify loan terms to align with current HTF Guidelines (3% interest, 55-year terms) and consolidate Lorin Station's three loans at 0% interest consistent with original Council intent.

**Effects:** Modifications will prevent displacement, preserve affordable housing stock, and establish a framework for similar situations as more HTF loans mature.

At its September 4, 2025, meeting, the Housing Advisory Commission (HAC) approved the Loan Modification Requests for Housing Trust Fund Projects with the following vote:

**Action:** M/S/C (Potter/ Simon-Weisberg) to recommend City Council to:

1. Extend Resources for Community Development's existing HTF loan for Hearst Street Apartments for five years and reduce the interest rate for the remaining term to 3% simple interest. The principal amount of \$916,000 will remain the same.
2. Combine South Berkeley Neighborhood Development Corporation's three HTF loans for Lorin Station into a new loan in the amount of \$1,230,117, with 0% interest and a new loan maturity date of May 7, 2079, to align with their 2021 emergency rehab loan. The Regulatory Agreement will have a term of May 7, 2079, to be coterminous with the loan maturity date.
3. Refinance Addison Court Housing Cooperative's existing HTF loan into a new loan with a 55-year term and 3% simple interest. The principal amount of \$150,000 will remain the same. The Regulatory Agreement will have a term of November 1, 2080, to be coterminous with the loan maturity date.
4. Authorize the City Manager or designee to execute all documents required to effectuate these actions, including amendments to existing loan agreements.
5. Forgive the accrued interest as of the effective date of the new and/or amended loan for each new loan for Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative.
6. Direct staff to examine the HTF administrative guidelines to update the standards for interest rates and accrued interest for future HTF loans.

**Vote:** Ayes: Bell, Haycox, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Scott.

### BACKGROUND

The City's HTF program has provided loans for affordable housing development since the 1990s. Older HTF loans from the late 1990s and early 2000s have 30-year terms and 6% interest rates, reflecting the high prime rates (8.25%-9.0%) of that era. Current HTF Guidelines establish 55-year terms and 3% interest rates for new loans.

The City's HTF portfolio currently consists of 60 projects with about 1700 affordable housing units. Approximately half of these properties have loans coming due in the next

2-5 years, creating portfolio management challenges as many older loan structures are no longer sustainable under current economic conditions.

Three HTF projects requested loan modifications:

- Hearst Street Apartments: The 1994 loan of \$916,000, payable via residual receipts, at 6% interest matured August 30, 2024, with total debt of \$2.55M that RCD cannot repay.
- Lorin Station: Three City loans (\$177k in 1989, \$322k in 1991, and \$730k in 2021) were originally intended as grants but converted to loans to meet tax credit requirements. Accrued interest now exceeds \$1M. Payable via residual receipts.
- Addison Court Housing Cooperative: The 1996 loan of \$200k (reduced to \$150k in 1998), payable via residual receipts, at 6% interest matures October 31, 2026, with limited cash flow for repayment.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

### RATIONALE FOR RECOMMENDATION

The recommendations primarily clarify and extend existing HTF policies by:

- Aligning older loan terms with current HTF Guidelines that establish 3% interest rates and 55-year terms for new loans
- Maintaining the core HTF program structure while updating outdated terms from loans executed in the 1990s-2000s when prime rates were 8.25%-9.0%
- Preserving affordability requirements and regulatory agreements that continue the City's investment in long-term affordable housing

The existing loan structure is unsustainable for all three properties, with two loans already past due and all three properties operating with constrained cash flow that cannot support the original 6% interest rates and shorter terms. Without modifications:

- Hearst Street Apartments faces a \$2.55M debt (principal plus interest) that cannot be repaid
- Lorin Station has over \$1M in accrued interest that renders the project financially unviable
- Addison Court Housing Cooperative cannot meet loan obligations while maintaining necessary reserves

The proposed modifications bring these older loans into alignment with contemporary standards, ensuring equitable treatment across the HTF portfolio.

**Property-Specific Justifications:****Hearst Street Apartments**

- Extends existing policy with 5-year extension and 3% rate reduction
- Property serves households at deeper affordability than required, with 27 of 31 households below 40% AMI
- RCD will use extension period to improve rental revenue procedures and evaluate capital improvement needs

**Lorin Station**

- Clarifies original intent by consolidating loans consistent with the original Council intent to provide initial funding as a forgivable loan or grant to facilitate development
- Property exceeds affordability requirements with 9 of 10 units occupied by households below 40% AMI, including 6 households below 25% AMI
- 0% interest rate reflects the fact that grants were converted to loans only to meet tax credit program requirements

**Addison Court Housing Cooperative**

- Extends existing policy with 55-year term and 3% rate consistent with current guidelines
- ACHC has been consistent with making annual payments and submitted a comprehensive business plan for capital improvements

**All modifications maintain:**

- Residual receipts payment structures ensuring payments only when properties generate surplus cash
- Regulatory agreements preserving long-term affordability
- City's ability to recover funds if properties are sold or refinanced

**Portfolio Management Benefits:** Approximately half of HTF properties have loans coming due in the next 2-5 years. These modifications establish precedent for systematic portfolio management that balances financial sustainability with affordability preservation, enabling the City to proactively address similar situations across its 60-project, 1700-unit HTF portfolio.

**ALTERNATIVE ACTIONS CONSIDERED**

One alternative that the commission considered was not to forgive the accrued interest but to let it stand, repayable but not accruing additional interest. No advantage was seen to retaining the accrued interest on these loans, given that it was unlikely to be paid back within the loan term, and no other purpose was seen for leaving the accrued interest outstanding.

**CITY MANAGER**

See companion report.

CONTACT PERSON

Snow Zhu, Commission Secretary, HHCS, (510) 981-7774

Mike Uberti, Senior Community Development Project Coordinator, HHCS,  
(510) 981-5114

Lourdes Chang, Senior Community Development Project Coordinator, HHCS,  
(510) 981-5263

Attachments:

1: Resolution

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

APPROVING LOAN MODIFICATIONS FOR THREE EXISTING HOUSING TRUST  
FUND PROJECTS: HEARST STREET APARTMENTS, LORIN STATION, AND  
ADDISON COURT HOUSING COOPERATIVE

WHEREAS, City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of housing affordable to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, City Council adopted guidelines (HTF Guidelines) as revised on January 19, 2021, and authorized the HTF program in accordance with the Guidelines; and

WHEREAS, the City's older HTF loans, primarily executed between the late 1990s and early 2000s, typically have 30-year terms and 6% simple interest rates, while the current HTF Guidelines establish 55-year terms and 3% simple interest rate, and allow for City Manager approval of any deviations from those standard terms; and

WHEREAS, the owners of three existing HTF projects—Hearst Street Apartments, Lorin Station, and Addison Court Housing Cooperative—requested modifications to the terms of their City loans in order to preserve long-term affordability and financial viability; and

WHEREAS, Hearst Street Apartments, a 32-unit multifamily development located at 1133–39 Hearst Street and owned by Resources for Community Development (RCD), has reached loan maturity, with \$916,000 in principal and approximately \$1.6M in accrued interest as of the writing of this report; and

WHEREAS, staff supports extending the Hearst Street Apartments loan term by five (5) years to August 30, 2029, and reducing the interest rate to 3% simple interest, consistent with current HTF Guidelines, to allow RCD time to improve project cash flow and plan for future capital improvements; and

WHEREAS, Lorin Station, a 14-unit mixed-use affordable housing development located at 3253–3269 Adeline Street and owned by South Berkeley Neighborhood Development Corporation (SBNDP), received three City HTF loans in 1989, 1991, and 2021 totaling approximately \$1.23 million; and

WHEREAS, the 1989 and 1991 loans have reached or are approaching maturity, and SBNDP lacks sufficient cash flow to repay them; staff recommends combining the three loans into a single residual receipts loan of \$1,230,117 with 0% simple interest and a new term of 55 years, coterminous with the 2021 Emergency Rehabilitation Loan; and

WHEREAS, Addison Court Housing Cooperative (ACHC), a 10-unit resident-managed cooperative located at 1135–1139 Addison Street, assumed a \$150,000 HTF loan in 1996 that accrues 6% simple interest and matures on October 31, 2026; and

Internal

WHEREAS, ACHC has requested, and staff supports, refinancing the existing loan with a new 55-year term and a reduced 3% simple interest rate to ensure continued financial stability and the ability to complete planned capital improvements; and

WHEREAS, the Housing Advisory Commission, at its September 4, 2025, meeting, voted unanimously to recommend approval of the three loan modification requests, and forgiveness of accrued interest for each loan as of the effective date of the new and/or amended loan; and

WHEREAS, the Housing Advisory Commission recommends updating the HTF Guidelines to allow for accrued interest forgiveness in all HTF loan modifications; and

WHEREAS, approval of these loan modifications will further the City's goals of maintaining and preserving affordable housing stock, supporting community-based ownership, and preventing displacement of lower-income Berkeley residents.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Council hereby approves the modification of three existing HTF loans as follows:

1. Hearst Street Apartments – Authorize the City Manager or designee to extend the existing HTF loan for five (5) years to August 30, 2029, and reduce the interest rate for the remaining term to 3% simple interest.
2. Lorin Station – Authorize the City Manager or designee to combine the South Berkeley Neighborhood Development Corporation's three HTF loans into one new residual receipts loan in the amount of \$1,230,117, with 0% simple interest and a 55-year term coterminous with the 2021 Emergency Rehabilitation Loan.
3. Addison Court Housing Cooperative – Authorize the City Manager or designee to refinance the existing HTF loan into a new 55-year loan term at 3% simple interest.

BE IT FURTHER RESOLVED that the amount of interest accrued as of the effective date of the new loans will be forgiven by the City of Berkeley for each loan and only the principal from the original loans will be included as part of the not-to-exceed amount for the new loans.

BE IT FURTHER RESOLVED that the City Manager or designee will review and make recommendations on the Housing Trust Fund Guidelines terms for interest rates and accrued interest.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to execute all original or amended documents, promissory notes, regulatory agreements, or other instruments necessary to effectuate these loan modifications.



Housing Advisory Commission  
Civic Arts Commission

ACTION CALENDAR  
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission and Civic Arts Commission

Submitted by: Leah Simon Weisberg, Chairperson, Housing Advisory Commission  
Cameron Woo, Chairperson, Civic Arts Commission

Subject: Affordable Housing for Artists Report

RECOMMENDATION

Approve the “Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists” report and direct the City Manager to evaluate and implement the report recommendations as appropriate.

FISCAL IMPACTS OF RECOMMENDATION

The report makes seven recommendations for increasing funding, construction, and access to affordable housing for low-income artists and creative workers. Some of these recommendations have no fiscal impact, such as those dealing with zoning policies, and others, such as placing an affordable housing bond measure on the 2028 ballot, have a positive fiscal impact. For every one dollar of local funds raised through a bond measure, about four dollars can be generated from other sources to preserve existing, and build new, affordable housing.

One recommendation, to consider including low-income artists and cultural workers as a category of eligible participants in a Guaranteed Basic Income (GBI) pilot project, requires the City Council to retain the previously budgeted funds (\$50,000), when it re-considers the item in fall, 2025.

Several strategies require an allocation of staff time to implement AB 812, which allows a set-aside of below-market-rate (BMR) units, develop a standardized process for designating local cultural districts and applying for State cultural district designation (which in turn could open grant funding opportunities, etc.), and work with arts organizations to provide technical assistance.

CURRENT SITUATION AND ITS EFFECTS

The Housing Advisory Commission (HAC) and the Civic Arts Commission approved recommending that the report be submitted to the City Council for its approval at their respective July 2025 meetings. The report is included as Attachment 1.

Berkeley's artistic and cultural richness is actively promoted as an attraction to renters and homebuyers, yet the very artists who create this cultural value face displacement due to high housing costs. Without accessible housing and workspace options, Berkeley risks losing the complete arts sector that defines much of the city's local economy, character, and appeal.

In July 2023, members of the Civic Arts Commission made a presentation to the HAC regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow the artist community. The joint subcommittee met regularly over the past two years to prepare the attached report to address the critical need for affordable housing for artists and cultural workers in Berkeley. The report was approved by both commissions at their respective July 2025 meetings:

### **Civic Arts Commission**

Action: M/S/C (Blecher/Pineda) to approve final report with recommendations to Council on affordable housing for artists from the Joint Subcommittee of the Housing Advisory Commission and the Civic Arts Commission.

Vote: Ayes: Bachrach, Blecher, Bullwinkel, Montgomery, Pineda, Woo. Noes: None. Abstain: None. Absent: Scott.

### **Housing Advisory Commission**

Action: M/S/C (Potter/ Haycox) to approve the recommendations in the report "Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists" and recommend transmittal to the City Council for its review and approval.

Vote: Ayes: Bell, Haycox, Potter, and Shere. Noes: None. Abstain: None. Absent: Micael, Scott, Simon-Weisberg, and Twu.

The report has seven recommendations which support the long-term sustainability of the arts and culture sector by expanding affordable housing opportunities for low-income artists:

1. Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate (BRM) units within cultural arts districts to be set aside for low-income artists.
2. Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the *San Pablo Specific Plan* and the *Corridors Zoning Update: North Shattuck, College and Solano Ave.*
3. Place an affordable housing bond measure on the 2028 ballot.

4. Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.
5. Implement the short- and medium-term strategies recommended in the *Berkeley Social Housing Study - Draft - May 2025*.
6. Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.
7. Preserve the funding for a Guaranteed Basic Income (GBI) pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

These seven recommendations include practical and necessary strategies, policies, and programs to undertake if the city is to truly address the affordable housing needs of low-income artists and cultural workers. The city has undertaken several studies and surveys in the past to better understand the needs of its cultural workforce, and affordable housing is consistently identified as the number one challenge facing these workers. Therefore, it is imperative that the city move the needle on this issue by implementing the report's recommendations. As part of approving the report, it is recommended that the City Council direct the City Manager to evaluate and implement the report's recommendations as appropriate.

### BACKGROUND

In 2018, the City Council adopted the City of Berkeley [2017-2018 Arts and Culture Plan Update \(PDF\)](#). The Update developed and recommended citywide goals, policy improvements, and actions to support and further develop local arts, culture, and entertainment. The Update contains five strategic goals. Goal #1 is to increase access to affordable housing and affordable spaces for artists and arts organizations.

In 2021, the Civic Arts Commission commissioned a [survey on affordable housing for artists in Berkeley \(PDF\)](#) by Creative Equity Research Partners. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual household income of \$69,000 or below, which qualified as low-income in Alameda County. Forty-five percent (45%) were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

The [City's Housing Element](#) also recognizes the need for affordable housing for artists. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of

Berkeley, underpinning the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community's thriving cultural sector at increasing risk of displacement.

Taken together, these reports and the lived experiences of Civic Arts Commissioners and their colleagues and fellow working artists, spurred the Civic Arts Commission to reach out to HAC with a proposal to work together, via a joint subcommittee, on a series of recommendations to create more affordable housing for artists for City Council consideration.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adopting the recommendations contained in the report will have positive sustainability and climate impacts. The zoning policy recommendations will promote mixed-use development close to transit and bike routes, will open development opportunities in less densely developed areas of the city, and will set-aside some BMR units for low-income artists. Increased revenue for the Housing Trust Fund will ensure the city can continue to work towards its Regional Housing Needs Allocation (RHNA) goals. Providing housing for all income groups and economic sectors promotes a sustainable Berkeley.

### RATIONALE FOR RECOMMENDATION

The affordable housing crisis, in Berkeley, throughout the Bay Area, and increasingly, throughout the nation, is a well-studied and well-documented reality. The repercussions for local communities are widespread and deep, from pricing young people and seniors out of the area, displacing long-time residents and increasing homelessness to creating super-commuters who spend more than three hours a day in their cars because they cannot afford to live where they work, and negatively impacting the diversity and creativity of communities. Affordable housing development is necessary to mitigate the impact of the ongoing affordable housing crisis. It serves as essential infrastructure for low- and moderate-income individuals and families, including the artists and cultural workers who contribute significantly to Berkeley's identity and economy.

Funding for affordable housing comes from various sources, including government programs, private investors, and local initiatives. All three sources for funding such projects are severely distressed for the foreseeable future—government funding is increasingly scarce as government cuts in spending gain momentum. Meanwhile, private sector funding is tentative at best given the uncertain economic atmosphere. In short, funding nationally and locally (both municipal and private sectors) is scarce.

Still, there are actions to be taken to put necessary zoning into place, provide capacity building, and position the city with critical local matching funds, as well as building alliances and dreaming on a large scale, so that when the economic outlook improves and funding once again becomes available—the city of Berkeley will be ready to act. The need for affordable housing will not subside—and neither should our commitment to addressing it.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CITY MANAGER

See Companion Report.

CONTACT PERSON

Snow Zhu, Housing Advisory Commission Secretary, (510) 981-7774

Jennifer Lovvorn, Civic Arts Commission Secretary, (510) 981-7533

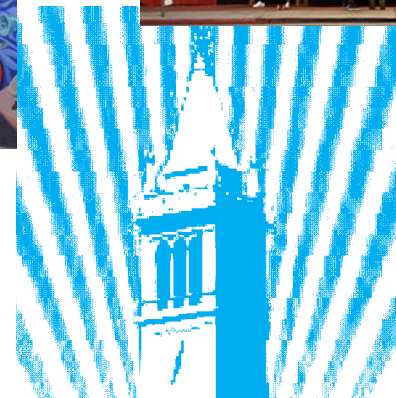
Mike Uberti, Senior Community Development Project Coordinator, HHCS,  
(510) 981-5114

Attachment:

1: "Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists"

# Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists

**A Report by the Housing  
Advisory Commission and  
the Civic Arts Commission  
July 2025**



In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update (Update). The Update is a framework for supporting the arts. A key Update recommendation is to increase access to affordable housing and affordable spaces for artists and arts organizations. In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

**The 2022 survey on affordable housing for artists concluded that without affirmative strategies and policies, artists will continue to be priced out of Berkeley.**

Acting on the survey report's findings, in July 2023, members of the Civic Arts Commission made a presentation to the Housing Advisory Commission (HAC) regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow the artist community.

The joint subcommittee met regularly over the past two years to prepare the following goals and recommendations to address the critical need for affordable housing for artists and cultural workers in Berkeley. This report was presented to the HAC and Civic Arts Commission at their respective July 2025 meetings with a recommendation that the report be forwarded to the Berkeley City Council for its consideration and approval.

## Overview of Policy Recommendations

**1** Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate units within cultural arts districts to be set aside for low-income artists.

**2** Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.

**3** Place an affordable housing bond measure on the 2028 ballot.

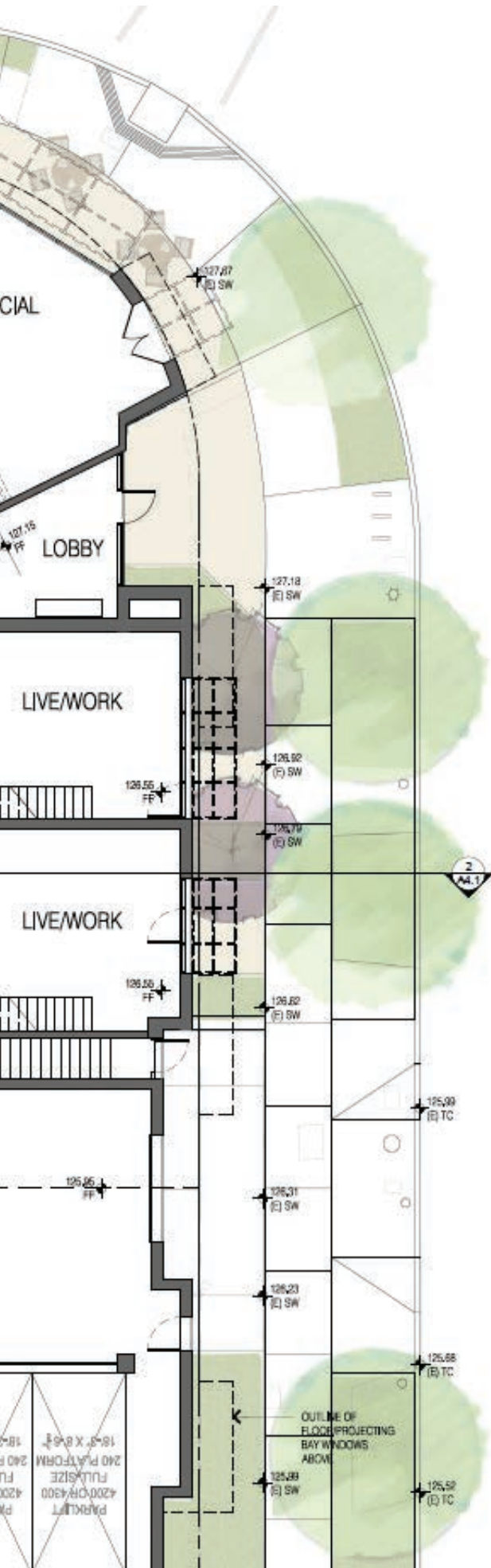
**4** Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.

**5** Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study Draft – May 2025.

**6** Adopt a standardized process for designating local cultural districts and apply for State cultural district designation.

**7** Preserve the funding for a Guaranteed Basic Income pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

A proposed development on San Pablo Ave. (left) suggests live/work spaces on the first floor in place of traditional retail space.



## **Making the Case for Artist Housing in Berkeley**

In 2018, the City Council adopted the City of Berkeley 2017-2018 Arts and Culture Plan Update. The Update is a framework for supporting the arts. It developed and recommended citywide goals, policy improvements, and actions to support and further develop local arts, culture, and entertainment. The Update contains five strategic goals. Goal number one is to increase access to affordable housing and affordable spaces for artists and arts organizations. Several of the policy recommendations are updated and included in this report.

In 2021, the Civic Arts Commission commissioned a survey on affordable housing for artists in Berkeley by Creative Equity Research Partners. One hundred and sixty-three (163) local artists were surveyed and represented a cross-section of Berkeley’s most vulnerable populations. The survey found that high housing costs were placing the community’s thriving cultural sector at increasing risk of displacement. The survey report concluded that without strategies and policies to work affirmatively to keep artists and cultural workers in the city, artists will continue to be priced out of the housing market.

Acting on the report’s findings, in July 2023, members of the Civic Arts Commission made a presentation HAC regarding its desire to work with HAC on recommendations to the City Council to increase access to affordable housing for lower-income artists. The Civic Arts Commission’s key concern was that the affordable housing crisis was adversely impacting the artist community in Berkeley by pricing practicing artists out of the city, and negatively impacting the local economy and community vibrancy and creativity. Given the unique role that artists play in a community’s character and prosperity, HAC and the Civic Arts Commission formed a joint subcommittee to explore affordable housing strategies and policy initiatives to retain and grow Berkeley’s artist community.

**“ Goal number one is to increase access to affordable housing and affordable spaces ... ”**

## **Current Housing Funding Landscape**

This report comes at a unique and challenging moment when traditional funding sources for affordable housing face unprecedented constraints. Affordable housing developments serve as essential infrastructure for low- and moderate-income individuals and families, including the artists and cultural workers who contribute significantly to Berkeley’s identity and economy. Funding for affordable housing comes from various sources, including government programs, private investors, and local initiatives. All three sources for funding affordable housing projects are severely distressed for the foreseeable future—government funding is increasingly scarce as government cuts in spending gain momentum. Meanwhile, private sector funding is tentative at best given the uncertain economic atmosphere. In short, funding nationally and locally (both municipal and private sectors) is scarce.

Still, there are several actions to be taken to put necessary zoning into place, provide capacity building, and position the city with critical local matching funds, as well as building alliances and dreaming on a large scale, so that when the economic outlook improves and funding once again becomes available—the city of Berkeley will be ready to act. The need for affordable housing will not subside—and neither should our commitment to addressing it.

## Artists as Economic Contributors and Vulnerable Workers

Artistic professions are highly valued but poorly compensated. Artists represent a significant yet vulnerable segment of our workforce. As a labor sector, artists are among the lowest-income workers, placing them within already marginalized communities that struggle with housing affordability. Despite this economic vulnerability, artists drive substantial economic activity, representing 7% of California’s economy—or 15% when including television and film industries. This economic contribution makes artists vital to the prosperity of California and the city of Berkeley.

According to the 2022 Creative Equity Research Partners survey, of the 88% respondents who had Bachelor’s degrees, 60% reported an annual household income of \$69,000 or below, which qualified as low-income in Alameda County. Forty-five percent (45%) were rent-burdened. These trends also intersect with the racial wealth gap: among respondents who identified as non-White, 72% reported low household incomes, compared to 55% among those who identified as White or Caucasian.

Berkeley’s artistic and cultural richness is actively promoted as an attraction to renters and homebuyers, yet the very artists who create this cultural value face displacement due to housing costs. Without accessible housing and workspace options, Berkeley risks losing its arts sector that defines much of the city’s local economy, character and appeal.

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### The definition of “artist” for the context of this report, approved by the Civic Arts Commission, May 25, 2022, is as follows:

An individual (or team member of an arts group) who is regularly engaged in the arts on a professional basis. These include but are not limited to those who practice:

**Fine Arts** such as painting, sculpture, mixed media works, photography, papermaking, printmaking, filmmaking or videography, or interdisciplinary art practice.

**Performing Arts** such as dance, dance theatre, acting, directing, set design, or members of theatre troupes.

**Musical Arts** such as musicians, composers, singers, choir members, band members, or ensemble members.

**Literary Arts** such as writers of prose, poetry, or plays.

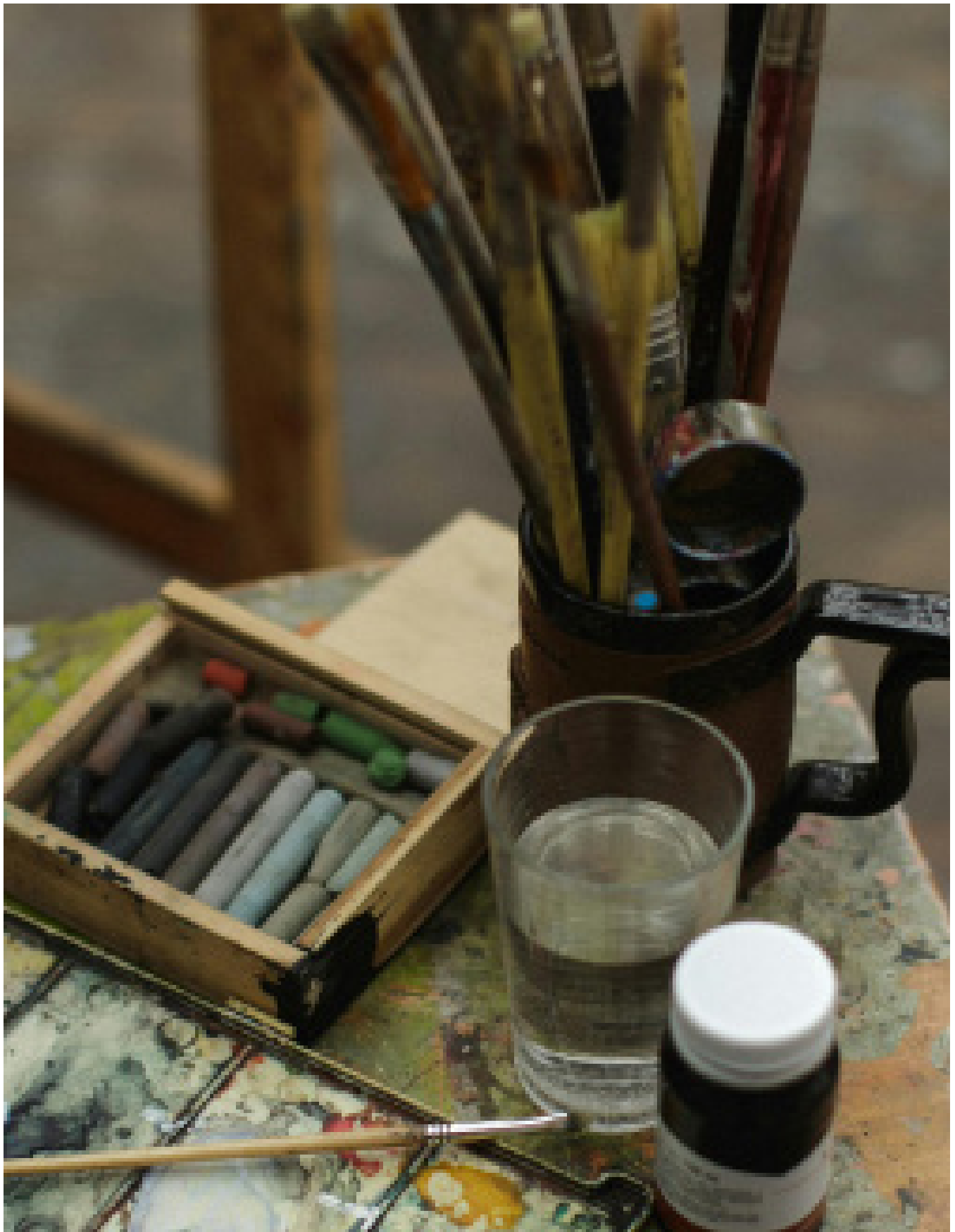
**Social Practice Arts** including interdisciplinary modes of creative production with methods of public engagement.

**Craft Artisans** who create works such as fine woodworking, ceramics, glass blowing, stained glass, textiles, jewelry, metal works, fashion, blacksmithing, basketry, etc.

**Artists who have culturally specific creative practices** (folk arts, traditional arts, tradition bearers)

**Self-taught and “outsider” artists**

The terms “artist”, “cultural worker”, and “creative workforce” are used interchangeably throughout this report.



## **EMBRACING BERKELEY'S COMMITMENT TO THE ARTS: Laying the Groundwork for Artists Housing**

Current efforts by organizations like Vital Arts, which is conducting a regional artist census and providing emergency displacement prevention grants, and Artist Space Trust, which provides low-income housing for artists and trains artists to access existing affordable housing, highlight the two-pronged nature of this crisis.

The City's Housing Element recognizes this need. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of Berkeley. This policy underpins the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Further, the Housing Element includes programs like Program 27, focused on Priority Development Areas (PDAs), including the San Pablo Specific Plan, and other initiatives that call for rezoning to enable higher-density housing, especially near transit and services.

The Corridors Zoning Update is one of the primary tools to carry out the Housing Element's vision. It will focus specifically on North Shattuck, College Avenue, and Solano Avenue—commercial corridors with potential for added housing. The goal is to update zoning codes to allow more housing (including affordable units), promote mixed-use development, and ensure compliance with state laws on housing capacity.

Both planning efforts emphasize equity and access. Berkeley has long valued its creative spirit. Now is the time to protect it. The dual imperative is clear: create more affordable housing and ensure artists can remain in their communities.

**Goal:** To support the long-term sustainability of the arts and culture sector by expanding access to affordable housing and workspaces for artists and arts organizations—through targeted policies, funding mechanisms, and land use strategies.

HAC and the Civic Arts Commission share the following recommendations:

**1 Adopt an ordinance implementing AB 812**, which allows up to 10% of Below Market Rate units within cultural arts districts to be set aside for low-income artists.

In 2023, the State Legislature adopted AB 812 (Chapter 747). The bill provides that cities with inclusionary zoning programs can set aside up to 10% of Below Market Rate (BMR) units for lower-income artists. The units reserved must be located within, or within one-half mile, of a State-designated, or wholly within a locally designated, cultural district. The city has two locally designated cultural arts districts: The Black Arts and Culture District in South Berkeley and the Arts District Overlay in downtown Berkeley. Community members and stakeholders are exploring a possible third local arts district in West Berkeley.

To provide a BMR unit set-aside for artists within local cultural districts, the city must adopt an ordinance implementing the state law. A draft ordinance has been prepared for Planning Commission and City Council consideration and is attached as Appendix A. [The Civic Arts Commission and HAC previously approved a recommendation referring the draft ordinance implementing AB 812 to the Planning Commission.]

Adopting an ordinance implementing AB 812 is an immediate action that can lead a concerted effort to retain the city's creative workers, especially low-income artists and artists of color.

**2 Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations** in areas already identified in the City’s Housing Element, specifically the San Pablo Specific Plan and the Corridors Zoning Update: North Shattuck, College and Solano Ave.

Planning staff are currently working with the community on the San Pablo Specific Plan and have recently initiated the Corridors Zoning Update: North Shattuck, College and Solano Avenue. Both planning initiatives focus on key commercial corridors with the goal of developing land use and economic revitalization initiatives that will encourage and support diverse housing, commercial activities, and public amenities. The Plans also provide critical opportunities for developing land use standards and policies that encourage and incentivize live-work spaces for artists, spaces for non-profit arts organizations, and affordable housing for low-income cultural workers. In addition, flexible outdoor and indoor spaces for exhibitions and performances should be encouraged along these commercial corridors. The exhibition and performance spaces should be accessible and affordable to ensure their usability by artists.

#### **a. San Pablo Specific Plan**

The San Pablo Specific Plan is investigating land use and zoning standards that promote access to housing, equity, safer streets, sustainability, and an economically vibrant commercial corridor.

The [December 4, 2024 presentation to the Planning Commission](#) provides an outline of the major goals derived from the community assessment. The identified goals, if translated into land use standards and policies, will go a long way to promoting affordable and diverse housing and encourage flexible spaces for arts and culture organizations and activities. The expansion of allowable ground floor uses to permit residential, with an emphasis on live-work spaces, is critical to animating the corridor and promoting economic vibrancy. Allowing pop-up uses by right and sponsoring public-private events are key avenues for supporting the arts and local artists. All of these strategies should be adopted in the final Plan.

#### **Specific recommendations include:**

- In exchange for increased density, require provision of ground floor, below-market-rate office or exhibition space for non-profit arts organizations or provision of ground floor affordable artist live-work space.
- All live-work projects should have a set-aside for below-market units specifically for artists.
- If corridor improvements are permitted in exchange for increased density, they should include outdoor areas suitable for exhibitions and performances. It is essential that “corridor improvements” include hard and soft funding as “hard” spaces are only as good as the programming that happens within them. Funds for ongoing activities, landscaping, amenities, etc. must be provided.
- Permitted ground floor uses must be expanded to have an economically vibrant and successful San Pablo Avenue. Residential uses must be allowed, with a focus on live-work housing. Offices should also be permitted with a focus on arts and cultural (and other) non-profit space. Day care facilities are critical to economic development and should be a permitted ground floor use.

## b. Corridors Zoning Update: North Shattuck, College and Solano Ave.

The Corridors Zoning Update is a city of Berkeley initiative focused on revising zoning regulations along three key commercial corridors: North Shattuck Avenue, College Avenue, and Solano Avenue. These areas have been designated as priority commercial and transit corridors in the city's 2023–2031 Housing Element, aiming to increase housing capacity and promote equitable development.

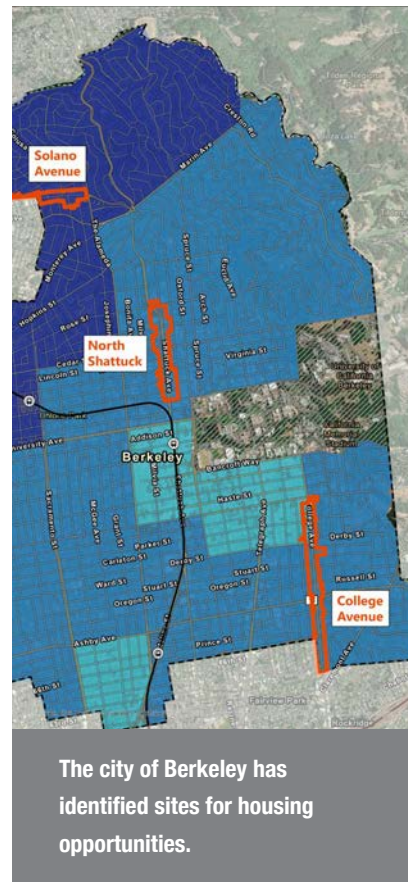
The Corridors Zoning Update is focused on land use and zoning standards that enhance housing capacity and address development barriers to advance fair housing and augment housing capacity, with a focus on equity and inclusion. The re-zoning effort launched earlier this year, and it is estimated to be completed at the end of 2026. The initial community meeting was held on May 1, 2025. [The PowerPoint presentation from the meeting can be found here.](#)

This initiative, which is just beginning, is an opportunity for affordable housing and arts organizations and advocates to be engaged to:

- Ensure that live-work spaces are permitted as part of the re-zoning; and
- Permit ground floor spaces in new residential developments, both market rate and affordable, to be used, by right, as flexible spaces that can accommodate offices and performance, exhibition and classroom facilities.

Affordable housing should be prioritized and incentivized:

- City-owned properties within the three corridors should be studied for feasibility for conversion into affordable housing sites; and
- A set-aside of affordable units for low-income artists should be included (see report recommendation #1 regarding adopting an ordinance implementing AB 812.)

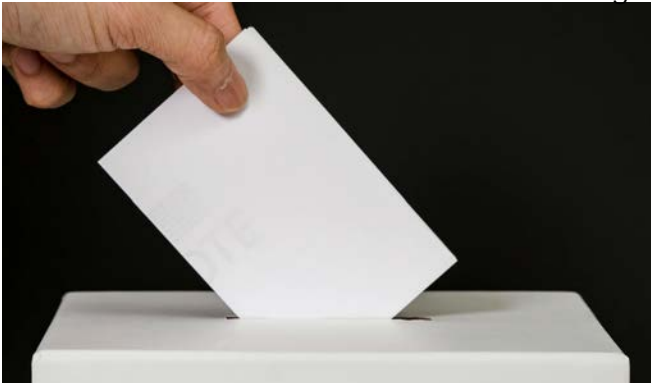


## 3 Place an affordable housing bond measure on the 2028 ballot.

In 2018, the voters approved Measure O, with 77.5% of voters voting yes. Measure O provides \$135 million of funding from bond revenue to pay for affordable housing projects. Since approval of Measure O, over 750 units of affordable housing have been built or are under construction and hundreds of units have been approved for funding and are in the development pipeline. The city completed two of the planned four issuances of the Measure O bond, with the third issuance anticipated in 2025.

The City does not have an annual Notice of Funding Availability (NOFA) process to allocate Measure O funds, but instead issues NOFAs when sufficient funding is available to support one or more projects. There are no immediate plans for a NOFA for the estimated \$1.8M in remaining Measure O funds. Staff anticipates that remaining Measure O funds could be used to support pipeline projects that need additional subsidy, or may be used to support a new project, in conjunction with other local housing funds.

While there are major affordable housing projects in the development pipeline, including the North Berkeley and Ashby BART stations, Measure O funds have been expended, encumbered, or reserved for identified projects. Therefore, there are no significant local funds that can be used for new affordable housing projects. Local funding is a critical component of affordable housing development as \$1 of local funding can leverage up to \$5-\$7 of additional funding.



Local matching funds make projects more competitive when applying for state and federal funding, and are essential for securing Low Income Housing Tax Credit funding, a key affordable housing mechanism. Without a new local source of affordable housing funding, the forward progress in addressing the city’s affordable housing crisis will be stalled and the gains in reducing the number of unhoused

people and providing stable housing for low-income families and individuals will be reversed. Therefore, it is imperative that the city begin the process of placing a new affordable housing bond measure on the November 2028 ballot.

A 2028 bond measure can ensure funding for:

- Workforce housing, including housing for artists;
- Redeveloping the West Berkeley Senior Center site on 6th Street;
- A Social Housing pilot project(s); and
- Initiatives identified in the San Pablo Specific Plan and Corridors Zoning Update.

“... it is imperative that the city begin the process of placing a new affordable housing bond measure on the November 2028 ballot.”

**4 Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites,** for an affordable housing project (new- build or existing properties) for low-income artists, provide technical assistance, pre-development funding or other resources as necessary to kick-start such a project.

The city is fortunate to be part of a vibrant affordable housing and arts ecosystem. While the development of housing projects can take years, in the short term, it is also important for the city to work to support and retain its diverse workforce and residents.

City Housing and Economic Development staff could seek to work in close partnership with arts organizations, including Artist Space Trust who is already providing technical assistance programming to educate their members, and the larger arts community, on accessing existing affordable housing, navigating the Section 8 wait list, monitoring various housing advocacy and provider websites, learning about community land trust housing, and more.



Several housing developments exist which aim at housing artists —from a proposed project on Market Street in San Francisco, CA (upper left) to the majestic Warren Building / the Artspace Uptown Artist Lofts (left) in M<sup>o</sup>ichigan City, IN and Westbeth Artists Housing in New York City, NY (lower left).

Longer-term, and working in partnership, these same arts organizations are a vital asset to the city in the development of an artist-centered affordable housing project. The project would incorporate best practices gathered from across the sector to create affordable housing for low-income arts workers. It could include live-work units and studio spaces, define finance and ownership structures, and importantly, continue to deliver vital technical assistance programs, aimed at informing and engaging the most vulnerable within our arts community. All the lessons learned, and expertise gained, could then inform other artist-centered housing projects and zoning programs and policies, with the goal of preserving and growing the arts as an impactful economic sector and retaining and expanding the artist community in Berkeley.

Specific activities might include:

- Explore the feasibility of a NOFA for an artist-specific affordable housing project to be funded in part with Housing Trust Fund monies.
- If sufficient funds are not available for a NOFA, develop a pilot project to provide technical assistance and pre-development funding to support an affordable housing project for artists to be awarded through a Request for Proposals (RFP) process.
- Hold a workshop for arts organizations about how to access affordable housing with information about Section 8, the Inclusionary Housing program, the Housing Preference Policy, non-profit housing development organizations, and housing advocacy groups like East Bay Housing Organization (EBHO). The workshop could also include information about Fair Housing and the Rent Stabilization Program.

## **5 Implement the short- and medium-term strategies recommended in the Berkeley Social Housing Study - Draft - May 2025.**

The Draft Berkeley Social Housing Study advances a vision of housing as a universal right and outlines how Berkeley can integrate social housing principles into local policy. It highlights the city's acute housing challenges – widespread rent burdens, homelessness, displacement of residents, and a persistent shortfall in affordable housing—indicating that current efforts are falling short of the need.

Drawing on international models (like Vienna and Denmark) and a U.S. example (Montgomery County, MD), the study finds that social housing can be effectively delivered by public and/or nonprofit entities if backed by sustained funding, and that when such housing constitutes a large share of the total stock, it dramatically improves overall affordability. Key findings emphasize the need for: 1) long-term public investment, 2) strict cost controls to keep development costs down, and 3) strong tenant participation in housing management to ensure success.

The study's financial analysis (comparing a mixed-income, cross-subsidy approach to a deeply affordable model) found that acquiring and rehabilitating existing buildings is more cost-effective per unit than new construction and can create affordable homeownership opportunities; however, delivering new social housing at scale will require either including some market-rate units to cross-subsidize lower rents or securing much larger public subsidies—in all cases, substantial outside funding is needed to reach the lowest-income households.

In the near term (1–3 years), the study recommends launching pilot projects to demonstrate social housing principles – for example, a mixed-income development and an acquisition-rehab project converting rentals to affordable homes. It also suggests bolstering existing programs by: 1) expanding the Small Sites Program (with sustainable funding) to preserve at-risk buildings, 2) encouraging cost-saving construction methods (like modular design), and 3) leveraging public land for affordable housing developments.

Over the medium term (4–10 years), the study calls for a 10-Year Affordable Housing Strategic Plan to set clear social housing goals (including targets for income mix and what proportion of Berkeley’s housing stock should be social) and to clarify the City’s future role in housing (whether to remain a funder or become a direct housing provider). The plan would also identify sites for future projects, institute formal cost controls on development (such as limits on unit size, per-unit cost, and developer fees), and explore new public financing tools like infrastructure financing districts to support social housing. Finally, the study urges efforts to “decommodify” housing by preserving affordable units long-term and establishing robust tenant governance structures (such as participatory budgeting and rent transparency) to ensure housing is treated as a public good.

“ ... the study urges efforts to “decommodify” housing by preserving affordable units long-term and establishing robust tenant governance structures ... to ensure housing is treated as a public good. ”

## **6 Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.**

The City of Berkeley currently has two locally designated cultural districts. However, they are implemented differently:

1. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012, as part of the Downtown Area Plan, and has specific boundaries outlined in the Downtown Mixed-Use District.
2. The Black Arts & Culture District was designated by the City Council on February 13, 2024, by Resolution No. 71,212–N.S. The Black Arts & Cultural District is not designated with its own unique boundaries, but rather by reference to the Adeline Corridor Specific Plan, which allows and “strongly encourage[s]” arts and entertainment uses in ground floor spaces.

In December 2024, the City Council referred to the City Manager and Civic Arts Commission the task of establishing common standards for locally designated cultural districts, with the recommendation that the city should consider a standard process for cultural district designation such that the above and future designations can qualify under AB 812 as a “similar locally designated cultural district.”

The referral also directs city staff to consider seeking state-level cultural district designation once local standards are in place. With the adoption of AB 189 (2015), the state of California launched the California Cultural District program as a pilot in 2017, with 14 state-designated cultural districts certified by the California Arts Council. In June 2025, the Council launched a second round of the California Cultural Districts program to select another 10 state-designated cultural districts.

Adopting common standards for locally designated cultural district will leverage the power of the AB 812 implementing ordinance by expanding the universe of available BMR set-aside units for lower-income artists, as these set-aside units can be located with 1/2 mile of a state-designated cultural district.

**7 Preserve the funding for a Guaranteed Basic Income pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.** The feasibility of including low-income artists and cultural workers as eligible participants in a Guaranteed Basic Income (GBI) pilot project should be explored in recognition of their economic vulnerability and contribution to Berkeley’s cultural and economic vitality.

As part of its Reimagining Public Safety initiative, the City Council budgeted \$50,000 to hire a consultant to develop a GBI pilot project. According to staff, this project has not moved forward and the designated funding will be examined among competing priorities for the city budget in the fall. When the GBI pilot project is re-evaluated in the fall, HAC and the Civic Arts Commission recommend that the funding be retained for this initiative.



Artists share the same challenges as other economically precarious workers with irregular incomes. Participation in a GBI program could help stabilize housing and access to work spaces, thereby retaining an important sector of the local economy. A study of Oakland’s recently concluded GBI pilot program showed that the GBI pilot program resulted in more modest employment and modest improvements in housing outcomes, including less likelihood of becoming homeless, compared to the control group. Moving forward with a GBI pilot project is essential given all the on-going and anticipated cuts to federal and state social safety net programs and services. Strategies to meet the needs of lower income workers must be explored and implemented as resources shrink and the need grows. Developing and refining best practices is an important part of this effort if we are to support and sustain the arts and the working artists who make up the arts workforce.

**“ Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community. ”**

### **Conclusion**

Berkeley has a long history of supporting the arts and artists with specific policies and requirements to ensure its standing as a vibrant and forward-looking community. Its original Arts and Culture Plan was approved over 20 years ago. During this time, the city has weathered the Great Recession of 2008; multiple housing cycles and downturns resulting, at various times, in increases in its unhoused residents; a growing affordable housing crisis; a pandemic; and most recently, an unprecedented attack on the social safety net and funding for the arts and humanities by the federal government.

At the same time, the city has worked hard to address these challenges, with citizens voting for several measures to fund programs to reduce homelessness and build affordable housing. During the pandemic, the city provided emergency funding to non-profit arts organizations and tenants to prevent displacement. The city has undertaken several planning initiatives to incentivize more equitable development and pave the way for more affordable housing opportunities. These efforts must be built upon to realize the goal of supporting the long-term sustainability of the arts and culture sector. Adopting this report’s recommendations will go a long way to achieving that effort.

## APPENDIX A

ORDINANCE NO. \_\_\_\_\_

**Implementation of AB 812 (Chapter 747) Authorizing a Certain Percentage of Affordable Units be Reserved for Artists up to 10% of those Required Affordable Housing Units Consistent with the City of Berkeley's Affordable Housing Preference Policy**

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

Section 1. That Berkeley Municipal Code Chapter 23.328 is amended to read as follows:

Section 23.328.010

### Findings and Purpose.

Section 23.328.010 is amended to add the following:

**H. AB 812 (Chapter 747) authorizes a city or county that requires, as a condition of approval, that a certain percentage of units of a residential development be affordable housing, as specified, to reserve for artists up to 10% of those required affordable housing units, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district, as specified.**

**I. The City of Berkeley has two locally designated cultural districts. The Black Arts and Culture District was designated by the City Council on February 13, 2024 by Resolution No. 71,212–N.S. 2. The Arts District Overlay was established in Berkeley Municipal Code 23.204.130.D in 2012 as part of the Downtown Area Plan.**

**J. According to a 2022 survey produced for Berkeley's Civic Arts Commission by Creative Equity Research Partners, the 163 local artists surveyed represent a cross-section of Berkeley's most vulnerable populations, and high housing costs are placing the community's thriving cultural sector at increasing risk of displacement. Artistic professions are highly valued but poorly compensated. Of the 88% respondents who had Bachelor's degrees, 60% reported an annual**

**household income of \$69,000 or below, which qualified as Low Income in Alameda County. 45% were rent-burdened. This disparity also intersects with the racial wealth gap: among respondents who identified as non-White, 72%, reported low household incomes, compared to 55% among those who identified as White or Caucasian.**

**K. In 2023, the City Council approved the City of Berkeley's 2023-2031 Housing Element Update, which included several programs to produce and preserve affordable housing for a broad population including Policy H- 8 (Workforce Housing): Develop Workforce Housing for low- and moderate-income households, including teachers, artists, and other residents who work in the City of Berkeley.**

**L. In 2023, the City Council approved an Affordable Housing Preference Policy for individuals who have previously been displaced from Berkeley and desire to return. Implementation of the AB 812 affordable housing set-aside for low-income artists shall be consistent with the Affordable Housing Preference Policy as it may be amended from time to time.**

Section 23.328.020

### Definitions

Section 23.328.020 is amended to add the following:

**"Affordable housing" for the purposes of implementing AB 812 (Chapter 747) means units dedicated to moderate-income, lower income, very low income, or extremely low income households, as defined in Sections 50079.5, 50093, 50105, and 50106 of the Health and Safety Code, at an affordable housing cost, as defined by Section 50052.5 of the Health and Safety Code.**

**"Artist" for the purposes of this Chapter means the creator of any work of visual, graphic, or performing art of any media, including, but not limited to, a painting, print, drawing, sculpture, craft, photograph, film, or performance.**

**APPENDIX A ... continued**

Section 23.328.030 Affordable Housing Regulations

Section 23.328.030 Affordable Housing Regulations is amended to add the following:

A. Requirement to Construct Affordable Units.

**A. 10. Pursuant to AB 812 (Chapter 747), up to 10% of the required Affordable Units shall be reserved for Artists, if certain conditions are met, including that the units reserved are located within or within one-half mile from a state-designated cultural district or within a locally designated cultural district. The percentage of Affordable Units set aside for Artists and consistency with the City's Affordable Housing Preference Policy shall be determined by the City Manager or their designee who may promulgate additional rules and regulations consistent with the requirements of AB 812 (Chapter 747).**

Section 2. The City Council intends that this Ordinance be construed as an amendment to the City's existing affordability requirements, and that the repeal and re-enactment of any requirement shall not be construed to relieve a party of any outstanding obligation to comply with the requirements applicable to any previously approved Housing Development Project.

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

At a regular meeting of the Council of the City of Berkeley held on \_\_\_\_\_, 20\_\_\_\_\_, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: \_\_\_\_\_ Nos: \_\_\_\_\_

Absent: \_\_\_\_\_

#### Credits/ Art and Photographs

Cover: (From left to right) Berkeley Art Museum-Pacific Film Archives; Sawtooth Building Artist Studios; La Pena Building Mural, Berkeley, photos by Daniella Thompson; Maudelle Miller Shirek Community (housing development) image provided by MWA Architects; the Campanille, image courtesy of U.C. Berkeley; The Ashby Stage: Home of the Shotgun Players, photo by Daniella Thompson.

Page 2: 2902 Adeline Street Site Plan (detail) by Trachtenberg Architects

Page 5: Photograph by Pexels/Cottonbro

Page 8: The City of Berkeley/North Shattuck, College, Solano Corridors Plan

Page 9: "Vote" photograph by Pexels/Sora Shimazaki (top); 1687 Market Street, rendering by Mark Cavagnero Associates (bottom inset), Warren Building image provided by Artspace, Westbeth Artists Housing photograph by Graham Dickie/*The New York Times* (bottom inset).

Page 12: Photograph by Pexels/Pixabay





Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

December 2, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement

**RECOMMENDATION**

Adopt a resolution rescinding Berkeley Police Department's current required notification process for reporting pepper spray use after each incident. Further, recommend recording the use of pepper spray within the existing use of force reporting system to minimize the administrative burden on staff. The department's current transparency measures already provide the public with detailed data on all use of force incidents.

**CURRENT SITUATION AND ITS EFFECTS**

Currently, the Berkeley Police Department (BPD) must notify the City Council and the Police Accountability Board within seven days every time pepper spray is used by the Police Department. The required Use of Pepper Spray Report is comparable to the Use of Force Report, which is also required to be filed for these types of incidents. This duplicates both staff's efforts and the information captured and creates an unnecessary administrative burden.

Under current policy, every deployment of pepper spray goes through the full review structure required by Policy 300 which includes documentation and supervisory evaluation. At the same time, officers must prepare a second report for Council and the Police Accountability Board that contains the same facts already captured in the use-of-force review. The two processes run side by side and track identical information, which creates extra work without adding anything meaningful to the record.

The Department already publishes detailed information on all use of force incidents through its Transparency Hub which is continuously updated. That system shows

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E-Mail: rkesarwani@cityofberkeley.info

when pepper spray is used and places it within the broader context of overall use of force reporting. Because the public already receives this comprehensive, routine data an additional stand-alone pepper spray report no longer serves a unique purpose. The proposed change would simply eliminate the additional reporting mechanism and maintain the reporting of pepper spray use as it currently exists within the Transparency Hub.

### **BACKGROUND**

In 1997, the Berkeley City Council instituted a separate notification process for reporting pepper spray use.<sup>1</sup> That requirement helped build accountability during an era of evolving police practices. That was also a time that pre-dated the Department's Transparency Hub<sup>2</sup> that contains vast quantities of data including all use of force incidents that are updated daily. This overhaul of reporting procedures has made the separate pepper spray notification obsolete.

### **PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION**

The proposed resolution would eliminate the mandate requiring Council notification for every use of pepper spray. All incidents will be documented through the existing use of force reporting system and be readily available to the public. This adjustment simplifies administrative procedures and avoids duplicative reporting while preserving transparency and accountability. The current reporting framework captures all instances of pepper spray use alongside other use of force incidents. Maintaining a separate notification requirement burdens staff with redundant documentation. The change will streamline operations and allow personnel to devote more attention to critical matters without sacrificing public oversight.

### **FISCAL IMPACTS**

No significant additional expenditures are anticipated. The proposed change is expected to yield administrative efficiencies that may result in minor cost savings.

### **CONTACT PERSON**

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

### **ATTACHMENTS**

- 1) Resolution
- 2) Minutes for the Regular City Council Meeting, September 16, 1997

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<sup>1</sup> See Attachment 2

<sup>2</sup> Berkeley Police Transparency Hub: <https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/>  
2180 Milvia Street, Berkeley, CA 94704 • Tel: (510) 981-7110 • TDD: (510) 981-6903 • Fax: (510) 981-7111  
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Resolution NO. ##,###-N.S.  
Resolution Rescinding the Pepper Spray Incident Notification Requirement

WHEREAS, in 1997 the City Council established a requirement for the Berkeley Police Department to notify Council each time pepper spray is used as a measure to bolster accountability; and

WHEREAS, the separate notification process was introduced at a time when reporting mechanisms were limited and provided necessary oversight; and

WHEREAS, the Berkeley Police Department has since implemented a comprehensive use-of-force reporting system that documents all related incidents, including those involving pepper spray; and

WHEREAS, the continued requirement for separate notification creates redundant administrative tasks that strain City resources; and

WHEREAS, rescinding the notification requirement will simplify reporting procedures and allow staff to concentrate on more critical operational matters while preserving public transparency;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Berkeley that:

1. The requirement for the Berkeley Police Department to notify the City Council every time pepper spray is used is hereby rescinded.
2. All pepper spray incidents shall be recorded as part of the established use-of-force reporting system in accordance with current departmental protocols.

MINUTES  
BERKELEY CITY COUNCIL  
REGULAR MEETING

Tuesday, September 16, 1997

Section A. Preliminary Matters

1. **Roll Call:** 8:00 p.m.

Present: Councilmembers Armstrong, Breland, Maio, Olds, Shirek, Spring, Woolley, Worthington, Mayor Dean and Deputy City Manager Rucker.

Absent: None.

2. **Ceremonial Matters:**

- a. Proclaimed September 20 as Berkeley Coastal Clean-up Day
- b. Proclaimed the 25th Anniversary for Telegraph Avenue Arts and Crafts Vendors
- c. Proclaimed September 14 - September 20 as Constitution Week

3. **Comments From The Public:** Lenore Anderson; Nancy Delaney; Ashley Krey; Sally Hindman; Howard Jeter; Ed Joseph; Charles Robinson; David Todtfeld; Margaret Bartelt; Russell Bates; Tom McAninley.

Section B. Action On Minutes

Meetings of May 13 (regular), June 3 (regular), June 10 (regular), June 17 (regular, special), June 24 (regular, special), July 8 (regular), July 15 (regular), July 22 (regular, special), July 25 (special), and July 31 (special), 1997.

**Action:** Minutes held over at the request of Mayor Dean.

Section D. Consent Calendar

The Consent Calendar was moved by Councilmember Breland, seconded by Councilmember Spring, and adopted by unanimous vote of the Council, unless otherwise stated:

(a) From City Manager:

1. **Loan Agreements with the Redevelopment Agency**  
Recommendation: Adopt a Resolution authorizing the City Manager to prepare loan agreements with the Redevelopment Agency for the purpose of financing Agency administration, overhead and capital projects in the West Berkeley Redevelopment Project Area and presenting for final approval on October 28, 1997. The debt obligations to conform substantially to the following: 1) a multi-year loan agreement for an aggregate amount to pay for administrative and overhead expenses through the year 2012 and 2) a loan from the City to fund Capital Projects. Expense: Not to exceed \$3.31 million.  
**Action: Adopted Resolution No. 59,150-N.S. (Abstain: Olds, Dean)**
  
2. **Contract: Totland Park Renovations**  
Recommendation: Adopt a Resolution approving plans and specifications for Totland Park renovations; accepting the bid of CLD Construction; authorizing the City Manager to execute a contract and any amendments for a period of 120 days. Expense: \$49,950  
**Action: Adopted Resolution No. 59,151-N.S.**
  
3. **Donation for San Pablo Park Play Equipment Project**  
Recommendation: Adopt a Resolution accepting a donation from Eminent Software Inc. through Berkeley Partners for Parks for planned improvements within the tot area at San Pablo Park. Donation: \$3,000  
**Action: Adopted Resolution No. 59,152-N.S.**
  
4. **Contract: University Avenue Interconnect Replacement Project**  
Recommendation: Adopt a Resolution approving plans and specifications for the University Avenue Interconnect Replacement Project; accepting the bid of St. Francis Electric, Inc.; and authorizing the City Manager to execute a contract and any amendments to install traffic signal interconnect cable along University Avenue between Milvia and Sixth Street for the period September 15, 1997 to June 30, 1998. Expense: \$340,000  
**Action: Adopted Resolution No. 59,153-N.S.**
  
5. **Contract: Municipal Parking Lot at Dwight Way and Eighth Street**  
Recommendation: Adopt a Resolution appropriating funds from the Off-Street Parking Fund; and authorizing the City Manager to execute a contract and any amendments with the Berkeley Chamber of Commerce to manage and operate the new City Parking Facility at Dwight Way and Eighth Street for a time period of two years. Expense: \$23,170  
**Action: Adopted Resolution No. 59,154-N.S.**

6. **Contract: West Campus Swim Center Pool Renovation Project**  
Recommendation: Adopt a Resolution approving plans and specifications for the West Campus Swim Center Pool Renovation Project; accepting the bid of Western Water Features, Inc.; and authorizing the City Manager to execute a contract and any amendments to upgrade the swimming pool at the West Campus Swim Center for the period September 15, 1997 to June 30, 1998. Expense: \$223,700  
**Action: Adopted Resolution No. 59,155-N.S.**
  
7. **Contract: West Berkeley Senior Center Roof Replacement**  
Recommendation: Adopt a Resolution approving plans and specifications for the West Berkeley Senior Center roof replacement; accepting the bid of Pioneer Roofing Organization; authorizing the City Manager to execute a contract and any amendments for a period of 35 calendar days. Expense: \$44,952  
**Action: Withdrawn by the City Manager.**
  
8. **Contract: North Berkeley Senior Center Upper Exterior Siding Repair**  
Recommendation: Adopt a Resolution approving the plans and specifications for North Berkeley Senior Center upper exterior siding repair; accepting the bid of the lowest responsible bidder; authorizing the City Manager to execute a contract and any amendments for the period September 26, 1997 to January 1, 1998. Expense: \$115,000  
**Action: Adopted Resolution No. 59,156-N.S.**
  
- (b) From Mayor and Council:
  1. **Gray Panthers Proclamation**  
From: Councilmember Maio  
Recommendation: That Council approve the reading of a proclamation at the September 23rd Council meeting declaring Friday, September 26, 1997 as Gray Panthers Day and allowing representatives from the Gray Panthers to comment.  
**Action: Approved recommendation to add proclamations to September 23rd meeting.**
  
  2. **Support Survival of the Traditional Hopi/Dineh (Navajo) Peoples**  
From: Councilmember Worthington  
Recommendation: That Council: 1) Adopt a Resolution which outlines the severity of the situation at Big Mountain regarding survival of the cultural existence of the Traditional Hopi/Dineh (Navajo) Peoples, 2) Send letters to President Clinton, Congressman Dellums and Senators Feinstein and Boxer urging them to establish new emergency hearings to investigate the issues occurring in northeast Arizona and a request for creation of a National Historic Cultural and Environmental Preserve and the return of those relocatees to the Joint Use Area and nearby lands, 3) Formally request the elders of both the Hopi and Dineh tribes be sought out and included in these hearings, 4) Call upon other U.S. cities to join us in lobbying Congress and the President to put an end to the injustices being performed with our government's approval, 5) Send a letter to Executives of Peabody Coal and the parent company, Hanson, Inc. asking them to put an end to the ecosystem destruction and devastation of cultural existence of the native peoples, 6) Send a letter to the Bureau of

Indian Affairs in Arizona and to Ada Deer, Assistant Secretary for Indian Affairs, calling upon them to act upon their responsibilities to protect and preserve the traditional cultures, and 7) Send letters to the Hopi Tribal Council and Tribal Police Chief, and Senator McCain voicing the City of Berkeley's disapproval of their actions and encouraging interest of the traditional peoples, culture and sustainment of the ecosystem ahead of corporate interests, such as those of Peabody Coal, or others.

**Action:** Adopted Resolution No. 59,157-N.S.

3. **Enforcement of Permit Parking Zone**

From: Councilmember Spring

Recommendation: That Council 1) request the City Manager inform all City staff and the Berkeley Unified School District of the rules regarding the preferential permit parking zones in the Civic Center area, 2) continue the project started by MAGNA representatives of daily identification of individual license plate numbers and car owners that park for more than two hours in Zone C and 3) report back to Council in seven months.

**Action:** Approved recommendation.

4. **Establish an Additional Zoning Adjustments Board**

From: Mayor Dean

Recommendation: That Council refer to the Zoning Adjustments Board (ZAB) and the City Manager the question of establishing an additional Zoning Adjustments Board and request a report back with recommendations by the end of November 1997.

**Action:** Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Shirek/Maio; Noes - Woolley, Dean) to table the item.

5. **Prevention of Storm Damage from Expected Early and Heavy Winter Rains**

From: Councilmembers Armstrong, Olds, Woolley and Mayor Dean

Recommendation: That Council direct the City Manager to take immediate steps to prevent storm damage expected to occur as a result of early and heavy rains due to El Nino. Steps should include but not be limited to the following: 1) Clean out all storm drains throughout the City, paying special attention to areas where past problems have occurred, 2) Plan ahead to prevent damage from occurring in landslide areas and 3) Take action to ensure that creeks are inspected prior to the onset of winter storms. In addition, request the City Manager prepare an oral report including a City-wide schedule of cleaning storm drains no later than the October 7th Council meeting.

**Action:** Removed from Consent Calendar by Councilmember Maio. Moved, seconded, carried (Spring/Maio; Abstain - Armstrong, Olds, Woolley, Dean) to ask the City Manager to schedule a Council discussion with a report back in October on Public Works' work plan and priorities and schedule for storm drain cleanouts. The report should also include information on what is being done by the County and by other cities to prepare for El Nino. Mayor Dean and Councilmembers Armstrong, Olds and Woolley asked that the record reflect that they abstained because they feel that the storm related issues are not being addressed.

6. **Investigation of California Gas Prices**

From: Mayor Dean

Recommendation: That Council support Senator Boxer in her investigation of the rise in California gas prices by sending letters of support to Senator Boxer, Attorney General Reno and Secretary of Energy Pena and endorse a letter writing campaign allowing Berkeley residents to express their support for the investigation.

Action: Approved recommendation.

7. **Dragonfly Preschool**

From: Councilmember Breland

Recommendation: That Council direct the City Manager to investigate the financial status and any assistance needed to keep the Dragonfly Preschool Program in the community and to include low-income residents, and report back by October 7th Council Meeting.

Action: Removed from Consent Calendar by Councilmember Olds. Moved, seconded, carried (Breland/Olds) to adopt the recommendation as amended to also request the City Manager to report back on October 7th or as soon as possible thereafter as to why the Preschool did not receive funding from the Housing Advisory Commission; how community welfare reform monies might be utilized; and a list of other preschools that might be eligible for welfare reform monies.

8. **Waiver of Fees for Youth Forum for West Berkeley Youth**

From: Councilmember Breland

Recommendation: Adopt a Resolution waiving fees for the rental of the James Kenny Recreation Center, providing for the taping of a film by BTV Channel 25, providing for staff support, and for all necessary permits; and directing the City Manager to find financial support for the West Berkeley Youth Forum sponsored by the West Berkeley Council Subcommittee.

Action: Adopted Resolution No. 59,158-N.S.

9. **25th Anniversary of Arts and Crafts Vendors on Telegraph**

From: Councilmember Worthington

Recommendation: That Council issue a proclamation at the September 16th City Council meeting in honor of the 25th Anniversary of the Arts and Crafts on Telegraph Avenue to be held on September 21, 1997.

Action: Removed from Consent Calendar by Councilmember Worthington. Moved, seconded, carried (Worthington/Spring) to approve recommendation. Proclamation presented by Councilmember Worthington.

Section G. Reports For Action

(a) From City Manager:

1. **Memorandum of Understanding for Fire Protection**

Recommendation: Adopt a Resolution authorizing the City Manager to negotiate and execute a Memorandum of Understanding (MOU) with the cities of El Cerrito, Richmond, Kensington Fire Protection District, Contra Costa County Fire Protection District and the East Bay Regional Park Fire Department for the exchange of fire protection. Expense: None

**Action:** Moved to Consent Calendar by Councilmember Armstrong. Adopted **Resolution No. 59,159-N.S.**

2. **Air/Surface Easement at 1904 Sixth Street**

Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an Easement Grant Deed with Rue-ell Enterprises for a ten-foot wide by 152-foot deep air/surface easement over the southerly portion of City-owned lot at 1904 Sixth Street. Revenue: \$16,000

**Action:** Withdrawn by the Deputy City Manager.

(b) From Mayor and Council:

1. **Interim Measures on the Use of Pepper Spray**

From: Councilmember Spring

Recommendation: That Council: 1) approve an interim policy that every time pepper spray is used by the Police Department, that the Officer involved will fill out a Use of Pepper Spray Report similar to the Use of Force Report presently in effect, and send to the Council and Police Review Commission within 7 days, 2) put seals on the triggers of the canisters, 3) no pepper spray will be used as crowd control by the Berkeley Police Department, 4) the City of Berkeley will investigate legal and other actions to be taken against UC Berkeley Police over abuse of pepper spray and other weapons, and 5) Council will view up to ten minutes of the video of UC Berkeley Police use of pepper spray on demonstrations for affirmative action at the September 16, 1997 Council meeting.

**Actions:** The video was shown.

Moved, seconded, carried (Maio/Spring) to approve an interim policy for City of Berkeley Police Department use of pepper spray to include: 1) Every time pepper spray is used by the Police Department a Use of Pepper Spray Report similar to the Use of Force Report presently in effect will be completed and sent through regular Police Department channels and to the Council and Police Review Commission; 2) the Report will be sent to the Council as an off-agenda report within seven days, 3) Seals will be put on the triggers of the canisters, 4) No pepper spray will be used as crowd control, and 5) The Police Chief will return to the Council with a report on all past and present uses of Pepper Spray.

Moved, seconded, carried (Maio/Spring) to 1) Ask the City Attorney to advise the Council on any legal actions Council might pursue as it relates to the University and University Police Department's actions to protect the students and their civil rights and any other effective actions the Council might take, and 2) The City continue working with the University of California at Berkeley to promote improved oversight and training to better equip the University Police to handle sensitive and volatile situations.

Moved, seconded, carried (Armstrong/Olds) to endorse the ASUC Bill in support of reforming the UC Police Review Board as presented by ASUC Senators at this meeting, and send a letter to the University officials informing them of Council's endorsement.

#### Section H. Reports For Information

(a) From City Manager:

1. **South Side Pedestrian Lighting Study (CR 97-53)**  
Action: Received and filed.
2. **Unsafe Bedroom Window Security Bars (CR 97-64)**  
Action: Received and filed.
3. **Survey Regarding Economic Impact of Smoking Ordinance (to be delivered)**  
Action: Withdrawn by the City Manager.

(c) From Others:

1. **Notices of Decision for 2683 Le Conte Avenue and City Right-of-Way and Eastern Portion of Daley's Scenic Park District**  
From: Landmarks Preservation Commission  
Action: Councilmember Maio moved to Action. Received and filed.

#### Section I. Priority Items

1. **PRESENTATION ON ELECTRIC POWER SUPPLY OPTIONS**
  - a. City Manager Information Report

Action: Presentation made. Moved, seconded, carried (Maio/Worthington; Absent - Woolley) to adopt the following staff recommendations: 1) The City should not join the ABAG electric power purchase pool this year. This pool applies to electricity serving municipal facilities only. The team believes that greater savings may be available through other vehicles and that the relatively modest projected savings are offset by price uncertainty, administrative cost, metering costs, and advance payments. If Council decides

otherwise, it must act by September 16 or wait for another year; 2) The City should explore other options for electric power supply for municipal facilities. Those options should include participating in the State of California's power pool, pooling with another public agency(ies) or pooling with loads in the Berkeley community. The City should explore opportunities to include electricity generated from renewable resources into its supply contract(s). Staff will explore these options; 3) The City will need to change its procedures to collect revenues related to electricity sales pursuant to the utility users tax, franchise ordinance and business license tax. Staff are working on the new procedures; 4) The City should explore opportunities to increase competition for electric services within the community (not just for municipal facilities). Options range from encouraging private companies to market in Berkeley, to encouraging non-governmental buyers' groups to aggregating municipal and community loads for bulk power purchase. Staff intends to initiate a preliminary study of these options in 1998 after there is some experience with this new market.

2. **LIBRARY PROJECT UPDATE BY BOARD OF LIBRARY TRUSTEES**

**Action:** Presentation postponed at the request of the Library Board.

Section J. Communications

The following communications were read, noted and filed unless referred to the City Manager as noted:

1. Joan M. Torykian, P.O. Box 9267, regarding parking places at 2555 Virginia Street. **Referred by Breland.**
2. Patrick R. Craig, P.O. Box 545, regarding Parking Citation Center. **Referred by Breland, Maio, Spring, Woolley and Mayor Dean.**
3. Charles L. Smith, 61 San Mateo Road, regarding tall trees as a hazard in the City. **Referred by Shirek.**
4. Russell G. Clemens PhD EE, Caja 93 San Blas, Nayarit, Mexico, regarding the discontinuance of oil.
5. Damien Curry, 1815 Curtis Street, regarding commuters using Curtis, Delaware and Hearst Streets. **Referred by Maio.**
6. Emilie Keas, 2141 Virginia Street, regarding building units at under-market prices.
7. Bernard J. Finkle, 21 Kingston Road, regarding affordable homes to be built at 1320 and renovate at 1314 Haskell Street. **Referred by Breland.**
8. Charles V. Shank, Director, Lawrence Berkeley National Laboratory, regarding soil containing tritium. **Referred by Olds.**

9. Richard C. Atkinson, President, University of California, 300 Lakeside Drive, Oakland, regarding on-site burial of tritium waste at Lawrence Berkeley National Laboratory.
10. Deborah Walton, Richard Graham, Carol Jenkins and Ronaldo Beber, 2319, California Street, regarding Kragen Use Permit. **Referred by Breland and Mayor Dean.**
11. Anne Ireland, 10944 San Pablo Avenue, regarding Roisin McAliskey's release. **Referred by Breland.**
12. Communications regarding off-leash dog use from Doug Manson, 5228 Felicia Avenue, Livermore and Josie Lemon, 6429 Regent Street, Oakland. **Referred by Breland and Woolley.**
13. John Woodbury, Director and Matt Williams, Director, Alameda-Contra Costa Transit, 1600 Franklin, Oakland, regarding BART strike.
14. Ellen Marionthal, The Cutting Room, 2079 University Avenue, regarding Parole Office located on University Avenue. **Referred by Olds, Spring, Woolley and Mayor Dean.**
15. Sydney Twinshek, 1805 Bonita Avenue, regarding homeless people occupying Ohlone Park. **Referred by Breland, Maio and Spring.**
16. Jeff Issenberg, Program Coordinator, Friday Night Live, 39355 California Street, Fremont, regarding supporting Berkeley's Youth Commission's Youth Day Celebration.
17. Jeff Hobson, 2315A Russell Street, regarding 1320 Haskell Street. **Referred by Breland.**

Section K. Adjournment

Meeting adjourned at 10:50 p.m. in memory of Albert Perez, Jason Jenkins and Connie Barton.

This is to certify that the foregoing is a true and correct copy of the minutes of September 16, 1997, as approved by the Berkeley City Council.

Attest:

  
City Clerk



Rashi Kesarwani  
Councilmember District 1

CONSENT CALENDAR  
December 2, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Resolution Rescinding Resolution No. 51,408-N.S.  
Restricting the Use of Air Support and Canine Units  
And Updating Mutual Aid Policies

RECOMMENDATION

Adopt a resolution to rescind Resolution No. 51,408-N.S. which currently restricts the use of helicopters and police canine units by the Berkeley Police Department (BPD) and to update policies authorizing BPD to deploy these resources through mutual aid agreements directly with external agencies. The revised policy framework will replace the prior requirement for City Manager approval with post-deployment notification, ensuring rapid and effective responses during critical incidents. The policy will continue to explicitly prohibit the use of canines for crowd control.

CURRENT SITUATION AND ITS EFFECTS

Resolution No. 51,408-N.S., passed on July 15, 1982, imposes restrictions on deploying helicopters and canine units that function as essential support during high-risk emergencies. Per this resolution, mutual aid in the form of helicopter and canine unit deployment can only be used during high-risk situations. The resolution notes that police use of dogs from other law enforcement agencies is permitted only under the following circumstances:

- To apprehend suspects:
  - Where there is a threat to human life;
  - Where the suspect is reasonably believed to be armed with a deadly weapon; and
  - Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect.
- To locate missing persons;
- To locate crimes scenes;
- Provided that the use of dogs is explicitly prohibited for use in crowd control.

The resolution also notes that police use of helicopters from other law enforcement agencies is permitted in locating missing persons. This item proposes allowing the following uses for air support, in line with Lexipol policy recommendations:

- When the helicopter is activated under existing mutual aid agreements;
- Whenever the safety of law enforcement personnel is in jeopardy and the presence of the helicopters may reduce such hazard;
- When the use of the helicopters will aid in the capture of a suspected fleeing felon whose continued freedom represents an ongoing threat to the community;
- When a helicopter is needed to locate a person who has strayed or is lost and whose continued absence constitutes a serious health or safety hazard; and
- Vehicle pursuits.

The 1982 resolution also requires the pre-approval of the City Manager which imposes a time-intensive effort during emergency situations.<sup>1</sup> Limiting the department's ability to quickly deploy both helicopters and canine units hinders response times and reduces operational flexibility. This limitation can compromise both the public and officer safety by preventing rapid access to resources that could significantly enhance situational awareness of the high-risk incident and on-scene effectiveness.

## BACKGROUND

Resolution No. 51,408-N.S. was originally enacted in 1982 to curb potential police overreach; it no longer reflects modern law enforcement practices. Today, mutual aid agreements with external agencies providing access to helicopters and police canine units are standard across many jurisdictions and do not require additional time-intensive approval processes. These resources offer real-time situational awareness, safer monitoring of dynamic incidents, non-lethal suspect apprehension, and enhanced capabilities in search and rescue operations.

## PROPOSED CHANGES AND RATIONALE FOR RECOMMENDATION

Resolution No. 51,408-N.S. is recommended for rescission so BPD can more effectively and quickly address high-risk situations using appropriate mutual aid tools. By updating our policies to allow the department to directly deploy these tools we will be aligning ourselves with regional mutual aid best practices and industry standards as well as aligning with our own recently updated agreements with other law enforcement agencies passed on July 22 earlier this year.<sup>2</sup> Rescission of this resolution will replace the outdated requirement for prior City Manager approval with a post-deployment notification. Rescinding the existing ordinance will remove barriers that delay the deployment of vital resources in emergencies. Mutual aid

<sup>1</sup> See attachment 2, Resolution No. 51,408-N.S. as found in the annotated agenda from the July 15, 1982 City Council meeting.

<sup>2</sup> July 22, 2025 Public Hearing: Memorandum of Understanding (MOU) Compendium: Agreements with Other Law Enforcement Agencies and Private Organizations;  
<https://berkeleyca.gov/sites/default/files/documents/2025-07-22%20Item%2016%20Memorandum%20of%20Understanding%20%28MOU%29%20Compendium.pdf>

arrangements are widely recognized as an effective means of enhancing public and officer safety by providing rapid access to aerial and canine support. Updating the policy will not only modernize Berkeley's law enforcement capabilities but also ensure that resource deployment is carried out with greater efficiency, transparency, and adherence to current industry standards.

#### FISCAL IMPACTS

No significant new expenditures are expected from this rescission. Any costs incurred for mutual aid support will be managed through established reimbursement agreements. The policy revision is anticipated to deliver operational benefits without imposing undue financial burden on the City.

#### CONTACT PERSON

Rashi Kesarwani, Councilmember, District 1

(510) 981-7110

#### ATTACHMENTS

- 1) Resolution
- 2) Resolution No. 51,408-N.S.

RESOLUTION NO. ##,###-N.S.  
RESOLUTION MODERNIZING AIR AND CANINE SUPPORT MUTUAL AID  
POLICIES

WHEREAS, the Berkeley City Council recognizes that Ordinance Resolution No. 51,408-N.S.- adopted in 1982 imposes outdated restrictions that delay the timely deployment of air support and police canine units during critical law enforcement operations; and

WHEREAS, these restrictions hinder the Berkeley Police Department's ability to secure essential resources in high-risk incidents, thereby reducing operational flexibility and potentially compromising public and officer safety; and

WHEREAS, mutual aid agreements with external agencies providing access to helicopter support as well as police canine units are now standard practice nationwide, enhancing situational awareness, effective suspect apprehension, and search-and-rescue capabilities; and

WHEREAS, replacing the existing requirement for prior City Manager approval with post-deployment notification will facilitate rapid response during emergencies while ensuring accountability through comprehensive documentation and annual reporting;

NOW, THEREFORE, BE IT RESOLVED BY THE BERKELEY CITY COUNCIL THAT:

1. Resolution No. 51,408-N.S. is rescinded in full. All prior limits on the use of outside air support and police canine units are nullified.
2. The Berkeley Police Department may request and deploy canine teams from external agencies for the following purposes:
  - a. To apprehend suspects:
    - i. Where there is a threat to human life
    - ii. Where the suspect is reasonably believed to be armed with a deadly weapon, and
    - iii. Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect.
  - b. To locate missing persons
  - c. To locate crimes scenes
  - d. Provided that the use of dogs is explicitly prohibited for use in crowd control.
3. The Berkeley Police Department may request and deploy helicopter assistance from external agencies for any of the following purposes:
  - a. Activation under existing mutual aid agreements.
  - b. Support during incidents that place officers at risk when an aerial presence can reduce the danger.
  - c. Assistance in pursuing a fleeing felony suspect whose continued flight threatens the community.
  - d. Searches for missing or lost individuals whose absence creates a serious hazard.
  - e. Vehicle pursuits where aircraft can safely assist tracking or coordination.

4. The Berkeley Police Department may enter into and use mutual aid partnerships with outside agencies for all air support and canine deployments described in this resolution.
5. The former requirement for advance approval by the City Manager is replaced. After each deployment of outside air or canine support, the Chief of Police or a designee shall notify the City Manager as soon as practical.

RESOLUTION NO. 51,408 -N.S.

ESTABLISHING POLICIES FOR USE OF DOGS AND HELICOPTERS BY THE POLICE DEPARTMENT OF THE CITY OF BERKELEY, AND RESCINDING THE PROVISIONS OF RESOLUTION NO. 48,630-N.S. AS THEY APPLY TO THE USE OF DOGS AND HELICOPTERS.

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

That the following policies for use of dogs and helicopters by the Police Department of the City of Berkeley are hereby established:

1. Police use of dogs from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

- a. To apprehend suspects
  - (1) Where there is a threat to human life, and
  - (2) Where the suspect is reasonably believed to be armed with a deadly weapon, and
  - (3) Where the suspect is in a controlled, contained area and there are no known occupants of the area other than the suspect; or
- b. To locate missing persons; or
- c. To locate crime scenes.

Provided, however, that the use of dogs is explicitly prohibited for use in crowd control.

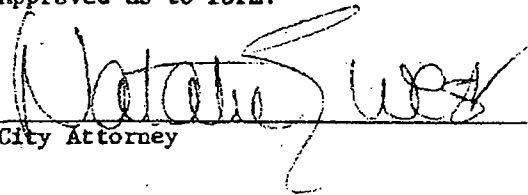
2. Police use of helicopters from other law enforcement agencies is permitted upon approval of the City Manager (or upon approval of the Chief of Police in emergency situations when the City Manager is not immediately available) in the following circumstances:

- a. To assist in case of a disaster; or
- b. To assist in rescue efforts (specifically excluding the rescue of hostages); or

c. To assist in locating missing persons.

FURTHER, RESOLVED, that the provisions of Resolution No. 48,630-N.S. as they apply to the use of dogs and helicopters are hereby rescinded.

Approved as to form:

  
\_\_\_\_\_  
City Attorney





BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
DISTRICT 2

CONSENT CALENDAR  
December 2<sup>nd</sup>, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Tregub (Co-Sponsor),  
Councilmember Lunaparra (Co-Sponsor)

Subject: Resolution for Unionization Efforts by Employees of École Bilingue

RECOMMENDATION

Adopt a Resolution in support of École Bilingue de Berkeley administrative, support, and enrichment staff unionization effort.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

École Bilingue de Berkeley (EB) is a private PK-8<sup>th</sup> grade French immersion school on Heinz Avenue in Berkeley. In 2014, the faculty joined AFT/CFT, Local 6563. In 2015 they negotiated their first contract which improved working conditions and retention and provided for collaborative decision-making and job security.

Some ten years later, on October 21<sup>st</sup>, 2025, a super majority of administrative, support, and enrichment staff from EB requested voluntary recognition for a new bargaining unit in AFT/CFT Local 6563. Within 24 hours the school administration denied the request. Administration told staff they must proceed through the National Labor Relations Board.

As of November 6<sup>th</sup>, 2025, the federal government is still shut down. Because of this, the National Labor Relations Board has suspended processing representation petitions and conducting elections. This leaves the workers lacking a clear way ahead.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

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

Attachments:

- 1: Resolution

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

RESOLUTION SUPPORTING UNIONIZATION OF ECOLE BILINGUE DE BERKELEY  
STAFF

WHEREAS, a supermajority of staff at École Bilingue in Berkeley requested voluntary recognition for a new bargaining unit on October 21st, 2025; and

WHEREAS, the administration at École Bilingue de Berkeley refused to voluntarily recognize the staff union within 24 hours of the request, and instead instructed staff they would only proceed through the National Labor Relations Board; and

WHEREAS, the federal government has been shut down since October 1, leaving no viable option for staff to file a petition for a union election; and

WHEREAS, union representation has been consistently shown in empirical studies to improve working conditions; access to healthcare and sick pay; and wage parity for women, Black and Latinx workers, and other disadvantaged groups; and

WHEREAS, the NLRB reports that union representation petitions increased by 27% in Fiscal Year 2024, representing continued strength in the labor movement in the United States; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that École Bilingue de Berkeley administration is hereby urged to voluntarily recognize the union representation request by its administrative, support, and enrichment staff seeking to unionize under the Bay Area Federation of Teachers, Local 6563 as soon as possible and begin bargaining a fair and just collective bargaining agreement



**Igor Tregub**, Councilmember District 4  
**Adena Ishii**, Mayor  
**Brent Blackaby**, Councilmember District 6  
**Shoshana O’Keefe**, Councilmember District 5

02a.36

CONSENT CALENDAR

December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Shoshana O’Keefe (Co-Sponsor)

Subject: Referral to the City Manager and City Attorney: Vibrant Storefront Policy

**RECOMMENDATION**

Referral to the City Manager and City Attorney to develop a vibrant storefront policy that sets performance standards and considers additional strategies to address a growing number of ground-floor storefront vacancies in Berkeley’s commercial districts.

**FINANCIAL IMPLICATIONS**

Staff time will be needed to develop and enforce the policy and to monitor commercial corridors to ensure compliance. Some of these efforts are aligned with the ongoing work of the City of Berkeley’s Office of Economic Development. Long-term fiscal benefits include stronger commercial activity, higher business tax revenues, and stabilized property values. While the goal of this policy is compliance, penalties for non-compliance could offset the costs of policy development and enforcement.

**CURRENT SITUATION AND ITS EFFECTS**

Community members, businesses, and neighborhood organizations have increasingly raised concerns about the number and condition of vacant commercial properties in Berkeley, a matter of urgency that necessitates expeditious policy intervention.

Although Berkeley’s economy remains fundamentally strong, prolonged ground-floor vacancies continue to affect key commercial corridors, including but not limited to

Downtown Berkeley.<sup>1</sup> Even short-term vacancies create a perception of decline, discourage pedestrian activity, and reduce the sense of safety and vitality that defines Berkeley's community spaces. In fact, when participants were asked at a recent Downtown Association Strategic Planning survey "to vote for their top three physical improvement priorities to achieve this vision, fill and activate empty storefronts was by far the most popular option, with 74% support.<sup>2</sup>

Storefront vacancies in commercial districts also generate ripple effects across the city. Vacant storefronts interrupt pedestrian continuity, deter new investments, and reinforce perceptions of economic stagnation. The resulting deterioration undermines public safety, weakens consumer confidence, and diminishes the sense of place and neighborhood identity.<sup>3</sup>

### ***Causes of Vacancies***

Berkeley's commercial vacancy rate, though variable by corridor, has generally remained higher than pre-pandemic levels. For example, according to the Downtown Berkeley Association, the Downtown area exhibits a 28.2% vacancy rate by square footage,<sup>4</sup> including properties slated for development. This high rate of vacancy can be attributed to several interrelated factors:

#### *Macro Causes/Issues*

- Continued shift to e-commerce sales away from brick & mortar
- Continued growth of food delivery services, including the advent of ghost kitchens outside of the commercial core
- Low property taxes for commercial properties with pre-Prop 13 or long-term owners
- High costs of building out "cold shells" in new mixed-use developments
- The amortization of buildout costs of tenant improvements paid by landlords and included in monthly rent over the term of lease, especially in cold shell spaces, can lead to reluctance to invest in such tenant improvements
- In some instances, speculative property holding in anticipation of redevelopment, rezoning, or tax advantages.<sup>5 6 7</sup>

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<sup>1</sup>[https://berkeleyca.gov/sites/default/files/documents/Attachment2\\_Commercial%20District%20Dashboards\\_2024\\_Q4.pdf?utm\\_source=chatgpt.com](https://berkeleyca.gov/sites/default/files/documents/Attachment2_Commercial%20District%20Dashboards_2024_Q4.pdf?utm_source=chatgpt.com)

<sup>2</sup> [https://www.downtownberkeley.com/wp-content/uploads/2025/06/DBAStrategicPlan\\_June-19-2025\\_FINAL2.pdf](https://www.downtownberkeley.com/wp-content/uploads/2025/06/DBAStrategicPlan_June-19-2025_FINAL2.pdf)

<sup>3</sup> [https://www.brookings.edu/articles/how-to-break-the-doom-loop-actionable-insights-from-the-brookings-future-of-downtowns-learning-exchange/?utm\\_source=chatgpt.com](https://www.brookings.edu/articles/how-to-break-the-doom-loop-actionable-insights-from-the-brookings-future-of-downtowns-learning-exchange/?utm_source=chatgpt.com)

<sup>4</sup> [https://www.downtownberkeley.com/wp-content/uploads/2025/06/DBAStrategicPlan\\_June-19-2025\\_FINAL2.pdf](https://www.downtownberkeley.com/wp-content/uploads/2025/06/DBAStrategicPlan_June-19-2025_FINAL2.pdf), Page 14

<sup>5</sup> <https://www.irs.gov/taxtopics/tc425>

<sup>6</sup> <https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping>

<sup>7</sup> <https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping>

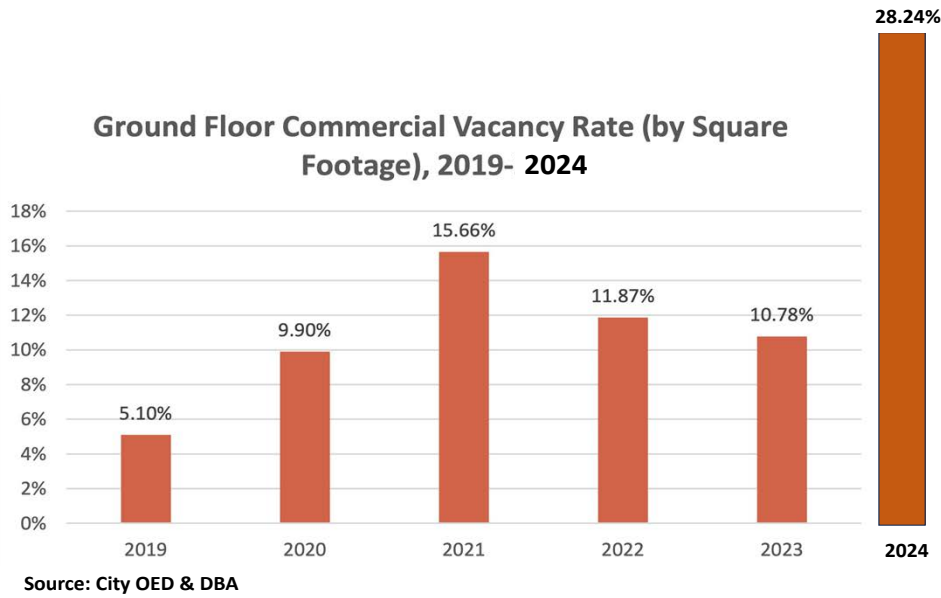
Berkeley-Specific Causes/Issues

- Requirement of mixed-use retail on the ground floor in new residential projects
- Stalled housing projects due to market conditions (retail vacated and stripped of utilities in anticipation of now delayed construction)
- Safety and quality-of-life concerns for customers and employees (e.g., closure of Peet’s Coffee at Shattuck & Kittredge)<sup>8</sup> also impacting willingness of residents and visitors to come to the Downtown and other commercial districts.
- Retail crime and property damage (e.g., stolen tip jars, smash & grab, broken windows)
- Lack of loading zones for pickup and delivery
- High cost of buildout with older infrastructure with time and expense of new code requirements
- Dependence on student market with limited disposable income in some areas of the City
- Shrinking need for office space square footage and usage in commercial districts (due to effects of COVID-19 and other factors)
- Extended permitting and renovation timelines delaying re-occupancy
- Lingering impacts of COVID-19, including business closures, remote work, and reduced daytime foot traffic
- Misalignment between available spaces and market demand in terms of layout, size, and allowable use
- High commercial rents limiting affordability for small and locally owned businesses

| <b>District</b>   | <b>Vacancy Rate 2020</b> | <b>Vacancy Rate 2021</b> | <b>Vacancy Rate 2022</b> | <b>Vacancy Rate 2023</b> | <b>Vacancy Rate 2024</b> |
|-------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| Downtown Berkeley | 9.9%                     | 15.7%                    | 11.9%                    | 10.8%                    | 28.2% <sup>9</sup>       |
| Telegraph Avenue  | 17.2%                    | 12.6%                    | 8.5%                     | 9.3%                     | 9.9%                     |
| San Pablo Avenue  | 4.8%                     | 7.9%                     | 10.8%                    | 15.5%                    | 7.1%                     |
| Solano Avenue     | 6.7%                     | 4.4%                     | 3.7%                     | 2.6%                     | 2.1%                     |

<sup>8</sup> <https://oaklandside.org/2024/06/13/parlour-cabanas-peets-east-bay-restaurant-closing/>

<sup>9</sup> This figure includes vacant storefronts in buildings that were scheduled for demolition to make way for new construction.



As identified in the *Spring 2025 Vacant Storefront Toolkit*, the leading causes of Berkeley’s storefront vacancies include high rents, holding costs, financing delays, ongoing COVID-19 impacts, zoning and permitting challenges, e-commerce disruption, and safety concerns.

Developing a vibrant storefront policy will help Berkeley promote vibrant and welcoming streetscapes, preserve neighborhood integrity, and address the key externalities of long-term vacancies, blight, and economic stagnation across its commercial corridors.

There are several patterns of vacant commercial property ownership that contribute to prolonged storefront inactivity.<sup>10</sup> Research shows that these patterns are observed in cities nationwide and have measurable impacts on neighborhood vitality, economic resilience, and the public experience of commercial districts.<sup>11</sup>

- **Active Leasing**

Property owners who are actively seeking tenants and setting lease rates within a reasonable market range and/or willing to do “deals” with right tenants including reduced rents, first months free, tenant improvement budgets, etc. These owners maintain their spaces, respond to inquiries, and demonstrate consistent effort to lease in good faith, but cannot find appropriate tenants.

- **Holding for Higher Returns**

Property owners who keep spaces vacant while waiting for a more profitable

<sup>10</sup> <https://archive.strongtowns.org/journal/2025/5/22/whats-with-the-vacant-storefronts-8-reasons-for-empty-commercial-spaces>

<sup>11</sup> [Joint Center for Housing Studies of Harvard University. “Why Do Urban Storefronts Stay Empty for So Long?” 2023](#)

tenant or future sale. Lease rates may be set significantly above realistic market conditions, or negotiations may be prolonged or discouraged to secure higher returns.

- **Holding for Redevelopment or Rezoning**

Property owners who do not attempt to lease their properties because they anticipate future demolition, conversion, or redevelopment. These spaces remain inactive to avoid investment in improvements or tenant commitments prior to redevelopment. This includes several properties in the Downtown where retail was vacated in spring/summer 2024, and utilities removed, in anticipation of construction starting soon. When markets shifted with lower rents and continued high construction costs, these projects were put on hold, and re-leasing or pop-up retail not viable due to high costs and time to reinstall utilities.

- **Vacancy as a Financial Strategy**

While not observed in Berkeley, this has been used as a strategy in certain cases outside of Berkeley for tax depreciation or other financial advantages. In these cases, the vacancy is intentional and financially structured rather than related to leasing conditions.

- **Absentee or Disengaged Ownership**

Property owners who are unresponsive or minimally involved in the management of their buildings. Lack of maintenance, delayed repairs, and visible deterioration can result in negatively impacting surrounding businesses and the public realm.

While most property owners make good-faith efforts to lease or activate spaces, there are some who unfortunately do not.<sup>12</sup> A quick look at Loopnet<sup>13</sup> or CoStar<sup>14</sup> shows that a large majority of vacant retail is being marketed by property owners and/or their commercial brokers. A milieu of business tax write-offs, absentee ownership dynamics, and ownership incentives contribute to the problem. Federal tax rules<sup>15</sup> allow deduction of certain carrying costs and depreciation for income-producing property, subject to passive activity loss limitations.<sup>16</sup> <sup>17</sup> shows that a large majority of vacant retail is being marketed by property owners and/or their commercial brokers. Business tax write-offs, absentee ownership dynamics, and ownership incentives contribute to the problem.

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<sup>12</sup> <https://www.spur.org/voter-guide/2020-03/sf-prop-d-vacancy-tax>

<sup>13</sup> <https://www.loopnet.com/search/commercial-real-estate/berkeley-ca/for-lease/?view=map>

<sup>14</sup>

[https://www.costar.com/home/demo?utm\\_source=google&utm\\_medium=cpc&utm\\_campaign=8362819905&utm\\_content=85421354763&utm\\_term=costar&utm\\_campaign\\_id=3ac7680a-ea7a-4c27-a0d2-4ee10fe6a14e&qad\\_source=1&qad\\_campaignid=8362819905&gbraid=0AAAAAD1YTcl71652Bu9Cml0kkofeS77qv&qclid=Cj0KCQiA5ablBhCaARIsAM3-zFV3YP3GPolkpdj3pvHRRxXI6PEfx\\_qFBYiKEsEe0y48o3FIDEnyafQaAthTEALw\\_wcB](https://www.costar.com/home/demo?utm_source=google&utm_medium=cpc&utm_campaign=8362819905&utm_content=85421354763&utm_term=costar&utm_campaign_id=3ac7680a-ea7a-4c27-a0d2-4ee10fe6a14e&qad_source=1&qad_campaignid=8362819905&gbraid=0AAAAAD1YTcl71652Bu9Cml0kkofeS77qv&qclid=Cj0KCQiA5ablBhCaARIsAM3-zFV3YP3GPolkpdj3pvHRRxXI6PEfx_qFBYiKEsEe0y48o3FIDEnyafQaAthTEALw_wcB)

Federal tax rules<sup>18</sup> allow deduction of certain carrying costs and depreciation for income-producing property, subject to passive activity loss limitations.<sup>19 20</sup>

Several departments within the City share responsibility for various aspects of implementing, coordinating, and enforcing policies related to vacant and blighted properties. These efforts need to be aligned and coordinated to be effective. Adopting a vibrant storefront policy is an important step to develop regulations that are sensible, workable, and supportive of the vitality of our commercial corridors.

## **BACKGROUND**

Vacant storefronts have been an ongoing conversation in Berkeley for years. In March 2025, the Council considered the First Year Free Program, *Fill Empty Storefronts Act*<sup>21</sup>, introduced by former Councilmember Sophie Hahn, to waive initial business registration and licensing fees for new small businesses, modeled after San Francisco's successful program to help fill vacant spaces. Despite previous efforts like the Berkeley Relief Fund<sup>22</sup> and the Save-our-Small Business Loan Fund,<sup>23</sup> commercial vacancies remain above pre-pandemic levels, particularly in South Berkeley, along San Pablo and University Avenue commercial corridors, and Downtown Berkeley. This proposal reflects Berkeley's longstanding commitment to combining economic incentives with creative activation strategies to restore vibrancy to its commercial corridors.

While Berkeley has explored its own incentive-based approaches, examining how other cities have tackled similar challenges offers valuable insight into best practices and potential adaptations. Across the U.S., cities such as Cambridge, Massachusetts,<sup>24</sup> Saratoga, California,<sup>25</sup> and Evanston, Illinois<sup>26</sup> have adopted vibrant storefront policies to reduce blight, maintain active street-level environments, and support local

<sup>18</sup> [https://www.irs.gov/forms-pubs/about-publication-946?utm\\_source=chatgpt.com](https://www.irs.gov/forms-pubs/about-publication-946?utm_source=chatgpt.com)

<sup>19</sup> [https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping?utm\\_source=chatgpt.com](https://www.irs.gov/businesses/small-businesses-self-employed/tips-on-rental-real-estate-income-deductions-and-recordkeeping?utm_source=chatgpt.com)

<sup>20</sup> [https://www.irs.gov/taxtopics/tc425?utm\\_source=chatgpt.com](https://www.irs.gov/taxtopics/tc425?utm_source=chatgpt.com)

<sup>21</sup> [https://berkeleyca.gov/sites/default/files/documents/2025-03-11%20Item%2016%20%20First%20Year%20Free%20-%20Fill%20Empty%20Storefronts%20Act.pdf?utm\\_source=chatgpt.com](https://berkeleyca.gov/sites/default/files/documents/2025-03-11%20Item%2016%20%20First%20Year%20Free%20-%20Fill%20Empty%20Storefronts%20Act.pdf?utm_source=chatgpt.com)

<sup>22</sup> <https://berkeleyrelieffund.org/>

<sup>23</sup> [https://www.dailycal.org/archives/city-of-berkeley-announces-loan-fund-to-support-small-businesses/article\\_d3dc322c-9aa7-5f74-b030-cd56920ef263.html#:~:text=To%20prevent%20Berkeley's%20entrepreneurial%20landscape,default%20rate%20of%20about%20%25.](https://www.dailycal.org/archives/city-of-berkeley-announces-loan-fund-to-support-small-businesses/article_d3dc322c-9aa7-5f74-b030-cd56920ef263.html#:~:text=To%20prevent%20Berkeley's%20entrepreneurial%20landscape,default%20rate%20of%20about%20%25.)

<sup>24</sup> [https://www.cambridgema.gov/~media/Files/CDD/EconDev/retailstrategy/cambridgevacancystorefrontreport\\_6302018.pdf](https://www.cambridgema.gov/~media/Files/CDD/EconDev/retailstrategy/cambridgevacancystorefrontreport_6302018.pdf)

<sup>25</sup> <https://www.saratoga.ca.us/689/Vacant-Storefront-Regulations>

<sup>26</sup> <https://www.cityofevanston.org/government/departments/community-development/vacant-buildings>

businesses. These policies typically require property owners to upkeep vacant storefronts and implement temporary activations after a defined vacancy period.<sup>27</sup>

### ***How Other Cities Addressed Similar Challenges***

#### *Cambridge, Massachusetts – Vacant Storefront Policy (2025)<sup>28</sup>*

- Requires property owners to register vacant storefronts, submit activation plans, and post leasing contact information after 60 days of vacancy;
- Encourages temporary activations such as art installations, community displays, and non-commercial exhibits that contribute to street vibrancy;
- Cambridge’s approach illustrates how structured registration and activation requirements can enhance transparency and encourage owner responsiveness while maintaining flexibility for artistic and community-based activations

#### *Saratoga, California – Vacant Storefront Regulations (2024)<sup>29</sup>*

- Requires property owners to install window displays or visual activations within 30 days of a property becoming vacant;
- Acceptable activations include artwork, community-themed window paintings, or simulated business displays;
- City outreach materials provide templates and examples for compliance, ensuring the program remains accessible for small landlords;
- Observed outcomes: Reduction in visible blight, faster re-tenanting, and simplified maintenance standards for property owners;
- Saratoga’s clear activation timeline and flexible display options offer a practical compliance model for Berkeley’s diverse commercial corridors.

#### *Evanston, Illinois – Vacant Building Registration Ordinance<sup>30</sup>*

- Requires registration of all vacant buildings, including commercial properties, with detailed information on ownership and maintenance plans;
- Obligates owners to conduct regular safety inspections and document marketing or rehabilitation efforts;
- Limits the duration of window boarding and façade neglect, framing vacancy as a public nuisance issue;

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<sup>27</sup> [https://rpa.org/work/reports/vacant-storefront-toolkit?utm\\_source=chatgpt.com#temporary-window-activations-to-camouflage-vacancy](https://rpa.org/work/reports/vacant-storefront-toolkit?utm_source=chatgpt.com#temporary-window-activations-to-camouflage-vacancy)

<sup>28</sup> [https://www.cambridgema.gov/-/media/Files/CDD/EconDev/vacantstorefront/cityofcambridgevacantstorefrontpolicy2025\\_signed.pdf](https://www.cambridgema.gov/-/media/Files/CDD/EconDev/vacantstorefront/cityofcambridgevacantstorefrontpolicy2025_signed.pdf)

<sup>29</sup> <https://mcclibraryfunctions.azurewebsites.us/api/ordinanceDownload/16616/1363290/pdf>

<sup>30</sup> [https://library.municode.com/il/evanston/codes/code\\_of\\_ordinances?nodeId=TIT4BURE\\_CH16VABU](https://library.municode.com/il/evanston/codes/code_of_ordinances?nodeId=TIT4BURE_CH16VABU)

- Improved data collection and communication between city staff and property owners have led to proactive code enforcement outcomes;
- Evanston’s data-driven registration model can strengthen Berkeley’s vacancy tracking and accountability, particularly if integrated with its permitting systems.

### **Opportunities for Berkeley to revitalize commercial districts**

- **Visual activations:** art installations, murals, green walls, living plant displays, flower arrangements, and artistic window films.
- **Seasonal or event-based activations:** installations tied to holidays, festivals, or city events to keep streetscapes dynamic
- **Temporary adaptive uses:** coworking spaces, mini-galleries, pop-up libraries, or community meeting spaces in long-term vacant units.
- **Community partnerships:** collaborations with local artists, youth organizations, nonprofits, schools, or cultural institutions to design, install, and maintain displays
- **Pop-up retail or temporary community uses:** coordinated through the City’s Office of Economic Development, including local maker displays, cultural programming, or rotating food/coffee stands.
- **Clear signage standards:** “For Lease” and “Coming Soon” signs compliant with Berkeley Municipal Code (BMC) 20.12.<sup>31</sup>
- **Technology-enabled engagement:** QR codes or digital displays linking pedestrians to leasing info, virtual tours, or community programming.
- **Flexible design guidelines:** simple, low-cost activation templates that allow creativity but maintain safety, accessibility, and sightlines for pedestrians
- **Financial support:** fee waivers, small grants, or tax incentives for community-based activations or façade improvements
- **Transparency measures:** public database of registered vacant storefronts, including vacancy duration, owner contact info, and activation plans
- **Zoning changes:** allowing live-work uses in lieu of ground-floor commercial retail in certain corridors and/or side streets or provide additional flexibility to subdivide larger vacant storefront properties to better respond to market conditions

The City can provide guidelines for installation and design ideas.

Measures should be developed to ensure that materials used to mitigate the negative impacts of vacant storefronts, including window film or other screening materials, are kept in good condition and free of rips, tears, bubbling, peeling, staining, or fading.

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<sup>31</sup> <https://berkeley.municipal.codes/BMC/20.12.010>

These measures should also require that any material that becomes worn or visibly deteriorated be replaced in a timely manner to maintain a professional and well-kept appearance consistent with surrounding commercial storefronts.

To encourage participation, the City may offer (1) fee waivers or reductions for temporary activations, (2) small grants or tax incentives for community-based activations or façade improvements collaborations, and (3) technical or design assistance through the Office of Economic Development.

### **ALTERNATIVE ACTIONS CONSIDERED**

While this policy is contemplated for commercial districts, the City Manager could also consider implementing it in certain Mixed-Use districts with a high number of commercial storefronts.

Vacant to Vibrant<sup>32</sup> strategies, such as those being explored and/or deployed in San Francisco,<sup>33</sup> could be included within this legislation and also developed as a standalone set of recommendations and implementation projects.

If the adoption of a vibrant storefront policy does not prove successful in reducing vacancies and blight in our commercial districts, the City Council may consider developing a **commercial vacancy tax** (CVT) to be placed on ballot for a future election.

CVTs are designed to address the negative impacts of prolonged storefront vacancies by applying a tax when a commercial property remains unoccupied beyond a defined threshold (commonly 182 days per year). The primary intent is to incentivize the activation of unused commercial space, either through realistic leasing strategies or interim uses such as pop-ups, community-serving activities, or temporary tenancies.

### **Peer city models of Commercial Vacancy Taxes**

- **San Francisco (Proposition D, 2020):**<sup>34</sup>  
A tax on ground-floor commercial spaces vacant for more than 182 days in named corridors. Rates escalate from \$250 to \$1,000 per linear foot of frontage, depending on consecutive years vacant. Revenue funds small-business support.

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<sup>32</sup> From Vacant to Vibrant: Transforming Empty Downtown Storefronts, <https://mrsc.org/stay-informed/mrsc-insight/june-2025/vacant-to-vibrant>

<sup>33</sup> <https://www.vibrantsf.org/>

<sup>34</sup> [https://ballotpedia.org/San\\_Francisco,\\_California,\\_Proposition\\_D,\\_Vacant\\_Property\\_Tax\\_\(March\\_2020\)](https://ballotpedia.org/San_Francisco,_California,_Proposition_D,_Vacant_Property_Tax_(March_2020))

Reported results show corridor vacancy reductions: North Beach fell from ~10% to ~5% and Haight-Ashbury dropped from 32 of 150 storefronts closed at peak to under 14 today.

- **Oakland (Measure W, 2018):**<sup>35 36</sup>

This measure established a parcel tax of \$3,000–\$6,000 per year for both vacant residential properties and ground-floor commercial spaces. It generally applies to commercial businesses whose permitted use is fewer than 50 days in use per year (i.e., >315 days vacant), with some exceptions.

- **Washington, DC:**<sup>37</sup>

This jurisdiction classifies vacant and blighted properties into higher tax classes. Vacant property (Class 3) is taxed at 5 dollars per 100 dollars of assessed value; blighted (Class 4) at 10 dollars per 100 dollars, a structure designed to create strong activation incentives.<sup>38</sup>

Other jurisdictions' experience indicates that a vacancy tax, when paired with a package of other items that support commercial activation,<sup>39</sup> can encourage more realistic pricing, shorter downtimes, and interim community-serving uses.<sup>40</sup> At the same time, implementation must emphasize accurate definitions, robust exemptions, and enforcement to avoid penalizing owners facing legitimate leasing challenges.

## **COMMUNITY IMPACT**

This policy directly supports Berkeley's goals of maintaining vibrant, safe, and inclusive commercial areas. Vacant storefronts can contribute to perceptions of neglect, discourage investment, and undermine the cultural and economic vitality of the city.

By introducing visual activation and requiring basic maintenance standards, the policy encourages collaboration with local artists, youth programs, and community organizations to transform empty spaces into creative, inviting displays. These measures will enhance the pedestrian experience, support local culture, and reinforce the City's commitment to equitable and sustainable urban life.

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<sup>35</sup> <https://www.oaklandca.gov/Business/For-Landlords/Vacant-Property-Tax-VPT>

<sup>36</sup> <https://cao-94612.s3.amazonaws.com/documents/Measure-W-City-of-Oakland.pdf>

<sup>37</sup> <https://www.hklaw.com/en/insights/publications/2024/11/dc-council-legislation-seeks-to-address-ongoing-vacant-and-blighted>

<sup>38</sup> <https://dob.dc.gov/vacantbuildings>

<sup>39</sup> A separate package of commercial district revitalization reforms is being contemplated as a separate item authored by Councilmember Tregub.

<sup>40</sup> <https://abc7news.com/post/remember-vacant-storefront-tax-san-francisco-heres-how-going/16588700/>

## **CONSULTATIONS CONDUCTED**

This report was prepared in close consultation with the City Manager's Office, the Office of Economic Development, the Department of Planning and Zoning, and the City Attorney's Office. The Downtown Berkeley Association, Berkeley Chamber, Telegraph Business Improvement District, individual business owners, Downtown Berkeley constituents, and other stakeholders were also consulted, and their feedback has been incorporated as appropriate.

This item is presented as a referral to allow for continued coordination among City departments and with community and business stakeholders. A summary of topics discussed is below.

Discussions included the applicability of the ordinance to all ground floor and street facing commercial spaces in commercial and/or certain mixed-use zoning districts that are unoccupied for any duration of time, with property owners required to implement and maintain compliance measures immediately upon vacancy. Stakeholders and staff reviewed two activation pathways, allowing for either transparent storefronts with visible art, cultural, educational, or pop-up displays, or professionally installed interior screening treatments such as green walls, illustrated window films, or other durable materials, maintained in good condition with appropriate dusk to dawn lighting where feasible.

Discussion topics also included pathways for the city to collaborate with local artists, youth organizations, nonprofits, schools, and cultural institutions to design, install, and maintain activation displays. General standards requiring the removal of outdated signage, allowance for permitted real estate signage, and ongoing maintenance to keep storefronts and adjacent public areas clean and free of debris.

Enforcement provisions discussed included each day of noncompliance constituting a separate violation, cumulative penalties, and a clear appeals process for property owners. The effective date of 90 days after adoption, with compliance expected at the point of vacancy, was also discussed.

Discussion with staff and various stakeholders yielded strong interest in enabling temporary activations, including pop up retail, cultural programming, and other short-term community uses, as part of the City's efforts to activate vacant storefronts and support neighborhood vitality. While the Municipal Code already includes provisions for temporary uses, there is an opportunity to create clearer, more efficient pathways for permitting and implementing these activations. This may include Pop Up Retail or

Temporary Community Uses,<sup>41</sup> such as local maker displays, cultural programming, or rotating food and beverage stands. Temporary adaptive uses like coworking areas, mini galleries, pop up libraries, or small community meeting spaces in long term vacant storefronts can offer flexible and productive short-term use of space.

Seasonal or Event-Based Activations connected to holidays, festivals, or city-sponsored events, along with visual demonstrations of future tenancy such as signage that states “Future Home of (Business Name)” or “(Business Name) Coming Soon,” can help maintain an inviting street presence. Allowing participatory art installations, maker pop-ups, small coworking or gallery spaces, seasonal displays, and technology enabled engagement such as QR-linked virtual tours of the vacant space or leasing information can foster economic activity, support local entrepreneurs, and strengthen a sense of community presence in commercial districts.

To ease implementation, pop-up activations of 90 days or less may be administratively approved, with the possibility of limited extensions when appropriate. These activations can be designed to meet basic life safety and accessibility standards, remain time-limited, and return the storefront to a clean and orderly condition at the end of the activation period, while contributing to a more welcoming and continuously active streetscape.

Incorporating live-work spaces into commercial corridors can support small business owners, artists, and entrepreneurs by allowing them to combine living and working in one place, thereby reducing their overhead costs, and providing a key neighborhood stabilization tool. These spaces can help keep creative and community-oriented businesses in Berkeley, encourage local economic activity, and contribute to a sense of neighborhood presence and care. By enabling residents to be co-located with their place of business, live-work spaces also promote walkability, reduce reliance on cars, and strengthen the social fabric of commercial districts.

## **ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

Maintaining active and visually engaging storefronts promotes walkable, transit-oriented neighborhoods and reduces vehicle dependency. Preventing long-term vacancies helps limit waste associated with property deterioration and aligns with Berkeley’s Climate Action Plan goals by encouraging adaptive reuse and sustainable urban density.

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<sup>41</sup> Chapter 23.302, Supplemental Use Regulations, [https://berkeley.municipal.codes/BMC/23\\_Div3](https://berkeley.municipal.codes/BMC/23_Div3); Chapter 23.204, Commercial Districts, <https://berkeley.municipal.codes/BMC/23.204.030>

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Brent Blackaby  
Councilmember District 6

CONSENT CALENDAR  
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember Tregub (Co-sponsor), Councilmember Kesarwani, (Co-sponsor), Councilmember Taplin (Co-sponsor)

Subject: Notifying Residents of Upcoming Public Works Projects in their Neighborhoods

RECOMMENDATION

Referral to the City Manager to develop a proactive communication system to alert the community of upcoming infrastructure projects from Public Works, EBMUD, PG&E, and other large housing or commercial development projects.

FINANCIAL IMPLICATIONS

Staff time

CURRENT SITUATION AND ITS EFFECTS

Providing the community with an easily accessible location to find accurate and timely information about Public Works projects, such as street paving, sewer rehabilitation, road closures, parking restrictions, and more, advances our goal to be a customer-focused organization, one of our Strategic Plan Priorities.

Currently, the city's "[Traffic Advisories](#)" webpage lists many, but not all Public Works related projects with significant impact on community members. Revisiting the webpage— from title to internal posting guidelines— would improve accuracy and accessibility, while expanding its content to more large projects – including private development projects that may have an impact on vehicle, bicycle, or pedestrian traffic.

Beyond updating the website, developing timely outbound communications protocols via email, direct mail, text messaging, and outreach to respective City Council offices is also desirable – so residents are notified proactively, and can then visit the city website for more information.

Voters passed Measure FF: Sidewalk and Street Repairs Parcel Tax, with 60% approval in November 2024. Consequently, the number of street and sidewalk repair projects will be increasing in the years ahead. Keeping the community updated about the planned work and prepared for the inconveniences that come with improving infrastructure, will help residents' lives, and the projects, go more smoothly.

BACKGROUND

The City of Berkeley conducts nearly year-round infrastructure upgrades to keep the city running well. While no one likes traffic delays, utility outages or restricted parking, community members comply with greater ease when they understand the reasoning, scope and timeline.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental impact

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160



Brent Blackaby  
Councilmember District 6

CONSENT CALENDAR  
December 2, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Councilmember O'Keefe (Co-sponsor),  
Councilmember Humbert (Co-sponsor)

Subject: Setting Measurable Goals and Metrics for Key City Priorities

RECOMMENDATION

Refer to the City Manager the development of 10-20 measurable goals and metrics that reflect key priorities for the City. These goals should focus on outcomes that matter most to residents, demonstrating both the impact of City government and the quality of life in our community.

After setting annual goals, the City should provide quarterly updates with progress towards those goals via an easily accessible dashboard on the city website or other mechanism. Also, the City should provide updates as a quarterly City Council agenda item, or other appropriate frequency.

Types of goals should be identified by analyzing similar work being done by other jurisdictions, and then quantifiable metrics for each goal should be set by staff and reviewed by City Council. How do peer cities and comparable jurisdictions define, structure, and establish outcome-based goals and metrics? What processes do they use to select them and align them with priorities? How do jurisdictions report on these goals and metrics, including the formatting, frequency, and accessibility of reporting to decision-making bodies and the public?

Goals should span a full range of City priorities, including housing production, public safety, transportation, public works, parks & recreation, homelessness, and economic development.

FINANCIAL IMPLICATIONS

Staff time necessary to develop this program and work with Council and community to identify the key goals and metrics. Staff time necessary to develop a dashboard on the city website. Staff time necessary to update metrics on a quarterly basis.

### CURRENT SITUATION AND ITS EFFECTS

Establishing clear goals and metrics is a Strategic Plan Priority Project, advancing our goals to:

- provide an efficient and financially healthy City government; and
- be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

Currently, the city collects a significant amount of data about operations, but it is scattered among a wide variety of reports. Some data is hard to find.

To reach our goals and ensure transparency, it is essential to set measurable targets, track progress with synthesized data in a single accessible location, and regularly report results to City leadership and the public.

Outcome-based goals and metrics can also help inform resource allocation decisions. By showing our City is achieving intended results and where we need improvement, these goals provide insight into whether resources should be reallocated, increased, or adjusted to better support the City's priorities -- especially critical during times of budget shortages.

### BACKGROUND

Setting goals and measuring progress towards those goals is a key management practice of high-performing organizations. This practice unites stakeholders around a shared mission and clear definition of success, fostering transparency, accountability, and trust with the community by demonstrating our focus on key city priorities. It also makes visible both the areas where we are excelling and the areas that require greater attention to achieve our goals.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental impact.

### CONTACT PERSON

Councilmember Brent Blackaby    Council District 6    510-981-7160



Housing Advisory Commission

## INFORMATION CALENDAR

December 2, 2025

To: Honorable Mayor and Members of the City Council  
 From: Housing Advisory Commission  
 Submitted by: Sarah Bell, Vice Chairperson, Housing Advisory Commission  
 Subject: Housing Advisory Commission Fiscal Year 2026 Work Plan

### INTRODUCTION

This report transmits the Housing Advisory Commission's (HAC) work plan for Fiscal Year 2026 (FY 2026), as required by the City Council's July 2016 direction for all commissions to submit annual work plans detailing goals and objectives.

### CURRENT SITUATION AND ITS EFFECTS

In July 2016, the City Council directed all commissions (with certain exceptions) to submit work plans detailing goals and objectives for the year. Plans should be submitted at the start of each fiscal year.

At its September 4, 2025, meeting, the HAC approved its FY 2026 work plan with the following vote:

Action: M/S/C (Shere/ Potter) to adopt the FY 2026 work plan.

Vote: Ayes: Bell, Haycox, Micael, Potter, Shere, Simon-Weisberg, and Twu. Noes: None. Abstain: None. Absent: Scott.

### BACKGROUND

The Housing Advisory Commission advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Solutions Grant programs and their funding allocations. The Commission also recommends Housing Trust Fund (HTF) allocations, serves as the oversight body for Measure O (the \$135 million General Obligation bond for affordable housing development), and reviews items referred by the City Council, HAC members, or other commissions. When necessary, the HAC hears matters regarding abatement of substandard buildings and serves as the appeals board for relocation and correction of code violations pursuant to Chapter 19.40.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The work plan supports environmental sustainability and climate goals by promoting affordable housing development and preservation, which can reduce displacement and

associated transportation emissions. Affordable housing projects funded through HTF allocations and CDBG programs often incorporate energy-efficient design and sustainable building practices.

#### POSSIBLE FUTURE ACTION

The Commission will implement the approved work plan activities throughout FY 2026 and report back to City Council as appropriate on policy recommendations, funding allocations, and other matters within the Commission's purview.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no direct fiscal impacts from acceptance of this work plan. Future recommendations from the Commission regarding HTF allocations, CDBG funding, and other housing programs will be presented to City Council with fiscal impact analyses as appropriate.

#### CONTACT PERSON

Snow Zhu, Commission Secretary, HHCS, (510) 981-7774

#### Attachments:

1: Housing Advisory Commission FY 2026 Work Plan

## **FY 2025-26 HAC WORK PLAN**

### Mission Statement:

The Housing Advisory Commission:

- Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
- Recommends to the City Council Housing Trust Fund (HTF) allocations;
- Serves as the oversight body for Measure O, the \$135 million General Obligation bond to fund development of affordable housing; and
- Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

- Hears matters regarding abatement of substandard buildings pursuant to Chapter 19.40; and
- Serves as the appeals board for relocation and correction of code violations as provided in Chapter 19.40.

When advising the City Council, the HAC is committed to addressing past and present racial and social inequities in housing and other community development service delivery and approaching its recommendations through a social justice and tenant-centered lens.

### Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism, and inequity in the city of Berkeley as outlined in HAC's FY 2025-26 work plan.

### FY 2025-26 Work Plan Activities:

- Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
- Continue working with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives and advocate for approval and implementation by City Council.
- Continue to be informed about CDBG-funded agencies and programs.
- Remain informed of and take action on any fiscal or budgetary impacts resulting from federal funding changes to funding streams that are the jurisdiction of the commission.
- Increase opportunities for more direct participation, including ensuring hybrid meeting access, with community members and groups to gather input to be included in decision-making and recommendations.

- Review and make recommendations to City Council regarding various affordable housing policies including updates on passed policies changes such as the Housing Preference Program implementation.
- Seek information via presentations, subcommittee work, etc. about Citywide initiatives that impact affordable housing preservation and development and make recommendations to City Council as appropriate. Initiatives include proposed and passed amendments to the demolition ordinance, the San Pablo Avenue Specific Plan, Middle Housing Ordinance and other policies that have been passed or are being considered by council.
- Continue to study, develop and support the recommendations from the Social Housing Report.

Outcomes:

- Social housing recommendations implemented.
- HTF monies pledged to affordable housing projects serving families and housing-insecure households.
- CDBG-funded public facilities in support of non-profits maintained and rehabilitated.
- Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure passed.
- A more efficient and effective CDBG-funded affordable housing preservation strategy that maximizes services that allow people to stay in their homes and thrive.
- Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices.
- The city of Berkeley increases its supply of affordable housing and preserves present affordable housing stock.

| Upcoming Worksessions and Special Meetings |                                                       |
|--------------------------------------------|-------------------------------------------------------|
| Scheduled Dates                            |                                                       |
| Nov 18 (4pm)                               | PAB/ODPA Annual Report                                |
| Nov 18 (5:45pm)                            | Successor Agency to the Redevelopment Agency          |
| Dec 2 (4pm)                                | Capital Improvements and Infrastructure Bond Planning |
| Dec 2 (5:45pm)                             | Joint Powers Financing Authority                      |
| Feb 24 (4pm)                               | Community Health Improvement Plan (HHCS)              |
| March 10 (4pm)                             | Economic Dashboards (OED)                             |

| Unscheduled Presentations and Special Meetings                                                                                               |
|----------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Presentation on City's Unfunded Liabilities</li> <li>2. Presentation: DEI Status Report</li> </ol> |

| Future Information Reports                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Affordable Housing Fee Feasibility Study</li> <li>2. Berkeley Fire Department Annual Report</li> </ol> |

|  |                                                                                                          |
|--|----------------------------------------------------------------------------------------------------------|
|  | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b> |
|  | None                                                                                                     |

| CITY CLERK DEPARTMENT                                                          |                      |                       |                   |
|--------------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL    |                      |                       |                   |
| Address                                                                        | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                               |                      |                       |                   |
| 2298 Durant & 2360 Ellsworth Street (construct residential building)           | ZAB                  | 11/17/2025            |                   |
| 2372 Ellsworth Street (construct residential building)                         | ZAB                  | 11/17/2025            |                   |
|                                                                                |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                               |                      |                       |                   |
| 2109 Virginia Street (Demolish 2-story commercial building)                    | ZAB                  |                       | 1/27/2026         |
| 2425 Durant Avenue (demolish existing, and construct new residential building) | ZAB                  |                       | 2/10/2026         |
|                                                                                |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                                  |                      |                       |                   |
|                                                                                |                      |                       |                   |
|                                                                                |                      |                       |                   |
|                                                                                |                      |                       |                   |
| <b>Notes</b>                                                                   |                      |                       |                   |
|                                                                                |                      |                       |                   |
|                                                                                |                      |                       |                   |
|                                                                                |                      |                       |                   |

11/12/2025

