



## AGENDA

### BERKELEY CITY COUNCIL MEETING

**Tuesday, April 28, 2026**

**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

*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: 160 256 6464**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via [internet video stream](#). All Council 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. The City Council may take action related to any subject listed on the Agenda.*

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

**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.

## 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. Amendments to BMC Title 3.24 (Landmarks Preservation Commission) to Revise Procedures for Designating Landmarks, Historic Districts and Structures of Merit and Incorporate Technical Edits**  
**From: City Manager**  
**Recommendation:** Adopt the second reading of Ordinance No. 8,005-N.S. amending BMC Title 3.24 (Landmarks Preservation Commission) to revise procedures for designating landmarks, historic districts and structures of merit, and to incorporate technical edits.  
**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – Tregub.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

## Consent Calendar

### 2. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of March 2, 2026 (closed), March 6, 2026 (special), March 10, 2026 (special and regular), March 16, 2026 (closed), March 17, 2026 (special), and March 24, 2026 (special and regular).

**Financial Implications:** None

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

### 3. Police Accountability Board – Appointment of New Member

**From: City Manager**

**Recommendation:** Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Blackaby.

**Financial Implications:** See report

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

### 4. Sale of Real Property – 1631 Fifth Street

**From: City Manager**

**Recommendation:** Adopt a Resolution declaring 1631 Fifth Street exempt surplus land. Subsequently, adopt first reading of an Ordinance approving the sale of City property at 1631 Fifth Street and authorizing the City Manager to execute all necessary documents required to sell the property for \$750,000.

**Financial Implications:** See report

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

### 5. Rescind Resolution No. 68,099-N.S. and Adopt a Resolution for Continual Participation in the Alameda County Operational Area

**From: City Manager**

**Recommendation:** Adopt a Resolution rescinding Resolution No. 68,099-N.S. and authorizing the City Manager to execute an agreement, effective through 2035, with the Alameda County Operation Area Emergency Management Organization to establish the administrative pathways that enable resource sharing among cities, counties and the State during disasters.

**Financial Implications:** None.

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

### 6. Contract No. 32400192 Amendment: GovernmentJobs.com (dba NEOGOV) for Online Data Management Services

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400192 with GovernmentJobs.com (dba NEOGOV) for online data management services including applicant tracking, onboarding, and learning management to increase the not to exceed amount of \$180,000 by \$190,000 for a total not to exceed amount of \$370,000 with a contract end date of May 15, 2027.

**Financial Implications:** See report

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



## Consent Calendar

- 7. Support Position on SB 894 (Allen) - California Wildfire Resilience Loan Program**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** Adopt an official Support position on Senate Bill 894 (Allen), the California Wildfire Resilience Loan Program, and authorize and direct the Mayor or City Manager or designee to send letters of support to Senator Ben Allen, Senator Jesse Arreguín, representing Berkeley in the California State Senate, and Assemblymember Buffy Wicks  
**Financial Implications:** See report.  
Contact: Keith May, Commission Secretary, (510) 981-3473
- 8. Support Position on SB 1076 (Pérez) - Insurance Coverage for Fire-Safe Homes Act**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** Adopt an official Support position on Senate Bill 1076 (Pérez), the Insurance Coverage for Fire-Safe Homes Act, and authorize and direct the Mayor or City Manager or designee to send letters of support to Senator Sasha Renée Pérez, Senator Jesse Arreguín, representing Berkeley in the California State Senate, and Assemblymember Buffy Wicks.  
**Financial Implications:** See report.  
Contact: Keith May, Commission Secretary, (510) 981-3473
- 9. Berkeley's Financial Condition (FY 2016-FY 2025): Structural Deficit Poses Risk to Financial Sustainability**  
**From: Auditor**  
**Recommendation:** We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department, Budget Office, and other relevant departments. This audit includes 9 recommendations to formalize the use of more sustainable budget strategies, ensure funds withdrawn from the Section 115 Trust are replenished, improve financial reporting, and develop a capital financing plan that proposes future funding mechanisms beyond existing sources to help address the City's growing unfunded capital needs. City management agreed or partially agreed to our recommendations. Please see our report for their complete response.  
**Financial Implications:** See report  
Contact: Jenny Wong, Auditor, (510) 981-6750

## Council Consent Items

10. **Luna Dance Creativity: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Taplin, to support Luna's May Day Gathering and Bazaar event.  
**Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
11. **Resolution Supporting Megafire Prevention Package**  
**From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution supporting the 2026 Joint Megafire Prevention Package in the California Legislature supported by Megafire Action, FireWERX, California Fire Safe Council, and the Karuk Tribe, among others. Send a copy of the Resolution to the six authors, Senator Jesse Arreguín, Assemblymember Buffy Wicks, and Governor Gavin Newsom.  
**Financial Implications:** None  
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

## 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*

## Action Calendar – Public Hearings

*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.*

### 12. Submission of the Program Year 2026 Annual Action Plan Containing Allocations of Federal Funds

**From:** City Manager

**Recommendation:** Conduct a public hearing on the Program Year (PY) 2026 Annual Action Plan (AAP) and upon conclusion, adopt a Resolution that authorizes the City Manager or his designee to:

1. Execute any resultant agreements and amendments for agencies receiving funding under the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), or Home Investment Partnerships Program (HOME) Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any liability occurring to the City. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and
2. Adjust reporting due dates for Community Agency grantees for all Program Reports and Statement of Expenses for FY 2027 and FY 2028 contracts. Authorize new dates for Program Reports to be due on October 15, January 15, April 15, and July 15 and Statement of Expenses due on October 15, January 15, April 15, July 31; and
3. Allocate 20% of the PY 2026 (FY 2027) CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation differ than the amount currently allocated; and
4. Allocate the allowable 7.5% of the PY 2026 (FY 2027) ESG to Administration, \$6,676 to the Homeless Management Information System (HMIS), and the remaining amount to Rapid Re-housing, and shelter activities (not to exceed 60% of PY 2026 ESG entitlement); and
5. Allocate the allowable 10% of PY 2026 (FY 2027) HOME funds for program administration, up to the allowable 5% for Community Housing Development Organization (CHDO) operating support, and allocate the remainder to the Housing Trust Fund; and
6. Finalize the PY 2026 Annual Action Plan, including responses to public comments received until May 1, 2026, adding required U.S. Department of Housing and Urban Development (HUD) application forms and certifications, and including other HUD required information, submit it to HUD, and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

**Financial Implications:** See report.

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

## Action Calendar – Public Hearings

### 13. California Municipal Finance Authority Bond Financing for Ephesian Legacy Court Apartments Project

**From: City Manager**

**Recommendation:** Conduct the public hearing on April 28, 2026, under the requirements of Tax and Equity Fiscal Responsibility Act (“TEFRA”) and the Internal Revenue Code of 1986, as amended (the “Code”), and upon conclusion:

Adopt a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority (“CMFA”) for the benefit of Ephesian Legacy Court Limited Partnership, a California limited partnership (the “Borrower”), to provide for the financing of Ephesian Legacy Court (the “Project”). The adoption is intended to solely satisfy the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

**Financial Implications:** See report.

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

### 14. Amendments to Berkeley Municipal Code Title 23 (Zoning) for Consistency with State Law and Technical Edits (SLTE 2026)

**From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23. The proposed changes apply to the sections of the BMC listed below:

- Section 23.202.020 (Residential Districts – Allowed Land Uses)
- Section 23.202.050 (Residential Districts – R-1 Residential Multi-Unit 1 District)
- Section 23.202.080 (Residential Districts – R-2 Residential Multi-Unit 2 District)
- Section 23.202.090 (Residential Districts – R-2A Residential Multi-Unit 2A District)
- Section 23.206.030 (Manufacturing Districts – Additional Permit Requirements)
- Section 23.206.060 (Manufacturing Districts – M Manufacturing District)
- Section 23.206.070 (Manufacturing Districts – MM Mixed Manufacturing District)
- Section 23.206.080 (Manufacturing Districts – MU-LI Mixed Use-Light Industrial District)
- Section 23.206.090 (Manufacturing Districts – MU-R Mixed Use Residential District)
- Section 23.304.100 (General Development Standards – Site Features in Residential)
- Section 23.306.030 (Accessory Dwelling Units – Development Standards)
- Section 23.306.040 (Accessory Dwelling Units – Permit Procedures)
- Section 23.322.040 (Parking and Loading – General Requirements)
- Section 23.322.050 (Parking and Loading – Parking Reductions)
- Section 23.322.100 (Parking and Loading – On-site Loading Spaces)
- Section 23.326.070 (Demolition of Non-Residential Buildings)
- Section 23.330.030 (Density Bonus—Application Requirements)
- Section 23.330.080 (Density Bonus – Regulatory Agreements)
- Section 23.410.020 (Appeals and Certifications – Appeal Subjects and Jurisdiction)
- Section 23.502.020 (Glossary – Defined Terms)

**Financial Implications:** See report

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

## Action Calendar – Public Hearings

### 15. 1646 and 1650 Fifth Street Re-Zoning and Associated General Plan Amendments

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt a Resolution to:

a. Amend the General Plan Land Use Map to change the existing Manufacturing (M) and Mixed Use (MU) land use designation to solely Mixed Use and

b. Amend the West Berkeley Plan to include conforming land use district map amendments; and

2. Adopt an Ordinance amending the Zoning Map to rezone portions of 1646 and 1650 Fifth Street from Mixed Use-Light Industrial (MU-LI) to Mixed Use-Residential (MU-R).

**Financial Implications:** See report

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

## Information Reports

### 16. UCSF Benioff Homelessness and Housing Initiative's Interim Evaluation of the Berkeley Encampment Resolution/RV Buyback Program

**From: City Manager**

Contact: Peter Radu, City Manager's Office, (510) 981-7000

## Public Comment – Items Not Listed on the Agenda

## Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:*

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

Archived indexed video streams are available at: [berkeleyca.gov/council-agendas](https://berkeleyca.gov/council-agendas).  
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, 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](https://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](mailto:clerk@berkeleyca.gov)

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

**COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location.

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

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.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov), or in-person during the meeting.

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

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***I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 16, 2026.***



Mark Numainville, City Clerk

## Communications

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

### **Hopkins St.**

1. Justin Kao
2. Kori Kody
3. Brooke DuBose
4. Joel Myerson
5. Rudy VanderLans (3)
6. Cort Cooper
7. Katherine Calvert
8. Carol Hirth
9. Kristen Anderson
10. Catherine Ryan
11. Susan Schwartz on behalf of Friends of Five Creeks
12. Jan Woo
13. Paul Litsky
14. Meryl Siegal
15. Joseph Sutton (2)
16. Billy McDonald and Roberta Brooks
17. Philippa Kelly
18. Chris Edmunds
19. Charles Steidtmann
20. Janet Stromberg
21. Myriam and Richard Misrach
22. Lisa Bruce
23. Rachel Gold (2)
24. Cherie and Ron Hearne
25. Peggy Radel
26. Ellen Greenblatt
27. Katherine de Runtz (2)
28. Sondra Jensen
29. Sean Keller
30. Joe DiStefano
31. Brian Edquist
32. Ross Bernet
33. Thea Davison
34. Joanna Dillon
35. Jennifer Rose
36. Thomas J. Ayres

### **GO Bond Measures**

37. Keri Hall
38. Greg Chang

- 39. Aimee Phan
- 40. EJ Holowicki
- 41. Nick Lewis

#### **Proposed Local Tax Increase**

- 42. Barbara Gilbert

#### **Missing Person Case Concern**

- 43. Hanifea Click (5)
- 44. Racarra Miller
- 45. Michele Yvonne Lazaneo

#### **Public Safety Technology**

- 46. Taj Herzer-Baptiste

#### **Fireworks Concern**

- 47. Mark Delepine

#### **Flock Concerns**

- 48. Colin Elbasani
- 49. Sarah Rosenkrantz
- 50. Larry Hendel
- 51. Larisa Cummings
- 52. Lanny DeVuono
- 53. Sierra Goetz

#### **Economic Data**

- 54. Margot Smith

#### **Cement Factory**

- 55. Cecelia Mautner

#### **2128 Oxford St.**

- 56. Steven Schuyler (4)
- 57. Margot Smith

#### **Trash Dumping Concern**

- 58. Craig Nagasawa

#### **Upzoning**

- 59. Kori Kody
- 60. Ron Kemper
- 61. Gloria Frym
- 62. Gael Alcock
- 63. Michael Weber
- 64. Summer Brenner



**Lead Contamination Concern**

65. Jane Terjung, Bill Naylor, and Concerned Neighbors

**Union Pacific Railway**

66. David McGuire

67. Susan Schwartz on behalf of Friends of Five Creeks (2)

**Tenant Communications**

68. Hector91 Phuentes (2)

**Development Agreement**

69. Jennifer Cogley

**City Events**

70. Rainbow Rubin

**2425 Durant**

71. DeSeana Williams

**Betta Fish Concern**

72. Ariel Heinicke

**Electric Chargers**

73. Doreet and Jeff Stein

**Vehicles on Sidewalks**

74. Jessaw Greenman

**Newsletters**

75. Berkeley Art Center

76. Berkeley Historical Society & Museum

**Forwards**

77. Russbumper (2)

**E-Scooters**

78. Robert Borghese (9)

79. Carson Lepre (6)

80. Aaron Dickinson (2)

81. Antonio Vargas

82. Hazel Santander

83. Shared Mobility Program (2)

84. Lime Virtual Ride Expert (3)

85. Jenny

## **Supplemental Communications and Reports**

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

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

## ORDINANCE NO. 8,005-N.S.

AMENDMENTS TO BMC TITLE 3.24 (LANDMARKS PRESERVATION COMMISSION)  
TO IMPROVE PROCEDURES FOR DESIGNATING LANDMARKS, HISTORIC  
DISTRICTS AND STRUCTURES OF MERIT AND INCORPORATE TECHNICAL EDITS

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

Section 1. That section 3.24.030 be amended to read as follows:

A. The commission shall consist of nine members. Appointments to the commission shall be made by councilmembers and vacancies on the commission shall be filled by councilmembers in accordance with the provisions of Sections 2.04.030 through 2.04.120, enacted as Ordinance 4780-N.S. by the voters of the City.

B. The Director of Planning and Development, or their representative, shall serve as secretary of the commission, without vote. The Planning and Development Department shall provide staff assistance to the commission.

C. The commission shall elect annually a chairperson from among its members, and shall establish rules and regulations for its own organization and procedure.

Section 2. That section 3.24.050(A) be amended to read as follows:

The commission shall:

A. After June 6, 1974, undertake to establish and maintain a list of structures, sites and areas having a special historical, architectural or aesthetic interest or value. This list may include single structures or sites, portions of structures, groups of structures, human-made or natural landscape elements, works of art, or integrated combinations thereof. After public hearings, the commission may designate landmarks and historic districts from the list. In the establishment of the foregoing list, the commission shall notify and solicit the views of property owners and residents of structures, sites and areas proposed by the commission to be included in such a list.

Section 3. That section 3.24.060 be amended to read as follows:

The commission may:

A. Designate, after public hearings, structures, sites and areas including single structures or sites, portions of structures, groups of structures, human-made or natural landscape elements, works of art, or integrated combinations thereof, having a special character, or special historical, architectural, or aesthetic interest or value, as:

1. A landmark site for each site, area, structure, element, work of art, or;
2. An historic district constituting a specific designated section of the City;

B. Identify a structure of merit including structures, sites and areas, including single structures or sites, portions of structures, groups of structures, man-made or natural landscape elements, works of art, or integrated combinations thereof, having a special character, or special historical, architectural or aesthetic interest or value;

C. Review and decide on permit applications for construction, alteration and demolition on landmark sites, in historic districts and on structure of merit sites and on initiated landmark sites, initiated historic districts and initiated structure of merit sites, as more fully set forth in Sections 3.24.220 through 3.24.250 and 3.24.350A below;

D. Take steps to encourage or bring about preservation of structures, sites and areas where the commission has decided to suspend action on a permit application, as more fully set forth in Sections 3.24.220 through 3.24.250 below.

Section 4. That section 3.24.080 be amended to read as follows:

The Director of Planning and Development, prior to completion of the initial list of structures, sites and areas, shall have the authority to recommend to the City Council suspension of permit application for a maximum of one hundred eighty days, if in the judgment of the Director of Planning and Development, an emergency is deemed to exist and a structure, site or area appropriate for landmark status is threatened with imminent destruction or substantial alteration.

Section 5. That section 3.24.100 be amended to read as follows:

A. Each designation of a landmark, historic districts or structure of merit by the commission shall include:

1. A description of the characteristics which justify its designation;
2. A description of the particular features that should be preserved;

3. The location and boundaries of the landmark site, historic district or structure of merit site.

B. The property included in any such designation shall upon designation be subject to the controls and standards set forth in this chapter and the following controls and standards if imposed by the designation:

1. For a publicly owned landmark or structure of merit, review of proposed changes in major interior architectural features;
2. For an historic district, such further controls and standards as the commission deems necessary or desirable, including but not limited to facade, setback, height controls, signs and public improvements.

The commission may, upon receipt of any significant new information, reconsider after two years any structure of merit and designate it as a landmark, subject to all the procedures set forth in this section for an original landmark designation.

Section 6. BMC Section 3.24.110(A) be amended to read as follows:

A. Landmarks and historic districts. General criteria which the commission shall use when considering structures, sites and areas for landmark or historic district designation are as follows:

1. Architectural merit:
  - (a) Property that is the first, last, only or most significant architectural property of its type in the region;
  - (b) Properties that are prototypes of or outstanding examples of periods, styles, architectural movements or construction, or examples of the more notable works of the best surviving work in a region of an architect, designer or master builder;  
or
  - (c) Architectural examples worth preserving for the exceptional values they add as part of the neighborhood fabric.
2. Cultural value: Structures, sites and areas associated with the movement or evolution of religious, cultural, governmental, social and economic developments of the City;

3. Educational value: Structures worth preserving for their usefulness as an educational force;
4. Historic value: Preservation and enhancement of structures, sites and areas that embody and express the history of Berkeley/Alameda County/California/United States. History may be social, cultural, economic, political, religious or military;
5. Any property which is listed on the National Register described in Section 470A of Title 16 of the United States Code.

Section 7. BMC Chapter 3.24.120 be amended to read as follows:

A. Initiation of designation shall be made by the following:

1. The Landmarks Preservation Commission;
2. A resolution of intention of the City Council;
3. The Planning Commission;
4. The Civic Arts Commission;
5. The verified application of the owners of the property to be designated or their authorized agents;
6. The verified application of at least 200 residents of the City.

B. Any such application shall be filed with the commission upon forms prescribed by the City and shall be accompanied by all data required by the commission.

C. Exception. Any such designation shall not be processed for five (5) years following the receipt of a Preliminary Development application under SB330 (the Housing Crisis Act of 2019) by the City of Berkeley, unless initiated by the property owner.

1. This 5-year exception period is established at the time of the Preliminary Development application submittal pursuant to SB 330 (the Housing Crisis Act of 2019) and may only be applied once for any property. Any subsequent Preliminary Development application submitted pursuant to SB 330 shall be subject to limitations on landmarking in SB 330.
2. Following the submittal of a formal zoning application, any landmarking designation request shall not be processed for as long as the application is active or as long as the resulting permits and entitlements are valid, whichever is longer, pursuant to SB330.

D. Historic Districts. Where such application is submitted for designation of an historic district, the application must be subscribed by or on behalf of a majority of the property owners or residents of the proposed district.

Section 8. That BMC Section 3.24.140(A) be amended to read as follows:

A. Notice of the public hearing shall be given by posting thereof on or adjacent to the property involved not less than 14 days prior to the date of the hearing.

Section 9. That BMC Section 3.24.150 be amended to read as follows:

The commission shall approve, disapprove or modify the proposal within one hundred eighty (180) days after the conclusion of the public hearing; failure to act within said time shall constitute disapproval.

Section 10. That BMC Section 3.24.160 be amended to read as follows:

A. A Notice of Decision shall be issued when the LPC:

1. Approves, modifies, or denies a Landmark Designation; or
2. Takes action on an appealed decision.

B. The Notice of Decision shall be issued before the LPC's next regular meeting and shall describe the LPC's action.

C. The Notice of Decision shall be posted in the lobby of the Permit Service Center and shall be mailed to:

1. The applicant;
2. The appellant, if applicable;
3. Any person who has filed a written request for notice; and
4. The City of Berkeley Central Library.

D. The Notice of Decision shall be filed with the City Clerk and provided to the LPC. The City Clerk shall make the notice available to interested members of the City Council and the public.

Section 11. That section 3.24.180 be amended to read as follows:

A. When a landmark, historic district or structure of merit has been designated by the commission as provided above, in addition to the notification required in Section 3.24.160 above, the commission shall cause a copy of the designation, or notice thereof, to be recorded in the Office of the County Recorder.

B. When a building or structure that has been designated a landmark or structure of merit has been legally demolished as permitted by this Code, its designation shall automatically be terminated if:

1. The designation was based on the characteristics of that building or structure, and not on any findings related to the site or parcel where the building or structure was located; and
2. All features to be preserved as specified pursuant to Section 3.24.100 have been eliminated as a result of the demolition.

In such cases, the City shall promptly record a notice in the Office of the County Recorder that the designation has been terminated.

Section 12. That BMC Section 3.24.190 be amended to read as follows:

**3.24.190 City Council certification required.**

Notwithstanding any of the provisions of this chapter, the City Council may certify any action of the commission in granting or denying an application for designation as a landmark or an historic district within ninety (90) days from the mailing of the Notice of the Decision of the commission. Such certification by the City Council shall stay all proceedings in the same manner as the filing of a notice of appeal.

Section 13. That BMC Section 3.24.210 be amended to read as follows:

**3.24.210 Review of permit applications.**

A. The commission shall maintain with the Department of Planning and Development and the department's zoning and codes and inspection division a current record of designated landmarks, historic districts and structures of merit, as well as a record of



those having been initiated and undergoing consideration. Upon receipt of any application for a permit to carry out any construction, alteration or demolition on a landmark site, in an historic district or on a structure of merit site, or on an initiated landmark site, in an initiated historic district or on an initiated structure of merit site, the Department of Planning and Development shall, unless the structure or feature concerned has been declared unsafe or dangerous pursuant to Section 3.24.280 of this chapter, promptly forward such permit application to the commission for review.

B. The City Council shall set by resolution the fees for Landmarks Preservation Commission review of any application for a permit to carry out any construction, alteration or demolition on an initiated or designated landmark site, structure of merit, or historic district.

Applicants who are qualified non-profits and other applicants with projects valued at less than three hundred fifty thousand dollars may apply to the City Manager for a fee waiver if it can be demonstrated that the payment of the fee would pose a hardship.

Section 14. That the titles of BMC Sections 3.24.220, 3.24.230, 3.24.240, 3.24.250, 3.24.260 and 3.24.270 be amended to read as follows:

- 3.24.220      Alteration Permit application--Data and public hearing required--Exceptions.**
- 3.24.230      Alteration Permit application--Public hearing notice requirements.**
- 3.24.240      Alteration Permit application--Decision--Procedure and time limitations--Notification required.**
- 3.24.250      Alteration Permit application--Effect of suspended action.**
- 3.24.260      Alteration Permit application--Review standards and criteria.**
- 3.24.270      Alteration Permit application--Finding of hardship authorized when--Effect.**

Section 15. That BMC Section 3.24.280 be amended to read as follows:

None of the provisions of this chapter shall be construed to prevent any measures of

construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature, or part thereof, which such condition has been declared unsafe or dangerous by the Planning and Development Department or the Fire Department, and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature is damaged by fire or other calamity or by act of God, or by the public enemy to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.

Section 16. That BMC Section 3.24.300 (A) be amended to read as follows:

A. An appeal may be taken to the City Council by the following:

1. A motion of the City Council;
2. A motion of the Planning Commission;
3. A motion of the Civic Art Commission;
4. The verified application of the owners of the property or their authorized agents;
5. The verified application of at least 200 residents of the City aggrieved; or
6. Any determination of the commission made under the provisions of this chapter.

Section 17. That BMC Section 3.24.300 (B)-(H) be amended to read as follows:

B. General. Appeals shall be filed and processed consistent with Chapter 23.404 (Common Permit Requirements) except as otherwise specified in this chapter.

1. Timing of Appeal: An appeal must be filed within fourteen (14) days of mailing the Notice of Decision.

C. Appeal Fees.

1. Appeal fees shall be paid by the person filing the appeal (the appellant) except as provided in Paragraph 2 below.

2. The City shall not charge a fee for appeals of projects denied due to conflicting decisions of the Zoning Adjustments Board (ZAB) and Landmarks Preservation Commission as described in Sections 3.24.200 through 3.24.240.

D. The filing of a notice of appeal within the time and in the manner specified in subdivision A above shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until the determination of the appeal, as provided herein.

E. Before the hearing, department staff shall prepare a staff report describing the appeal with relevant supporting materials.

F. Each hearing shall be open to the public, which shall be given the opportunity to present their views and to be heard in accordance with established procedures.

G. After opening the public hearing on the appeal, the Council may take one of the following actions:

1. Continue the public hearing;
2. Based on the record of the Council's consideration and hearing, reverse or affirm, wholly or partly, or modify any decision, determination, condition or requirement of the Commission's original action; or
3. Remand the matter to the Commission to reconsider the application, or any revisions thereto submitted after the Commission's action, in which case the Council shall specify which issues the Commission is directed to reconsider.

H. Except in the case of a remand to the Commission, when reviewing any decision of the Commission on appeal, the Council shall use the same standards for decision making and is required to make the same findings as the Commission with respect to the matter on appeal. The Council may adopt the Commission's decision and findings as its own. In either case, the City Clerk shall prepare a resolution stating the Council's decision.

If the disposition of the appeal has not been determined within 30 days from the date the public hearing was closed by the Council, then the decision of the Commission shall be deemed affirmed and the appeal deemed denied.

I. The City Clerk shall promptly notify in writing the appellant, owners or authorized agents of affected property, and residents of such property of the action taken.

J. Payment of fees for an appeal from the decision of the Landmarks Preservation Commission shall be set by resolution of the City Council. (Ord. 7461-NS § 1, 2016: Ord. 6243-NS § 1, 1994: Ord. 5620-NS § 1, 1984: Ord. 4694-NS § 9, 1974)

Section 18. That BMC Section 3.24.340 be amended to read as follows:

Before accepting for filing any application hereinafter mentioned, the commission shall charge and collect the fees herein specified:

A. An application shall be accompanied by all required fees listed in the current Fee Schedule approved by the City Council.

B. There shall be no fee for each application for designation of a landmark, an historic district or a structure of merit, if such application is initiated by the commission, resolution of intention of the City Council, the Planning Commission, or by the Civic Arts Commission. (Ord. 5686-NS § 1 (part), 1985: Ord. 4694-NS § 13, 1974)

Section 19. 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 April 14, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, and Ishii.

Noes: None.

Abstain: Tregub.

Absent: None.



Office of the City Manager

CONSENT CALENDAR  
April 28, 2026

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Mark Numainville, City Clerk  
Subject: Minutes for Approval

RECOMMENDATION

Approve the minutes for the Council meetings of March 2, 2026 (closed), March 6, 2026 (special), March 10, 2026 (special and regular), March 16, 2026 (closed), March 17, 2026 (special), and March 24, 2026 (special and regular).

CONTACT PERSON

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

Attachments:

1. March 2, 2026 – Special Closed City Council Meeting
2. March 6, 2026 – Special City Council Meeting
3. March 10, 2026 – Special City Council Meeting
4. March 10, 2026 – Regular City Council Meeting
5. March 16, 2026 – Special Closed City Council Meeting
6. March 17, 2026 – Special City Council Meeting
7. March 24, 2026 – Special City Council Meeting
8. March 24, 2026 – Regular City Council Meeting

**MINUTES**  
**BERKELEY CITY COUNCIL SPECIAL MEETING**  
**MONDAY, MARCH 2, 2026**  
**4:00 P.M.**

2180 MILVIA STREET, BERKELEY, CA 94704 – REDWOOD ROOM  
 TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

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

*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: 160 482 2803**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.*

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

**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.

## Preliminary Matters

**Roll Call:** 4:03 p.m.

**Present:** Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Ishii

**Absent:** Bartlett, Tregub

**Public Comment - Limited to items on this agenda only – 0 speakers.**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

### 1. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

**Negotiators:** Paul Buddenhagen, City Manager, David White, Deputy City Manager, Maricar Dupaya Budget Manager, Janelle Rodrigues, Human Resources Director, Monica Walker, Human Resources Manager

**Employee Organizations:** Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Chief Fire Officers Association Local 1227 I.A.F.F., Berkeley Fire EMS Professionals Association, Berkeley Police Association; SEIU 1021 Community Services and Part-Time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, IBEW Local 1245, Public Employee Union Local 1, Unrepresented Employees

**Action:** No reportable action taken.

### 2. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)

- a. *Berkeley Homeless Union v. City of Berkeley*, U.S.D.C. N.D. Cal. Case No. 3:25-cv-01414-EMC
- b. *Prado v. City of Berkeley*, U.S.D.C. N.D. Cal. Case No. 3:23-cv-04537-EMC

**Action:** No reportable action taken.

Councilmember Kesarwani absent 5:20 p.m. – 5:27 p.m.

## OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

No reportable action taken.

## Adjournment

**Action:** M/S/C (Humbert/Taplin) to adjourn the meeting.

**Vote:** Ayes – Taplin, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett, Tregub.

Adjourned at 5:27 p.m.

I hereby certify that the foregoing is a true and correct record of the special closed meeting of March 2, 2026 as approved by the Berkeley City Council.

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Rose Thomsen, Deputy City Clerk



## BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**Friday, March 6, 2026  
1:45 PM**

1301 SHATTUCK AVENUE, BERKELEY, CA 94709

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

*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: 161 468 8729**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.*

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

**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.

## **Preliminary Matters**

**Roll Call:** 2:03 p.m.

**Present:** Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** Kesarwani, Taplin

**Public Comment – Limited to items on this agenda only – 0 speakers**

## **Council Discussion**

**1.a. Introduction**

**1.b. Values and Group Agreements Review**

**1.c. Team Building Activity**

**1.d. 2025 Reflection and 2026 Planning**

**Action:** Discussion of agenda items. No action taken.

## **Adjournment**

**Action:** M/S/C (Humbert/Tregub) to adjourn the meeting.

**Vote:** Ayes – Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes - None; Abstain - None; Absent – Kesarwani, Taplin.

Adjourned at 4:36 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on March 6, 2026.

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Mark Numainville, City Clerk

## **Supplemental Communications and Reports 3**

**Item #1.a.: Introduction**

**Item#1.b.: Values and Group Agreements Review**

**Item #1.c.: Team Building Activity**

**Item #1.d.: 2025 Reflection and 2026 Planning**

1. Berkeley City Council

# MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

**Tuesday, March 10, 2026**

**4:00 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

*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: 160 609 0203**. To provide public comment, Press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [council@berkeleyca.gov](mailto:council@berkeleyca.gov).*

*Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via [internet video stream](#). All Council 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. The City Council may take action related to any subject listed on the Agenda.*

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**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.

## Preliminary Matters

**Roll Call:** 4:07 p.m.

**Present:** Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** Kesarwani, Taplin, Bartlett

Councilmember Taplin present at 4:09 p.m.

Councilmember Bartlett present at 5:13 p.m.

## Worksession

### 1. Berkeley Economic Dashboards Update

**From: City Manager**

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

**Action:** 3 speakers. Presentation made and discussion held.

## Adjournment

**Action:** M/S/C (Taplin/Humbert) to adjourn the meeting.

**Vote:** Ayes – Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani.

Adjourned at 5:37 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on March 10, 2026.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

**Item #1: Berkeley Economic Dashboards Update**

1. Presentation submitted by the Office of Economic Development

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 10, 2026**  
**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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*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. The City Council may take action related to any subject listed on the Agenda.*

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

**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.

## Preliminary Matters

**Roll Call:** 6:05 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** None

**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:

1. Recognition of March 10, 2026 as Youthworks Day in Berkeley
2. Recognition of Poet Deborah Major for Lifetime Achievement Award

**City Manager Comments:** None

### City Auditor Comments:

The City Auditor provided a presentation on the City Contracts audit. 5 speakers.

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Public Comment by Employee Unions:** 1 speaker.

**Action:** M/S/C (Tregub/Lunaparra) to 1) accept an urgency item from Councilmember Lunaparra pursuant to Government Code Section 54954.2(b)(2) entitled Urgent Item: Resolution Condemning the Illegal War on Iran and Expressing Support for Berkeleyans Impacted by this Crisis; and 2) accept revised material from Councilmember Tregub for consideration for Item 10.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 28 speakers.

## Consent Calendar

**Action:** M/S/C (Humbert/Lunaparra) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

### **Urgent Item: Resolution Condemning the Illegal War on Iran and Expressing Support for Berkeleyans Impacted by this Crisis**

**From:** Councilmember Lunaparra (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Tregub (Co-Sponsor),

**Recommendation:** Pass a Resolution Condemning the Illegal War on Iran and Expressing Support for Berkeleyans Impacted by this Crisis.

**Financial Implications:** See report

Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

**Action:** Adopted Resolution No. 72,150–N.S.

**Vote:** Ayes – Kesarwani, Taplin, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – Bartlett, O’Keefe.

### **1. Amendments to Title 21 (Subdivisions Ordinance) and Title 23 (Zoning Ordinance) to implement Senate Bill (SB) 684**

**From:** City Manager

**Recommendation:** Adopt second reading of Ordinance No. 8,002–N.S amending the Berkeley Municipal Code Titles 21 (Subdivisions Ordinance) and 23 (Zoning Ordinance) to implement Senate Bill (SB) 684 by establishing: 1. A ministerial, SB 684–compliant path for small-lot subdivisions and related housing; and 2. A local Parcel-Map path for lower-density projects that meet minimum residential density requirements but do not qualify under SB 684.

**First Reading Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – O’Keefe.

**Financial Implications:** See report

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

**Action:** Adopted second reading of Ordinance No. 8,002–N.S.

### **2. Re-Establishment of the Downtown Berkeley Property and Business Improvement District (DPBID)**

**From:** City Manager

**Recommendation:** Adopt a Resolution declaring intent to establish the Downtown Berkeley Property and Business Improvement District (DPBID) for the ten-year period beginning July 1, 2026, and ending June 30, 2036, with operations to occur over the ten-calendar year period beginning January 1, 2027, and ending December 31, 2036. Set a public hearing for May 19, 2026, on establishment of the DPBID, and direct the City Clerk to conduct all necessary proceedings for establishment of the DPBID.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 72,151–N.S.

## Consent Calendar

### 3. Ashby BART East Lot Transit Oriented Development Request for Proposal Framework

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager to release a Request for Proposals (RFP) and Notice of Funding Availability (NOFA) to solicit proposals from development teams (comprised of developers, service providers, and architects) regarding their plan, capacity, experience, and interest in developing the currently Bay Area Rapid Transit Agency (BART)-owned, future City-owned property known as the East Lot located at Adeline Street and Woolsey Street in South Berkeley.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 72,152–N.S.

### 4. Contract No. 32300149 Amendment: mySidewalk, Inc. for HHCS Web-Based Population Health Data Platform

**From:** City Manager

**Recommendation:** Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 32300149 with mySidewalk, Inc. for an additional \$50,618 for a total not to exceed amount of \$207,928, and to extend the contract term end date to April 24, 2027.

**Financial Implications:** \$50,618 - Various Funds

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

**Action:** Adopted Resolution No. 72,153–N.S.

### 5. Filling Human Welfare and Community Action Commission Public Sector Vacancies

**From:** City Manager

**Recommendation:** Adopt a Resolution confirming the appointment of Catherine Gelsinger to the Human Welfare and Community Action Commission (HWCAC).

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 72,154–N.S.



## Consent Calendar

### 6. City Contracts: Outdated Process Led to Non-Competitive Contracts

**From: Auditor**

**Recommendation:** We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department and other relevant departments. The audit includes 13 recommendations to clarify for staff when non-competitive contracts and amendments are appropriate, as well as to improve transparency and efficiency in the contracts process overall. The City management agreed or partially agreed to our findings and recommendations. Please see our report for their complete response.

**Financial Implications:** See report

Contact: Jenny Wong, Auditor, (510) 981-6750

**Action:** Approved recommendation.

## Council Consent Items

### 7. Entertainment Zone Ordinance *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

**From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)**

**Recommendation:** Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley: Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads: Downtown: Downtown Business Association, Gilman: Gilman District Merchants Association, South Side Telegraph Business Improvement District San Pablo University Avenue Association

*Policy Committee Recommendation: To send item to Council with a qualified positive recommendation to encourage staff discretion in determining additional zones for entertainment.*

**Financial Implications:** See report

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

**Action:** Approved recommendation as recommended by the Health, Life Enrichment, Equity & Community Committee and further revised in Supplemental Communications Packet #2 by Councilmember Taplin.

## Council Consent Items

8. **The Berkeley Rule: Artificial Intelligence Municipal Framework** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*  
**From: Councilmember Bartlett (Author), Councilmember Tregub (Author)**  
**Recommendation:** 1. Adopt a Resolution which affirms Berkeley's commitment to innovation in service of liberty, dignity, and the public good. 2. The City hereby endorses "The Berkeley Rule" and encourages City staff, commissions, and community partners to consider its Ten Principles in the planning, evaluation, and oversight of artificial intelligence systems. The Berkeley Rule: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. The principles are meant to encourage the Artificial Intelligence (AI) industry to develop products and services aligned with these goals.  
*Policy Committee Recommendation: To send the item to Council with a positive recommendation, and that items 3 and 4 in the recommendation be amended to be less prescriptive.*  
**Financial Implications:** See report  
 Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Adopted Resolution No. 72,155–N.S. as recommended by the Health, Life Enrichment, Equity & Community Committee.
9. **Referral: Strengthen Berkeley's Micromobility Regulatory Framework to Improve Public Safety, ADA Accessibility, and Operator Accountability** *(Reviewed by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee)*  
**From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager and Transportation and Infrastructure Commission the development of recommendations to enhance safety and eliminate or reduce conflicts between shared micromobility devices and pedestrians/wheelchair users on Berkeley's sidewalks.  
*Policy Committee Recommendation: To forward the item to Council with a positive recommendation.*  
**Financial Implications:** See report  
 Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation as recommended by the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee.

## Council Consent Items

### 10. **Resolution Opposing Bureau of Land Management Oil and Gas Leasing and Drilling on California Public Lands and Parks**

**From: Councilmember Tregub (Author)**

**Recommendation:** Adopt a Resolution opposing the Bureau of Land Management's (BLM) proposed oil and gas leasing and development on approximately 1.6 million acres of California public lands, including areas adjacent to Bay Area parks such as Mount Diablo State Park, Pinnacles National Park, Henry W. Coe State Park, and Black Diamond Mines Regional Preserve; and refer to the City Manager to send a letter to the BLM Central Coast Field Office, the U.S. Secretary of the Interior, and California's Congressional delegation urging withdrawal of the Draft Supplemental Environmental Impact Statements and cessation of all new oil and gas lease sales on California public lands.

**Financial Implications:** Staff time

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

**Action:** Adopted Resolution No. 72,156–N.S. as amended in supplemental materials submitted at the meeting. Councilmembers Lunaparra, O'Keefe, and Blackaby added as co-sponsors.

### 11. **Citywide Guidelines on Artificial Intelligence** *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

**From: Councilmember O'Keefe (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Tregub (Co-Sponsor)**

**Recommendation:** Refer to the City Manager to develop official, citywide guidelines for the secure, ethical, and effective use of Artificial Intelligence (AI) tools by City of Berkeley employees. The policy should align with Berkeley's values, promote innovation and progress, and safeguard privacy and public trust. The City Manager should review policies adopted by other California cities and develop Berkeley-specific principles to guide staff usage of AI. The following principles should form the foundation of Berkeley's policy: 1. Create safeguards against introduction of bias through use of AI systems 2. Protect data privacy and ensure cybersecurity compliance 3. Maintain human oversight and accountability 4. Explore opportunities to integrate AI into operations management 5. Foster collaboration and cross-departmental exchange of AI knowledge 6. Ensure transparency and compliance with Public Records Laws 7. Periodic review and improvement Developing a clear and responsible AI policy will help the City of Berkeley harness emerging technologies to better serve the community while upholding equity, integrity, and public confidence in city operations and services.

*Policy Committee Recommendation: To send item to Council with a positive recommendation.*

**Financial Implications:** Staff time

Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

**Action:** Approved recommendation as recommended by the Health, Life Enrichment, Equity & Community Committee including revisions in Supplemental Communications Packet #1 from Councilmember O'Keefe.

## Council Consent Items

12. **Berkeley Free Clinic Critical Renovations: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Lunaparra (Author), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Mayor Ishii (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Vice Mayor Lunaparra's discretionary fund, \$500 from Councilmember Taplin's discretionary fund, and funds from any other Councilmembers who would like to contribute, to the Berkeley Free Clinic for critical renovations at its new location at 830 University Avenue, 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:** Adopted Resolution No. 72,157–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember O'Keefe - \$250; Councilmember Blackaby - \$250; Councilmember Tregub - \$150; Councilmember Humbert - \$250; Councilmember Bartlett - \$250; Councilmember Kesarwani - \$100; Mayor Ishii - \$250.

## Action Calendar – Public Hearings

- 13. Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning**  
*(Reviewed by the Land Use, Housing & Economic Development Committee)*  
**From: Councilmember Humbert (Author), Mayor Ishii (Author), Councilmember Bartlett (Author)**

**Recommendation:** Refer to the City Manager the Project to Increase Telegraph and Claremont Housing (PITCH) as a standalone rezoning effort to proactively and equitably increase housing stock in southeast Berkeley's high-resource areas. This project would seek to: 1. Rezone the Telegraph Avenue corridor south of Parker Street to the Oakland border at Woolsey Street from the current C-C (Commercial-Corridor) district to the C-T (Telegraph Avenue Commercial) district (or similar), allowing for taller mixed-use housing development, with a goal of base zoning of 8 stories/85 feet. 2. Identify and upzone specific auto-oriented C-N (Neighborhood Commercial) parcels in the Claremont and Ashby area (near Domingo Avenue) from their current 2–3 story limits to 4–6 stories using existing or new zoning districts. 3. Allocate funding from the District 8 office budget to begin required planning and California Environmental Quality Act (CEQA) review for the proposed zoning changes.

*Policy Committee Recommendation: To send the item to the City Council with a qualified positive recommendation with the following amendments: 1. Provide a more precise description of where the balance of the proposed funding would come from. 2. Look at a variety of density bonus scenarios for projections related to units and stories. 3. Clarify that the boundary runs from south of Parker Street to the Oakland border.*

**Financial Implications:** See report

Contact: Mark Humbert, Councilmember, District 8, (510) 981-7180

**Action:** Councilmember Kesarwani added as a co-sponsor. Approved recommendation as recommended by the Land Use, Housing & Economic Development Committee and further revised in Supplemental Communications Packet #2 from Councilmember Humbert.

## Action Calendar – Public Hearings

- 14. Amendments to BMC Title 23 (Zoning) to Update the Regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in Selected Zoning Districts**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt the first reading of an ordinance amending BMC Title 23 Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- Public Testimony:** The Mayor opened the public hearing. 0 speakers.  
M/S/C (Taplin/Tregub) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Tregub/Taplin) to adopt the first reading of Ordinance No. 8,003–N.S. Second reading scheduled for March 24, 2026.  
**Vote:** All Ayes.
- 15. Amendments to the Berkeley Election Reform Act Regarding the Return of Unspent Public Matching Funds, Reuse of Campaign Materials, Campaign Expenditures and Cost of Living Adjustments**  
**From: Fair Campaign Practices Commission**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt an ordinance amending the Berkeley Election Reform Act, BMC Chapter 2.12.  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950
- Public Testimony:** The Mayor opened the public hearing. 1 speaker.  
M/S/C (Tregub/Humbert) to close the public hearing.  
**Vote:** All Ayes.
- Action:** M/S/C (Blackaby/Tregub) to adopt the first reading of Ordinance No. 8,004–N.S. Second reading scheduled for March 24, 2026.  
**Vote:** All Ayes.

## Action Calendar – Public Hearings

**16. Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar Street**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion adopt a Resolution denying the property owners' appeal of a special assessment tax lien and of the necessity and cost of City abatement actions and allowing the special assessment lien for \$24,831.37 for 2750 Cedar Street (APN 058 221102001) to be recorded with the County of Alameda.

**Financial Implications:** See report

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

**Public Testimony:** The Mayor opened the public hearing. 2 speakers. M/S/C (Taplin/Humbert) to close the public hearing.

**Vote:** All Ayes.

**Action:** M/S/C (Blackaby/Tregub) to adopt Resolution No. 72,158–N.S. denying the property owners' appeal of a special assessment tax lien and of the necessity and cost of City abatement actions and allowing the special assessment lien for \$24,831.37 for 2750 Cedar Street (APN 058 221102001) to be recorded with the County of Alameda including revised material in Supplemental Communications Packet #1 from the Planning Department)

**Vote:** All Ayes.

## Council Action Items

### 17. **Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement** *(Reviewed by the Public Safety Committee)*

**From: Councilmember Kesarwani (Author)**

**Recommendation:** Adopt a Resolution rescinding Berkeley Police Department's current required notification process for reporting pepper spray via the Berkeley Police Department Use of Pepper Spray Report after each incident. Further, maintain the recording of pepper spray use 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.

*Policy Committee Recommendation: To send the item with a qualified positive recommendation to Council that includes 1) inviting Police Accountability Board review, 2) reaffirming the existing reporting requirements that remain in effect, and 3) direction to the Berkeley Police Department to work to maximize the availability of the reports through the Transparency Hub and the Annual Report.*

**Financial Implications:** None

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

**Action:** M/S/C (Lunaparra/Tregub) to suspend the rules and extend the meeting to 11:20pm.

**Vote:** All Ayes.

**Action:** 24 speakers. M/S/C (Ishii/Kesarwani) to adopt Resolution No. 72,159–N.S. as proposed by Mayor Ishii in Supplemental Communications Packet #2 and further amended at the meeting to read as below.

#### **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 in the Transparency Hub and the annual Use of Force report; and*

*WHEREAS, until February 10, 2026, the Berkeley Police Department historically included pepper spray in the annual Controlled Equipment report; and*

*WHEREAS, the Police Accountability Board submitted a recommendation to the City Council on February 23, 2026 that recommended reincorporating reporting on the use of pepper spray into the annual Controlled Equipment report to preserve key narrative details not otherwise available through BPD's other reporting channels; and*



*WHEREAS, the administration of first aid was included in the original pepper spray use report that was transmitted to the Mayor and Council within 7 days; and*

*WHEREAS, the continued requirement for separate notification directly to the Mayor and City Council 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.*

*3. Subsequent to the pepper spray report being signed off on by the Police Department chain of command, no later than 14 days after the use of the chemical agent, all pepper spray incidents shall be recorded on the Transparency Hub, including information about:*  
*a. The incident itself, including time, date, location where the incident occurred and level of use of force; and*

*b. The suspect themselves, including age, race, sex, subject altered state, and use of force reason; and*

*c. The officer role; and*

*d. Enhance the definitions for the various Use of Force levels and clearly identify pepper spray use as Level 3;*

*e. Include clear navigational guidelines so users can more easily access the open data portal and seek information on chemical agent use.*

*4. Refer to the City Manager to present an amendment to BMC Chapter 2.100 to the City Council to subject pepper spray to the approval and reporting requirements of the Controlled Equipment Ordinance, including the administration of first aid. Work with the vendor to determine if reporting the administration of first aid, a narrative report, and opt-in notifications are possible to include in the Transparency Hub.*

**Vote:** All Ayes.

## Action Calendar – Old Business

**18. City of Berkeley's 2026 State and Federal Legislative Platform** (*Continued from February 24, 2026*)

**From: Mayor Ishii (Author)**

**Recommendation:** Adopt a Resolution approving the City of Berkeley's 2026 State and Federal Legislative Platform.

**Financial Implications:** See report

Contact: Adena Ishii, Mayor, (510) 981-7100

**Action:** Moved to Consent Calendar. Adopted Resolution No. 72,160–N.S. as revised in Supplemental Communications Packet #1 by Mayor Ishii and further amended at the meeting to include the language below.

*Support legislative and budgetary efforts to create a not-for-profit utility service to replace investor-owned utility programs, reduce the ratepayer burden imposed by investor-owned utilities, and support community-choice energy. (Infrastructure Policy Priorities)*

## Public Comment – Items Not Listed on the Agenda - 10 speakers.

## Adjournment

**Action:** M/S/C (Taplin/Humbert) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 11:00 p.m.

I hereby certify that the foregoing is a true and correct record of the regular meeting of March 10, 2026 as approved by the Berkeley City Council.

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Mark Numainville, City Clerk

## Communications

### **Item #17: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement** (*Reviewed by the Public Safety Committee*)

1. Kat Larowe on behalf of the Human Welfare Community Action Commission
2. SEIU 1201 CSU/PTRLA Union Chapter Officers
3. Jacqui VanLiew
4. Office of the Director of Police Accountability

### **Use of Tear Gas and Flock Cameras Concerns**

5. Andrew Jess
6. Anne-Lise Francois
7. Carol Denney
8. Becca Schonberg
9. Kelly Hammargren

- 10. Zan Turner
- 11. Margot Smith (2)
- 12. Allison Baxter
- 13. Nish Parker
- 14. Deborah Cohan

#### **Police Accountability Board**

- 15. Shenandoah Titus
- 16. Wendy Alfsen (2)
- 17. Christopher Kroll
- 18. L Carol Christopher

#### **Ordinance Request**

- 19.9 Similarly worded form letters “I’m so sorry to bother.”

#### **Overnight Construction Noise**

- 20. Anthony

#### **Identify Consumer Fraud**

- 21. Lydia Shiozaki

#### **Environmental Health Concerns**

- 22. Sheila Collier
- 23. Fran Haselsteiner

#### **8<sup>th</sup> and Harrison**

- 24. Molly Miller

#### **Billboard Support**

- 25. Natalie Aguilera
- 26. Emily Seelenfreund
- 27. Ryan Nolan

#### **BART Board Meeting**

- 28. Henry Symons

#### **Data-Driven Accountability**

- 29. Parsa Shabani

#### **2026 New Star Pop-Up Street Fair Series**

- 30. Brilliant Star Society

#### **Office Hours**

- 31. Dorothea Dorenz

#### **Administrative Appeal**

- 32. Andrew Marowitz

**2109 Virginia**

33. Gregory Kalkanis

**Hopkins Street**

34. David Gilbert

**Proclamation Request**

35. Monica Torres

36. Dolores Martinez

**North Branch Library**

37. Glen

**A Note for You**

38. Leonard Pitt

**211 and Available Shelter**

39. Jesse Sheehan

**Settlement Fund Request**

40. Marcus von Engel

**Lunar New Year**

41. Joel Ng on behalf of Falun Gong Practitioners in Berkeley

**Upzoning**

42. Summer Brenner

43. Jacqueline Beth

44. Howard Hertz

45. Micky Duxbury (2)

46. John J. Parman

**February 19<sup>th</sup>**

47. Kelly Hammargren

**Crosswalk Illumination**

48. David Lerman

**Group Picture**

49. Ararety Garewal

**BHS Teacher**

50. Jim Lutz

**Elementary Reading Program**

51. Ruth Stern

**BUSD Fix-It Fest**

52. Linda Currie

**Parking Permits**

53. Cristina Estrada

**RV Concerns**

54. Eric Mason

**Housing Voucher Concerns**

55. Michelle Cortez

**Traffic Enforcement**

56. Margaret

**Berkeley Downtown Library**

57. Jacqueline Fried

**Big Oaks Learning Center**

58. Raquel Balingit

**Occupied Property**

59. Raj Sahai

**BHA Grievance**

60. Michelle Cortez

**ADA Grievance**

61. Jonnyruel

**High-Rise Apartments**

62. Pauline Bondonno Cross

**EPA New Funding Opportunity**

63. Chris Cullander

**Resolution Request**

64. Musa Tariq

**Acton Courtyard Tenants Union**

65. Yasmin Jenkins (3)

**Forwards**

66. Russbumper (2)

**Newsletters**

67. Visit Berkeley (2)

68. Downtown Berkeley Association

69. Margots999

70. Berkeley Art Center

**I-580 Truck Ban**

- 71. Nate Miley
- 72. Brandy Olson
- 73. Shannon Rogers
- 74. Laura Gardner

**URL**

- 75. Russbumper

**E-Scooters**

- 76. Moni Law
- 77. Robert Borghese (9)
- 78. Carson Lepre (9)
- 79. Wahid Amiri

**Supplemental Communications and Reports 1**

**Item #7: Entertainment Zone Ordinance (Reviewed by the Health, Life Enrichment, Equity & Community Committee)**

- 80. Daniel Swafford

**Item #11: Citywide Guidelines on Artificial Intelligence (Reviewed by the Health, Life Enrichment, Equity & Community Committee)**

- 81. Supplemental agenda material submitted by Councilmember Shoshana O'Keefe

**Item #16: Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar Street**

- 82. Revised agenda material submitted by the Planning and Development Department

**Item #17: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement (Reviewed by the Public Safety Committee)**

- 83. Frances Wilson

**Item #18: City of Berkeley's 2026 State and Federal Legislative Platform (Continued from February 24, 2026)**

- 84. Supplemental agenda material submitted by Mayor Adena Ishii

**Supplemental Communications and Reports 2**

**Item #7: Entertainment Zone Ordinance (Reviewed by the Health, Life Enrichment, Equity & Community Committee)**

- 85. Supplemental agenda material submitted by Councilmember Terry Taplin

**Item #13: Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning (Reviewed by the Land Use, Housing & Economic Development Committee)**

- 86. Supplemental agenda material submitted by Councilmember Mark Humbert

**Item #16: Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar Street**

- 87. Michael Tolleson

**Item #17: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement (*Reviewed by the Public Safety Committee*)**

- 88. Revised agenda material submitted by Rashi Kesarwani
- 89. Revised agenda material submitted by Councilmember Cecilia Lunaparra
- 90. Revised agenda material submitted by Mayor Ishii
- 91. Wendy Alfsen

**Supplemental Communications and Reports 3**

**Urgent Item: Resolution Condemning the Illegal War on Iran and Expressing Support for Berkeleyans Impacted by this Crisis**

- 92. Urgent item submitted by Councilmember Cecilia Lunaparra
- 93. Mojgan Mahdizadeh
- 94. Joel Ng
- 95. Jack Kurzweil

**Item #1: Amendments to BMC Title 23 (Zoning) to Update the Regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in Selected Zoning Districts**

- 96. Stacie Donnelly on behalf of the Community Associations Institute

**Item #6: City Contracts: Outdated Process Led to Non-Competitive Contracts**

- 97. Presentation submitted by the City Auditor

**Item #7: Entertainment Zone Ordinance (*Reviewed by the Health, Life Enrichment, Equity & Community Committee*)**

- 98. Mark Rhoades
- 99. Meryl Siegal
- 100. David M Mayeri
- 101. Lars Larson
- 102. Chip Harley
- 103. Daniel Swafford
- 104. Jeremy Townsend
- 105. Julie McCray
- 106. Atsushi Yanai

**Item #10: Resolution Opposing Bureau of Land Management Oil and Gas Leasing and Drilling on California Public Lands and Parks**

- 107. Supplemental agenda material submitted by Councilmember Igor Tregub
- 108. Susanna Porte

**Item #13: Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning (*Reviewed by the Land Use, Housing & Economic Development Committee*)**

- 109. Adele and David Crady

**Item #14: Amendments to BMC Title 23 (Zoning) to Update the Regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in Selected Zoning Districts**

- 110. Presentation submitted by the Planning Department

**Item #16: Appeal of Special Assessment Tax Lien and of the Need for Abatement Action at 2750 Cedar Street**

- 111. Presentation submitted by the Planning Department

**Item #17: Resolution Rescinding Berkeley Police Department's Pepper Spray Reporting Requirement (*Reviewed by the Public Safety Committee*)**

- 112. Vanessa Cordova
- 113. Raela Richie
- 114. Dwayne L. Phillips
- 115. Unknown



## BERKELEY CITY COUNCIL SPECIAL MEETING MINUTES

**MONDAY, MARCH 16, 2026**

**3:00 P.M.**

2180 MILVIA STREET, BERKELEY, CA 94704

TELECONFERENCE LOCATION – 1619 EDITH STREET, BERKELEY CA 94703

TELECONFERENCE LOCATION – 2928 LINDEN AVENUE, BERKELEY CA 94705

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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**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.

## Preliminary Matters

**Roll Call:** 3:06 p.m.

**Present:** Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** Kesarwani, Bartlett

Councilmember Kesarwani present at 3:42 p.m.

**Public Comment - Limited to items on this agenda only – 0 speakers**

## CLOSED SESSION:

The City Council will convene in closed session to meet concerning the following:

**1. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)**

- a. WCAB Matter –# ADJ17101925; BER2300091

**Action:** M/S/C (Blackaby/Tregub) to authorize the City Manager to settle by Compromise and Release with open future medical care, as to a workers' compensation matter assigned claim number BER2300091 and WCAB case number ADJ17101925.

**Vote:** Ayes - Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

**2. CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(2)**

- a. WCAB Matter –# ADJ18386036; BER2400044

**Action:** M/S/C (Tregub/Blackaby) to authorize the City Manager to settle by Compromise and Release with a release of future medical care, or in the alternative, by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter assigned claim number BER2400044 and WCAB case number ADJ18386036.

**Vote:** Ayes - Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett.

**3. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION PURSUANT TO GOVERNMENT CODE SECTION 54956.9(d)(1)**

- a. *Rio Tanori-Dias v. City of Berkeley*, Alameda County Superior Court Case No. 25CV125652

**Action:** No reportable action taken.

**4. CONFERENCE WITH REAL PROPERTY NEGOTIATORS PURSUANT TO GOVERNMENT CODE SECTIONS 54956.8:**

|                      |                                                                                           |
|----------------------|-------------------------------------------------------------------------------------------|
| Property Address:    | 1631 5 <sup>th</sup> St., Berkeley CA                                                     |
| Agency Negotiators:  | Paul Buddenhagen, David White, Eleanor Hollander, City of Berkeley, City Manager's Office |
| Negotiating Parties: | City of Berkeley and Rebuilding Together and Wadlund+ Design Studio                       |
| Property Owner:      | City of Berkeley                                                                          |
| Under Negotiation:   | Sale/Property Transfer Price and Terms                                                    |

**Action:** No reportable action taken.

## 5. CONFERENCE WITH LABOR NEGOTIATORS; GOVERNMENT CODE SECTION 54957.6

**Negotiators:** Paul Buddenhagen, City Manager, David White, Deputy City Manager, Maricar Dupaya Budget Manager, Janelle Rodrigues, Human Resources Director, Monica Walker, Human Resources Manager

**Employee Organizations:** Berkeley Fire Fighters Association Local 1227 I.A.F.F., Berkeley Chief Fire Officers Association Local 1227 I.A.F.F., Berkeley Fire EMS Professionals Association, Berkeley Police Association; SEIU 1021 Community Services and Part-Time Recreation Activity Leaders, SEIU 1021 Maintenance and Clerical, IBEW Local 1245, Public Employee Union Local 1, Unrepresented Employees

**Action:** No reportable action taken.

## OPEN SESSION:

Public Reports of actions taken pursuant to Government Code section 54957.1.

The City Council met in closed session on March 16, 2026, Pursuant to Government Code Section 54956.9(d)(2) and provided directions to outside counsel and approved a settlement by Compromise and Release with open future medical care, as to a workers' compensation matter assigned claim number BER2300091 and WCAB case number ADJ17101925.

The City Council met in closed session on March 16, 2026, Pursuant to Government Code Section 54956.9(d)(2) and provided directions to outside counsel and approved a settlement by Compromise and Release with a release of future medical care, or in the alternative, by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter assigned claim number BER2400044 and WCAB case number ADJ18386036.

## Adjournment

**Action:** M/S/C (Taplin/Tregub) to adjourn the meeting.

**Vote:** Ayes – Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – None; Absent – Kesarwani, Bartlett, Humbert.

Adjourned at 4:59 p.m.

I hereby certify that the foregoing is a true and correct record of the closed session meeting of the City Council held on March 16, 2026.

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Mark Numainville, City Clerk

# MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

**Tuesday, March 17, 2026**

**6:00 PM**

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

TELECONFERENCE LOCATION - 2928 LINDEN AVENUE, BERKELEY, CA 94705

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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## Preliminary Matters

**Roll Call:** 6:07 p.m.

**Present:** Kesarwani, Taplin, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** Bartlett

Councilmember Bartlett present at 6:24 p.m.

## Action Calendar – New Business

### 1. **Presentation and Discussion of Community Survey Results and Direction Regarding Potential Ballot Measures for the November 3, 2026, General Municipal Election**

**From:** City Manager

**Recommendation:** Review the results of the community survey and provide direction to the City Manager and City Attorney regarding potential ballot measures for the November 3, 2026, General Municipal Election, including whether to:

1. Direct the City Manager and City Attorney to prepare draft ballot language for a potential \$300 million General Obligation bond measure for the November 3, 2026, ballot to fund priority infrastructure investments, consistent with the results of the community survey and input received from the City Council at the March 17, 2026, work session;
2. Direct the City Manager and City Attorney to prepare draft ballot language for a potential 0.5 percent increase in the City's sales and use tax for the November 3, 2026, ballot to address the City's projected General Fund structural deficit and support essential City services; and
3. Authorize the City Manager to conduct a second community survey of likely Berkeley voters to test refined ballot language for a potential \$300 million General Obligation bond and a 0.5 percent increase in the sales and use tax in the context of the anticipated November 2026 ballot environment.

**Financial Implications:** See report

Contact: David White, City Manager's Office, (510) 981-7000

**Action:** 29 speakers. Presentation made and discussion held. M/S/C (Ishii/Taplin) to approve the recommendation.

**Vote:** All Ayes.

## Adjournment

**Action:** M/S/C (Lunaparra/Blackaby) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 8:43 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on March 17, 2026.

---

Mark Numainville, City Clerk

## **Communications**

- None

## **Supplemental Communications and Reports 1**

- None

## **Supplemental Communications and Reports 2**

**Item #1: Presentation and Discussion of Community Survey Results and Direction Regarding Potential Ballot Measures for the November 3, 2026, General Municipal Election**

1. Daniel Tahara

## **Supplemental Communications and Reports 3**

**Item #1: Presentation and Discussion of Community Survey Results and Direction Regarding Potential Ballot Measures for the November 3, 2026, General Municipal Election**

2. Presentation submitted by the City Manager's Office
3. Nancy Schimmel
4. Lisa Bullwinkel
5. Lisa Bruce
6. Tania Schwartz
7. Ann Harlow, Leila Moncharsh, and Michael Scharff
8. Tawny Reynolds
9. Ann Harlow
10. Summer Brenner
11. Burl Willes

# MINUTES SPECIAL MEETING OF THE BERKELEY CITY COUNCIL

**Tuesday, March 24, 2026  
4:00 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  
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## Preliminary Matters

**Roll Call:** 4:04 p.m.

**Present:** Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** Kesarwani, Taplin, Bartlett

Councilmember Kesarwani present at 4:12 p.m.

Councilmember Bartlett present at 4:22 p.m.

Councilmember Taplin present at 4:46 p.m.

## Worksession

### 1. 2025 Berkeley Police Department Annual Report

**From:** City Manager

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

**Action:** 11 speakers. Presentation made and discussion held.

## Adjournment

**Action:** M/S/C (Taplin/Lunaparra) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 6:02 p.m.

I hereby certify that the foregoing is a true and correct record of the City Council special meeting held on March 24, 2026.

---

Mark Numainville, City Clerk

## Communications

- None

## Supplemental Communications and Reports 1

- None

## Supplemental Communications and Reports 2

- None

## Supplemental Communications and Reports 3

**Item #1: 2025 Berkeley Police Department Annual Report**



1. Presentation submitted by the Police Department

**MINUTES**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, March 24, 2026**  
**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  
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## **Preliminary Matters**

**Roll Call:** 6:24 p.m.

**Present:** Kesarwani, Taplin, Bartlett, Tregub, O'Keefe, Blackaby, Lunaparra, Humbert, Ishii

**Absent:** None

### **Report on Litigation**

With respect to Information Item Number 27 regarding the settlement between Berkeley People's Alliance and the City in Alameda County Superior Court Case No. 24CV064980; Cal. Court of Appeal Case No. A172245, the City Council hereby commits, consistent with the Court of Appeal's ruling, to no longer invoke Government Code Section 54957.9, as it is currently drafted, to recess a meeting and reconvene it in a different room or otherwise relocate the meeting.

### **Report from Closed Session**

The City Council met in closed session on March 16, 2026, Pursuant to Government Code Section 54956.9(d) and provided directions to outside counsel and approved a settlement by Compromise and Release with open future medical care, as to a workers' compensation matter assigned claim number BER2300091 and WCAB case number ADJ17101925.

The City Council met in closed session on March 16, 2026, Pursuant to Government Code Section 54956.9(d) and provided directions to outside counsel and approved a settlement by Compromise and Release with a release of future medical care, or in the alternative, by Stipulations with Request for Award with open future medical care, as to a workers' compensation matter assigned claim number BER2400044 and WCAB case number ADJ18386036.

### **Ceremonial Matters:**

1. Adjourned in Memory of Marcia Poole, Community Activist
2. Recognition of Holocaust Remembrance Day
3. Adjourned in Memory of Elaine Williams Bloom, Community Activist

### **City Manager Comments:**

1. The City Manager removed Item 13 from the Agenda.
2. The City Manager requested that Item 16 be adopted as a budget referral due to cost implications.

### **City Auditor Comments:**

The City Auditor provided a presentation on the Whistleblower investigation regarding the purchase of an ambulance (Item 18).

**Public Comment on Non-Agenda Matters:** 10 speakers.

**Action:** M/S/C (Kesarwani/Bartlett) to accept an urgency item from Councilmember Kesarwani pursuant to Government Code Section 54954.2(b)(2) entitled Referral to the Parks, Recreation and Waterfront Commission to officially Rename Cesar Chavez Park. Item added to Action Calendar. Councilmembers Taplin, Bartlett, and Blackaby added as co-sponsors.

**Vote:** All Ayes.

**Public Comment on Consent Calendar and Information Items Only:** 23 speakers.

**Action:** M/S/C (Taplin/Tregub) to adopt the Consent Calendar in one motion except as indicated.

**Vote:** All Ayes.

## **Consent Calendar**

- 1. Amendments to BMC Title 23 (Zoning) to Update the Regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in Selected Zoning Districts**  
**From:** City Manager  
**Recommendation:** Adopt the second reading of Ordinance No. 8,003-N.S. amending BMC Title 23 Section 23.324.050 to update the regulation of nonconforming lot coverage, FAR and density for residential uses in the Residential Multi-Unit 1 (R-1), Residential Multi-Unit 2 (R-2), Residential Multi-Unit 2A (R-2A), and Mixed Use-Residential (MU-R) Zoning Districts.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Jordan Klein, Planning and Development, (510) 981-7400  
**Action:** Adopted second reading of Ordinance No. 8,003–N.S.
- 2. Amendments to the Berkeley Election Reform Act Regarding the Return of Unspent Public Matching Funds, Reuse of Campaign Materials, Campaign Expenditures and Cost of Living Adjustments**  
**From:** Fair Campaign Practices Commission  
**Recommendation:** Adopt the second reading of Ordinance No. 8,004-N.S. amending the Berkeley Election Reform Act, BMC Chapter 2.12.  
**First Reading Vote:** All Ayes.  
**Financial Implications:** None  
Contact: Sam Harvey, Commission Secretary, (510) 981-6950  
**Action:** Adopted second reading of Ordinance No. 8,004–N.S.

## Consent Calendar

### 3. Minutes for Approval

**From: City Manager**

**Recommendation:** Approve the minutes for the Council meetings of February 9, 2026 (closed), February 10, 2026 (special and regular), February 23, 2026 (closed and special), and February 24, 2026 (special and regular).

**Financial Implications:** None

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

**Action:** Approved the minutes as submitted.

### 4. Revenue Grant Agreements: Funding Support from Alameda County to Conduct Public Health Services

**From: City Manager**

**Recommendation:** Adopt three Resolutions authorizing the City Manager or designee to submit grant agreements to Alameda County, to accept the grants, and execute any resultant revenue agreements and amendments to conduct public health promotion, protection, and prevention services for the following three revenue agreements:

1. Berkeley High School and Berkeley Technology Academy Health Center Programs in the projected amount of \$183,918 for Fiscal Year 2027.

2. School Linked Health Services Program (Measure A Funding) in the projected amount of \$200,011 for Fiscal Year 2027.

3. Tobacco Prevention Program in the projected amount of \$81,329 for Fiscal Year 2027.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 72,161–N.S. (Berkeley High), Resolution No. 72,162–N.S. (School Linked), Resolution No. 72,163–N.S. (Tobacco Prevention).

### 5. Rescinding Resolution No. 65,945–N.S. and Establishing the Behavioral Health Commission in Compliance with the Behavioral Health Services Act (SB 326)

**From: City Manager**

**Recommendation:** Adopt a Resolution rescinding Resolution No. 65,945–N.S. and establishing the Behavioral Health Commission. This action updates the Commission's enabling legislation to comply with the State of California's Behavioral Health Services Act (SB 326), integrates substance use disorder oversight, and formally dissolves the joint commission agreement with the City of Albany.

**Financial Implications:** None.

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

**Action:** Adopted Resolution No. 72,164–N.S.

## Consent Calendar

### 6. Approving Publicly Available Pay Schedule

**From: City Manager**

**Recommendation:** Adopt a Resolution approving a publicly available pay schedule effective March 24, 2026, pursuant to the Public Employee's Retirement Law (PERL), Public Employees' Pension Reform Act of 2013 (PEPRA), and Title 2 of the California Code of Regulations (CCR).

**Financial Implications:** None

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

**Action:** Adopted Resolution No. 72,165–N.S.

### 7. Mills Act Contract – 2845 Woolsey Street

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Michael Pearson and Annette Blum Pearson for the maintenance and restoration of a City Landmark property at 2845 Woolsey Street.

**Financial Implications:** See report

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

**Action:** Moved to Action Calendar. 3 speakers. M/S/C (Lunaparra/Blackaby) to continue the item to April 14, 2026.

**Vote:** All Ayes.

### 8. Mills Act Contract – 21 Mosswood Road

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to enter into a Mills Act contract with Isaac Warshauer and Laura Veit for the maintenance and restoration of a City Landmark property at 21 Mosswood Road.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 72,166–N.S.

### 9. Contract No. 32400052 Amendment: Berry Brothers Towing and Transport Inc.

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract amendment with Berry Brothers, Contract No. 32400052, to extend the existing capacity to perform towing services from \$50,000 to an amount not to exceed \$100,000 from November 1, 2023, through October 31, 2027.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 72,167–N.S.

## Consent Calendar

- 10. Contract: Lehr Upfitters OPCO dba Lehr Auto for Police Vehicle Supplies, Equipment, and Installation Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Lehr Upfitters dba Lehr Auto for Police vehicle supplies, equipment, and installation services, in an amount not to exceed \$1,500,000, for a period of April 1, 2026, through June 30, 2029.  
**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 72,168–N.S.
- 11. Contract: Peterson Trucks, Inc. for Heavy Duty Vehicle Parts and Service**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Peterson Trucks, Inc. for heavy duty vehicle parts and service in an amount not to exceed \$300,000 for the term of April 1, 2026, to April 14, 2027, with the option to extend three more years.  
**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 72,169–N.S.
- 12. Contract: Terocons, Inc. for FY 2026 Curb Ramp & Sidewalk Repair Project**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution approving specifications for the FY 2026 Curb Ramp & Sidewalk Repair Project (Specification No. 26-11764-C), authorizing the City Manager to accept the bid of Terocons, Inc. as the lowest, responsive and responsible bidder and to execute a contract and any amendments, extensions, or other change orders until completion of the FY 2026 Curb Ramp & Sidewalk Repair Project in accordance with the approved specifications in an amount not to exceed \$4,207,883.  
**Financial Implications:** \$4,207,883 - Various Funds  
Contact: Wahid Amiri, Public Works, (510) 981-6300  
**Action:** Adopted Resolution No. 72,170–N.S.

## Consent Calendar

### 13. **Contracts: Pavement and Safety Improvement/Program Management Consulting Services for Measure FF-funded Projects**

**From: City Manager**

**Recommendation:** Adopt six Resolutions authorizing the City Manager to execute contracts and any amendments with NCE, Pavement Engineering, Inc., Kittleson & Associates, Sanbell, Cordoba Corporation and Mark Thomas for on-call professional services for Measure FF-funded projects for the amounts listed below, each for a period not to exceed three years:

1. NCE for an amount not to exceed \$2,500,000
2. Pavement Engineering, Inc. for an amount not to exceed \$2,500,000
3. Kittleson & Associates for an amount not to exceed \$2,500,000
4. Sanbell for an amount not to exceed \$1,800,000
5. Cordoba Corporation for an amount not to exceed \$1,500,000
6. Mark Thomas for an amount not to exceed \$600,000

**Financial Implications:** See report

Contact: Wahid Amiri, Public Works, (510) 981-6300

**Action:** Item removed from the agenda by the City Manager.

### 14. **Contracts: Multi-Disciplinary On-Call Professional Services for Capital Improvement Projects**

**From: City Manager**

**Recommendation:** Adopt thirty-four Resolutions authorizing the City Manager to execute one or more contracts with the following vendors and the associated not to exceed amounts for on-call civil engineering services for capital improvement projects, for a total contract period of three years:

1. Advanced Mobility Group for an amount not to exceed \$500,000
2. AECOM Technical Services, Inc. for an amount not to exceed \$1,800,000
3. Alta Planning + Design, Inc. for an amount not to exceed \$1,000,000
4. Bureau Veritas North America, Inc. for an amount not to exceed \$2,250,000
5. BKF Engineers for an amount not to exceed \$1,550,000
6. Coastland DCCM for an amount not to exceed \$1,000,000
7. Community Design + Architecture, Inc. for an amount not to exceed \$500,000
8. Cornerstone Structural Engineering Group for an amount not to exceed \$500,000
9. CSWST2 for an amount not to exceed \$1,200,000
10. Dewberry Engineers, Inc. for an amount not to exceed \$200,000
11. Diablo Engineering Group for an amount not to exceed \$900,000
12. ENGEO Incorporated for an amount not to exceed \$350,000
13. Fehr & Peers for an amount not to exceed \$1,750,000
14. Geographic Technologies Group, Inc. for an amount not to exceed \$500,000
15. GFT Infrastructure, Inc. for an amount not to exceed \$950,000
16. GHD, Inc. for an amount not to exceed \$500,000
17. Ghirardelli Associates, Inc. for an amount not to exceed \$2,250,000
18. HydroScience Engineers, Inc. for an amount not to exceed \$1,000,000
19. Kimley-Horn and Associates, Inc. for an amount not to exceed \$2,150,000
20. Kittleson & Associates, Inc. for an amount not to exceed \$1,000,000
21. LCC Engineering & Surveying, Inc. for an amount not to exceed \$1,100,000



## Consent Calendar

22. Mark Thomas & Company, Inc. for an amount not to exceed \$200,000
23. Nelson & Nygard Engineering, Inc. for an amount not to exceed \$500,000
24. Ninyo & Moore Geotechnical & Environmental Sciences Consultants for an amount not to exceed \$500,000
25. Parametrix for an amount not to exceed \$350,000
26. Pavement Engineering, Inc. for an amount not to exceed \$1,500,000
27. PEC Water, Inc. for an amount not to exceed \$1,000,000
28. Sanbell Bay Area for an amount not to exceed \$700,000
29. SCI Consulting Group for an amount not to exceed \$500,000
30. Swinerton Management & Consulting for an amount not to exceed \$2,250,000.
31. TJKM Transportation Consultants for an amount not to exceed \$750,000
32. Toole Design Engineering for an amount not to exceed \$500,000
33. Wood Rodgers, Inc. for an amount not to exceed \$500,000
34. West Yost for an amount not to exceed \$1,000,000

**Financial Implications:** See report

Contact: Wahid Amiri, Public Works, (510) 981-6300

**Action:** Adopted 1. Resolution No. 72,171–N.S. (Advanced Mobility), 2. Resolution No. 72,172–N.S. (AECOM), 3. Resolution No. 72,173–N.S. (Alta Planning), 4. Resolution No. 72,174–N.S. (Bureau Veritas), 5. Resolution No. 72,175–N.S. (BKF Engineers), 6. Resolution No. 72,176–N.S. (Coastland DCCM), 7. Resolution No. 72,177–N.S. (Community Design), 8. Resolution No. 72,178–N.S. (Cornerstone), 9. Resolution No. 72,179–N.S. (CSWST2), 10. Resolution No. 72,180–N.S. (Dewberry Engineers), 11. Resolution No. 72,181–N.S. (Diablo Engineering), 12. Resolution No. 72,182–N.S. (ENGEO), 13. Resolution No. 72,183–N.S. (Fehr & Peers), 14. Resolution No. 72,184–N.S. (Geographic Technologies), 15. Resolution No. 72,185–N.S. (GFT Infrastructure), 16. Resolution No. 72,186–N.S. (GHD, Inc.), 17. Resolution No. 72,187–N.S. (Ghirardelli), 18. Resolution No. 72,188–N.S. (HydroScience), 19. Resolution No. 72,189–N.S. (Kimley-Horn), 20. Resolution No. 72,190–N.S. (Kittleson), 21. Resolution No. 72,191–N.S. (LCC Engineering), 22. Resolution No. 72,192–N.S. (Mark Thomas), 23. Resolution No. 72,193–N.S. (Nelson & Nygard), 24. Resolution No. 72,194–N.S. (Ninyo & Moore), 25. Resolution No. 72,195–N.S. (Parametrix), 26. Resolution No. 72,196–N.S. (Pavement Engineering), 27. Resolution No. 72,197–N.S. (PEC Water), 28. Resolution No. 72,198–N.S. (Sanbell), 29. Resolution No. 72,199–N.S. (SCI Consulting), 30. Resolution No. 72,200–N.S. (Swinerton), 31. Resolution No. 72,201–N.S. (TJKM Transportation), 32. Resolution No. 72,202–N.S. (Toole Design), 33. Resolution No. 72,203–N.S. (Wood Rodgers), 34. Resolution No. 72,204–N.S. (West Yost).

## Consent Calendar

### 15. Reappointment of Edward Opton to the Mental Health Commission

**From: Mental Health Commission**

**Recommendation:** Adopt a Resolution approving the re-appointment of Edward Opton as a representative of the general public interest category, for his second term ending January 21, 2026, and to start his third term beginning March 25, 2026, to March 24, 2029.

**Financial Implications:** None.

Contact: Jamie Works-Wright, Commission Secretary, (510) 981-5100

**Action:** Adopted Resolution No. 72,205–N.S.

### 16. Develop an educational event for the Berkeley Community to increase awareness of impacts of the Alien Enemies Act

**From: Peace and Justice Commission**

**Recommendation:** Consistent with the City of Berkeley's stance as a sanctuary city for immigrants safeguarding their due process rights, the Peace and Justice Commission recommends that given that during the third invocation of the Alien Enemies Act (the Act has only been invoked three times prior to this year, during the War of 1812, World War I, and World War II), Japanese residents of the Berkeley community, survivors and their ancestors, were harmed by the invocation of the act during World War II in which persons of Japanese, Italian and German ancestry, primarily in coastal areas but also in Berkeley, and were transported and interned in U.S. camps, including in California, that Council refer to the City Manager to refer to the appropriate department or division to develop an educational event, whether a panel of speakers, a film, a play or some combination of these, for the Berkeley community so that the broader community can be made aware of the impact of the Alien Enemies Act and its impact on Berkeley community members during World War II. Such event shall be free of charge and well-promoted.

**Financial Implications:** See report

Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000

**Action:** Recommendation referred to the budget process for consideration.

### 17. Re-affirm City of Berkeley Commitment to Free Speech

**From: Peace and Justice Commission**

**Recommendation:** Adopt this recommendation re-affirming the City of Berkeley's commitment to Free Speech and Assembly and its opposition to the detainment and deportation of immigrants without due process, violating their constitutionally protected speech.

**Financial Implications:** See report

Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000

**Action:** Approved recommendation.

## Consent Calendar

### 18. Whistleblower Investigation Report on Ambulance Purchase

**From: Auditor**

**Recommendation:** We recommend that City Council receive this report and request the City Manager to implement corrective actions in response to the recommendations. The report recommends clarifying procurement roles, formalizing escalation and notification expectations when required steps are bypassed, providing targeted training, reinforcing compliance expectations, and establishing clearer communication to City Council when purchasing requirements are not followed.

**Financial Implications:** None

Contact: Jenny Wong, Auditor, (510) 981-6750

**Action:** Approved recommendation.

## Council Consent Items

### 19. 2026 Holocaust Remembrance Day Program: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

**From: Councilmember Taplin (Author), Councilmember Tregub (Author), Mayor Ishii (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 Councilmember Taplin, Councilmember Tregub, Councilmember Blackaby, and Mayor Ishii, to support the City's Annual Holocaust Remembrance Day program with funds relinquished to the City's general fund. The relinquishment of funds from the discretionary Council Office Budget of all Councilmembers who would like to contribute, allows the City of Berkeley to invite the community to its 23rd Annual Holocaust Remembrance Day program, created by the community with City Council support. This year's program will be held on April 12th, 2026, at the Magnes Collection of Jewish Life and History in Berkeley's downtown. Registration via Eventbrite is required to attend.

**Financial Implications:** See report

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

**Action:** Adopted Resolution No. 72,206–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - \$500; Councilmember Bartlett - \$200; Councilmember O'Keefe - \$250; Councilmember Humbert - \$500; Councilmember Lunaparra - \$250; Councilmember Kesarwani - \$250.

## Council Consent Items

- 20. Referral to the City Manager: Banning the Sale and Use of Glue Traps**  
**From: Councilmember Tregub (Author), Councilmember Taplin (Author), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager to ban glue traps within City of Berkeley limits, including the use by any individual or organization and sale of glue traps and require posted notice of municipal code changes in all stores selling rodent traps.  
**Financial Implications:** Staff time  
 Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140  
**Action:** Councilmember O’Keefe added as a co-sponsor. Approved recommendation amended to include “Explore a narrow exemption for options of use for invertebrate pest control and scientific research and potential implications thereof.”
- 21. Letter of Gratitude to the Metropolitan Transportation Commission for their Support of Full Implementation of a Strong Transit-Oriented Communities Policy**  
**From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Submit a letter of gratitude to the Metropolitan Transportation Commission (MTC) recognizing the full adoption and implementation of a strong and enforceable Transit-Oriented Communities (TOC) Policy.  
**Financial Implications:** Staff time  
 Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140  
**Action:** Approved recommendation.
- 22. Berkeley High School National Society of Black Engineers Junior Chapter: Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds**  
**From: Councilmember O’Keefe (Author), Councilmember Taplin (Co-Sponsor), Councilmember Blackaby (Co-Sponsor), Mayor Ishii (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember, including \$500 from Councilmember Shoshana O’Keefe’s discretionary fund and funds from any other Councilmembers who would like to contribute, to the Berkeley High School National Society of Black Engineers Junior Chapter to support its ongoing work to engage and empower students through STEM education, mentorship, leadership development, and community building.  
**Financial Implications:** See report  
 Contact: Shoshana O’Keefe, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 72,207–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Tregub - \$150; Councilmember Blackaby - \$250; Councilmember Bartlett - \$200; Councilmember Humbert - \$250; Councilmember Lunaparra - \$150; Councilmember Taplin - \$250; Councilmember Kesarwani - \$150.

## Council Consent Items

- 23. Make Music Day: Relinquishment of Council Office Budget Funds to the General Fund and Grant of Such Funds**  
**From: Councilmember O'Keefe (Author), Councilmember Tregub (Co-Sponsor), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember from the discretionary office budgets of any Councilmembers who would like to contribute – including \$500 from Councilmember Shoshana O'Keefe, \$250 from Councilmember Igor Tregub, and \$250 from Mayor Adena Ishii – to the Downtown Berkeley Association to support Berkeley's first annual Make Music Day on June 21, 2026, with funds relinquished to the City's general fund for this purpose.  
**Financial Implications:** See report  
 Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150  
**Action:** Adopted Resolution No. 72,208–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Blackaby - \$250; Councilmember Bartlett - \$200; Councilmember Humbert - \$250; Councilmember Lunaparra - \$150; Councilmember Taplin - \$250; Councilmember Kesarwani - \$100.
- 24. Berkeley Public Schools Fund Spring Luncheon 2026: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**  
**From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Councilmember Blackaby and \$500 from Mayor Ishii for the Berkeley Public Schools Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Councilmember Blackaby, Mayor Ishii and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
 Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160  
**Action:** Councilmember O'Keefe added as a co-sponsor. Adopted Resolution No. 72,209–N.S. amended to include contributions from the following Councilmembers up to the amounts listed: Councilmember Tregub - \$150; Councilmember Bartlett - \$200; Councilmember O'Keefe - \$250; Councilmember Humbert - \$250; Councilmember Lunaparra - \$150; Councilmember Taplin - \$250; Councilmember Kesarwani - \$100.

## Council Action Items

**Urgent Item: Referral to the Parks, Recreation and Waterfront Commission to officially Rename Cesar Chavez Park for Dolores Huerta, Co-Founder of the United Farm Workers (UFW) and Feminist Advocate**

**From: Councilmember Rashi Kesarwani**

**Recommendation:** Refer to the Parks, Recreation and Waterfront Commission to officially rename Cesar Chavez Park for Dolores Huerta, co-founder of the United Farm Workers (UFW) and advocate for women in honor of her outstanding service to communities throughout California and nationwide.

And further, direct the City Manager to remove all signage bearing the name Cesar Chavez from park property as soon as practicable.

**Financial Implications:** See report

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

**Action:** 1 speaker. Councilmembers Taplin, Bartlett, and Blackaby added as co-sponsors. M/S/C (Kesarwani/Blackaby) to approve the recommendation revised to read as noted below.

*Refer to the Parks, Recreation and Waterfront Commission to officially rename Cesar Chavez Park. This referral to the Parks Commission initiates a community process which should incorporate feedback from the Commemorative Committee (which initiated the first renaming process of the park in 1994) as well as input from other community members and stakeholders. We recommend that Dolores Huerta be among the options considered for renaming.*

*And further, direct the City Manager to remove or cover all signage bearing the name Cesar Chavez from park property as soon as practicable while leaving intact signage related to directions and park rules.*

**Vote:** All Ayes.

**25. Adopt a Resolution Authorizing Temporary Employment of Retired Annuitant Kathy Lee as Interim Director of Police Accountability**

**From: Mayor Ishii (Author)**

**Recommendation:** Adopt a Resolution authorizing the appointment of Kathy Lee as a retired annuitant to serve as Interim Director of Police Accountability pursuant to Government Code Sections 21221(h) and 7522.56 and the Mayor to execute the attached employment agreement establishing an hourly rate of \$122.44, consistent with the publicly approved pay schedule for the Director of Police Accountability, with no additional benefits, per CalPERS rules for retired annuitants.

**Financial Implications:** See report

Contact: Adena Ishii, Mayor, (510) 981-7100

**Action:** 13 speakers. M/S/C (Ishii/Blackaby) to adopt Resolution No. 72,210–N.S.

**Vote:** All Ayes.

## Action Calendar – New Business

### 26. **Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority** **From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the following actions:

Surveillance Technology Ordinance (BMC 2.99)

1. Accept the Surveillance Acquisition Report and approve the Surveillance Use Policy for the Unmanned Aerial Systems (UAS) program.

2. Accept the Surveillance Acquisition Report and approve the Surveillance Use Policy for Community Video Streams.

3. Approve updated Surveillance Use Policies for fixed video cameras, reflecting Council-directed revisions to previously approved technology.

Police Equipment Ordinance (BMC 2.100)

4. Accept the Police Equipment Impact Statement and approve the Police Equipment Use Policy for UAS.

Contract Authority

5. Authorize the City Manager to amend the existing contract with Flock Safety to add Drone as First Responder (DFR) hardware, software, and services for an initial three-year term, in an amount not to exceed \$750,000.

6. Authorize the City Manager to amend the existing contract with Flock Safety to add Condor PTZ fixed surveillance cameras for an initial four-year term, in an amount not to exceed \$310,000, with an option to extend for one additional three-year term, for a total not to exceed \$600,000.

7. Authorize the City Manager to amend the existing contract with Flock Safety to add Flock Nova investigative software for a one-year term, in an amount not to exceed \$75,000, funded by the Byrne State Crisis Intervention Program (SCIP) grant previously accepted by Council on July 29, 2025.

8. Authorize the City Manager to amend the existing contract with Flock Safety to renew Automated License Plate Readers (ALPRs) for a two-year term, in an amount not to exceed \$330,000, with an option to extend for an additional two-year term, for a total not to exceed \$660,000.

**Financial Implications:** See report

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

**Action:** M/S/C (Bartlett/Tregub) to accept revised materials from Councilmember Bartlett on Item 26.

**Vote:** Ayes – Kesarwani, Taplin, Bartlett, Tregub, Blackaby, Lunaparra, Humbert, Ishii; Noes – None; Abstain – O'Keefe.

**Action:** M/S/C (Blackaby/Tregub) to suspend the rules and extend the meeting to 1:30 a.m.

**Vote:** All Ayes.

**Action:** M/S/Failed (Humbert/Kesarwani) to suspend the rules and extend the meeting to 2:00 a.m.

**Vote:** Ayes – Kesarwani, Taplin, O'Keefe, Blackaby, Humbert; Noes – Bartlett, Tregub, Lunaparra, Ishii.

## Action Calendar – New Business

**Action:** 132 speakers. M/S/C (Lunaparra/Taplin) to continue Item 26 to a special meeting on June 2, 2026.

**Vote:** All Ayes.

## Information Reports

27. **Settlement Agreement – Berkeley People’s Alliance et. al. v. City of Berkeley et. al., Alameda County Superior Court Case No. 24CV064980; Cal. Court of Appeal Case No. A172245**

**From:** City Attorney

Contact: Farimah Brown, City Attorney, (510) 981-6950

**Action:** Received and filed.

**Public Comment – Items Not Listed on the Agenda - 0 speakers.**

## Adjournment

**Action:** M/S/C (Lunaparra/Taplin) to adjourn the meeting.

**Vote:** All Ayes.

Adjourned at 1:27 a.m.

I hereby certify that the foregoing is a true and correct record of the City Council regular meeting held on March 24, 2026.

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Mark Numainville, City Clerk

## Communications

**Item #1: Amendments to BMC Title 23 (Zoning) to Update the Regulation of Nonconforming Lot Coverage, Floor Area Ratio and Density for Residential Uses in Selected Zoning Districts**

1. Brianna Morales on behalf of the Housing Coalition

**Item #18: Whistleblower Investigation Report on Ambulance Purchase**

2. Dorothea Dorenz

**Item #26: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority**

3. Jesse Rosemoore
4. Laura Preuss



5. Zipporah Collins
6. Kelly Hammargren
7. Artemisia Spencer Mace on behalf of Councilmember Ben Bartlett
8. Kamala Visweswaran
9. Tobias Smith
10. Maryann Osullivan
11. Lanny Devuono
12. Margot Smith
13. Wendy Alfsen and Barb Atwell
14. Steve Tracy
15. 9 Similarly worded form letters "I am writing to urge you to oppose..."

### **Billboards**

16. Stephanie Tran

### **Upzoning**

17. John Duffy Tillman
18. Candace Taira
19. ReCheng Tsang
20. Melanie Lawrence & John Smail
21. Susie Zukor (2)
22. Marguerite Talley
23. Crystal Brunzell
24. Judith Bebelaar
25. Elissa Kittner
26. Jane Maxwell
27. Kate Pocrass
28. Anne Boersma
29. Kayla Feder
30. Janet Stromberg
31. Margot Smith (2)
32. Catherine Durand
33. Elke Glendenning
34. Vicki

### **Bike Lanes on Hopkins**

35. Phyllis Orrick
36. Dewayne Cecil

### **Save the Date**

37. John Craner

### **2425 Durant Ave**

38. Gregory Kalkanis

### **Affordable Housing**

- 39. Julie Chervin
- 40. Stephen Alpert (4)
- 41. Janet Stromberg

**2190 Shattuck Ave**

- 42. Alex Sathler

**Berkeley Albany Little League**

- 43. Frank Knowles

**ADA Concerns**

- 44. Jon Ruel Holder II (2)

**Sanctuary Cities**

- 45. Peter Yeung

**Police Dogs**

- 46. Margot Smith

**Thursday Market**

- 47. Kathleen Krier

**Tear Gas Concerns**

- 48. Margot Smith
- 49. Moni Law

**Parking Survey**

- 50. Glenn Alex
- 51. Barbara Gilbert

**Restaurant Inspection Audit**

- 52. David Lerman

**Proposed Fire Code Modification**

- 53. Ben Gerhardstein (3)
- 54. David Sprague (2)

**Gap of Bollards**

- 55. Shirley Kirsten (2)

**Zone Zero and Water Hose**

- 56. Krista Denton

**Kala Bagai Way**

- 57. Guneeta Singh Bhalla

**Men's World Cup**

58. Jeffrey Church

**New Star Street Fair**

59. Sofia Naranjo (2)

**Persian New Year Invitation**

60. Jacob Cohen on behalf of The Persian Center

**Harrison Street**

61. John Waters

**Special Assessments**

62. Jamila Dunn

**Joy of Cooking**

63. Oona Garthwaite

**Labor Dispute Concern**

64. Julie Guilfooy

**AC Transit Driver**

65. Janie Mansfield

**BESO**

66. Megan Enright

**EMBER**

67. Margot Murtaugh

**California Department of Insurance**

68. Sharon Smith

**Performance Metrics/Outcomes**

69. Steve Kromer

**World Cities Summit 2026 Invite**

70. Hugh Lim

**Hillegass and Ashby**

71. Jim Thornton

**Overnight Construction Concerns**

72. Matt Weber (2)

73. Jen Loy

### **URLs**

- 74. Fred Dodsworth
- 75. John J. Parman
- 76. Russbumper (2)

### **Newsletters**

- 77. Berkeley Art Center
- 78. Shelbi Walker
- 79. Downtown Berkeley Association
- 80. Russbumper

### **Forwards**

- 81. Russbumper (3)

### **E-Scooters**

- 82. Robert Borghese (9)
- 83. Carson Lepre (6)
- 84. Lime Virtual Ride Expert

## **Supplemental Communications and Reports 1**

### **Item #18: Whistleblower Investigation Report on Ambulance Purchase**

- 85. A Protected Whistleblower

### **Item #26: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority**

- 86. Gregory Kalkanis
- 87. Justin Weber-Stover
- 88. Morgan Presley
- 89. Jackie Patterson Brenner
- 90. Steve Kanofsky
- 91. Leonard Pitt (2)
- 92. Maryann O'Sullivan
- 93. Jose Vilar
- 94. James Angus
- 95. Cheryl Flippen
- 96. Liz Christiano
- 97. Jan Scantlebury
- 98. Wilson Conn
- 99. Tobey M. Weibe
- 100. Margot Smith (3)
- 101. George Perezvelez
- 102. Sierra Zephyr
- 103. Anna vB
- 104. Charlene M. Woodcock
- 105. Rachel Bradley
- 106. Deborah Abraham

- 107. Summer Brenner
- 108. Russbumber
- 109. Ruth Rogow
- 110. Janice Murota
- 111. Bernard Marszalek
- 112. Grantsstompson
- 113. Jesse Rosemoore
- 114. 11 Similarly worded form letters "Flock markets itself..."
- 115. 45 Similarly worded form letters "The data that is being collected..."

## **Supplemental Communications and Reports 2**

### **Urgent Item: Referral to the Parks, Recreation and Waterfront Commission to officially Rename Cesar Chavez Park for Dolores Huerta, Co-Founder of the United Farm Workers (UFW) and Feminist Advocate**

- 116. Urgent item submitted by Councilmember Rashi Kesarwani
- 117. Catherine Ryan (2)
- 118. Stacy Taylor
- 119. Peggy Scott
- 120. Marguerite Lee
- 121. Tyler K Johnson
- 122. Eric Friedman (2)
- 123. Theodore Raphael
- 124. Jesse Stills

### **Item #7: Mills Act Contract – 2845 Woolsey Street**

- 125. Jeff Baker

### **Item #26: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority**

- 127. Supplemental agenda material submitted by Councilmember Brent Blackaby
- 128. Supplemental agenda material submitted by Councilmember Mark Humbert, Councilmember Shoshana O'Keefe, Councilmember Terry Taplin, and Councilmember Rashi Kesarwani
- 129. Revised agenda material submitted by Mayor Adena Ishii, Councilmember Cecilia Lunaparra, Councilmember Igor Tregub
- 130. Office of the Director of Accountability
- 131. Kitty Calavita
- 132. Lucas Cantor
- 133. Olivia Page
- 134. Beth Roessner
- 135. Christina Rodriguez
- 136. Beth Schoenfeld
- 137. John Waters
- 138. Rose E. Aplustill
- 139. Rowyn McDonald
- 140. Rosa Bay on behalf of the East Bay Community Law Center
- 141. Tim Beinke

142. Jeremiah Maller
143. Sam Holtzman
144. Jennie Bertone
145. Jason Martens
146. Kelly Hammargren
147. Edith Friedman
148. Alex Stephens
149. Susan Bassein
150. Alexis Adorador
151. Lori Hines
152. Karen Armstead
153. Neil Egbert on behalf of the Berkeley Police Association
154. Gregory Kalkanis
155. Kathy Brasil
156. Liz Grubin
157. Emma Coleman
158. Ztangi
159. Wendy Alfsen
160. Sally Nelson (2)
161. Cheryl Fippen
162. MaryAnn Furda
163. Sibel Guner
164. Clay Spencer
165. Bruce H. Feingold
166. Maggie Lee
167. Visit Berkeley
168. 17 Similarly worded form letters "The data that is being collected..."

### **Supplemental Communications and Reports 3**

**Urgent Item: Referral to the Parks, Recreation and Waterfront Commission to officially Rename Cesar Chavez Park for Dolores Huerta, Co-Founder of the United Farm Workers (UFW) and Feminist Advocate**

169. Linda Franklin

**Item #18: Whistleblower Investigation Report on Ambulance Purchase**

170. Presentation submitted by the City Auditor

### **Action Calendar**

**Item #26: Public Safety Technology: Surveillance Technology Ordinance and Police Equipment Ordinance Approvals, Policy Updates, and Contract Authority**

171. Presentation submitted by the Police Department
172. Revised agenda material submitted by Councilmember Ben Bartlett
173. Office of the Director of Police Accountability
174. Kate Rassbach

175. Dirk Neyhart
176. William Gordon
177. Laura Hill on behalf of the Bay Area Council
178. Juli Dickey
179. Patrick Golier
180. Heather Flett
181. Melake Getabecha
182. Margaret Phillips
183. Jack Kurzweil
184. Nathan Henry Mizell
185. Mark McDonald
186. Linda Wood (2)
187. Sanjog Singh
188. Sheila Goldmacher
189. David DeSouza
190. Ann May and Rodney Freeland
191. Noelle Fa-Kaji
192. Deb DenHerder
193. Elizabeth Ferguson
194. Michella Ralston
195. Joan Guilford and Richard J Jackson
196. David Fielder
197. Wendy Patterson
198. Kiara Ott
199. Phillip Wong
200. Devin Pastika
201. Vanessa Drake Moraga
202. Anna Henry
203. Justine Kessler
204. A Coalition of Bay Area Elected Officials, Community Organizations, Small Business Leaders and Owners, and Victims' Advocates
205. Joe Norton
206. Vanessa Cordova
207. Effie Bourgin
208. Steve Kuttner
209. Ben Powers
210. Elizabeth Ditmars
211. Craig Knudsen (2)
212. Paris Cotz
213. Andrew Sauter
214. Michael Singer
215. David Lerman
216. Tammy Kremer
217. Thomas Yamaguchi
218. Jonathan Ruchlis
219. Shok Saidmuradov

- 220. Linda Maio
- 221. Laralynn Rapoza
- 222. Daivd Rosen
- 223. Christine Staples
- 224. Jim Best
- 225. Lorraine Mahley
- 226. Lisa Jervis
- 227. Almira Tanner
- 228. Becca Schonberg
- 229. Diana Maria Rossi
- 230. John J. Parman
- 231. Joel Myerson
- 232. Friends of Adeline
- 233. Maryann O'Sullivan (2)
- 234. Oren
- 235. Kathy Kojimoto
- 236. Helen Walsh
- 237. Kelly Hammargren
- 238. Rebecca on behalf of the Berkeley Immigration Collaborative
- 239. Patricia Erwin
- 240. Wendy Alfsen
- 241. Russbumper
- 242. Peter Deibler
- 243. Patrick Golier
- 244. Becca Freed
- 245. Elena Pinsky
- 246. Jeremiah Maller
- 247. Moni Law
- 248. Andrew Glickman
- 249. Frances Ann Haselsteiner (2)
- 250. Bob O'Leary
- 251. Hemptrez
- 252. 42 Similarly worded form letters "The data that is being collected..."

**Miscellaneous**

- 253. Carole Marasovic





Office of the City Manager

CONSENT CALENDAR

April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Police Accountability Board – Appointment of New Member

RECOMMENDATION

Adopt a Resolution appointing a new member to the Police Accountability Board (PAB) nominated by Councilmember Blackaby.

FISCAL IMPACTS OF RECOMMENDATION

All PAB commissioners are eligible to receive a stipend of up to \$300 per month.

CURRENT SITUATION AND ITS EFFECTS

There are currently six vacant seats on the PAB, including one alternate position.

Councilmember Blackaby has nominated Patrick DeTemple to serve on the Police Accountability Board. Mr. DeTemple meets the eligibility criteria as verified by city staff in accordance with the requirements of the City Charter and may be appointed by a majority vote of the Council.

| <b>Commissioner</b>    | <b>Nominated By</b>     |
|------------------------|-------------------------|
| <i>vacant</i>          | Mayor Ishii             |
| Joshua Buswell-Charkow | Councilmember Kesarwani |
| <i>vacant</i>          | Councilmember Taplin    |
| <i>vacant</i>          | Councilmember Bartlett  |
| <i>vacant</i>          | Councilmember Tregub    |
| Leah Wilson            | Councilmember O'Keefe   |
| <i>vacant</i>          | Councilmember Blackaby  |
| Joshua Cayetano        | Councilmember Lunaparra |
| Randy Wells            | Councilmember Humbert   |
| <i>vacant</i>          | Alternate               |

Article XVIII, Section 125, Part 6 of the City Charter states, "The Mayor and each City Councilmember shall nominate one candidate from an applicant pool at a meeting of the City Council and that each individual nominee must be approved by a majority vote of the City Council."

Members of the Police Accountability Board must:

- Be a resident of the City
- Be at least 18 years of age
- Not be an employee, officer, or contractor with the City, a current sworn police officer from any agency, or a current employee, official, or representative of an employee association representing sworn police officers
- Be fair minded and objective with a demonstrated commitment to community service

The City Charter indicates that desirable qualities of a Board member are familiarity with human resources, law, police procedures, police oversight, or involvement in civil rights or community organizations and that the City Council shall endeavor to establish a Board that is broadly inclusive and reflective of race, ethnicity, age, gender identity, sexual orientation, economic status, neighborhoods, and various communities of interest in the City.

#### BACKGROUND

Measure II was adopted on November 3, 2020, by the voters of Berkeley to establish an Office of the Director of Police Accountability and create a new Police Accountability Board (hereafter “Board”), both of which are independent of the City Manager. The members of the Board are approved by vote of the full Council.

In June of 2021 the Mayor and Members of the City Council nominated and appointed the initial nine members of the PAB and also appointed one alternate commissioner.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

#### RATIONALE FOR RECOMMENDATION

The appointment is provided for by the City Charter and pursuant to the nomination submitted by Councilmember Blackaby.

#### ALTERNATIVE ACTIONS CONSIDERED

None.

#### CONTACT PERSON

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

Attachments:

1: Resolution

RESOLUTION NO. -N.S.

APPOINTMENT OF PATRICK DETEMPLE TO THE POLICE ACCOUNTABILITY  
BOARD

WHEREAS, Measure II was adopted on November 3, 2020 by the voters of Berkeley to create a new Police Accountability Board; and

WHEREAS, Article XVIII, Section 125, Part 6 provides for the Council's appointment of board members; and

WHEREAS, the Councilmember Blackaby submitted a nominee for appointment by the full council; and

NOW THEREFORE BE IT RESOLVED by the Council of the City of Berkeley that the following applicant is hereby appointed to the Police Accountability Board with an effective start date of June 15, 2026:

| Nominee          | Nominated By           |
|------------------|------------------------|
| Patrick DeTemple | Councilmember Blackaby |





Office of the City Manager

CONSENT CALENDAR

April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Eleanor Hollander, Office of Economic Development

Subject: Sale of Real Property – 1631 Fifth Street

RECOMMENDATION

Adopt a Resolution declaring 1631 Fifth Street exempt surplus land.

Subsequently, adopt first reading of an Ordinance approving the sale of City property at 1631 Fifth Street and authorizing the City Manager to execute all necessary documents required to sell the property for \$750,000.

SUMMARY

1631 Fifth Street (Assessors Parcel Number 057-2117-011) in West Berkeley is a 5,525 square foot vacant lot owned by the City of Berkeley, purchased in the 1970s as part of the former redevelopment agency using Community Development Block Grant (CDBG) funds. The parcel is under ½ acre in size and is not contiguous to land owned by a state or local agency that is used for open-space or low- and moderate-income housing purposes and is therefore exempt surplus lands pursuant to Government Code Section 54221(f)(1)(B).

In October 2025, the City had the vacant lot at 1631 Fifth Street appraised with the fair market value determined (as of 9/24/25) to be \$650,000. On February 23, 2026 the City received an unsolicited offer of \$750,000 for an off-market sale of the vacant land located at 1631 Fifth Street in Berkeley. The proposed action is consistent with the direction provided by Council in closed session on March 16, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Proceeds of the sale will accrue to the City's Community Development Block Grant Fund (CDBG). Revenue generated from the sale of the property will be deposited into Fund 128 (CDBG fund).

The property located at 1631 Fifth Street was originally acquired with CDBG funds and all sale proceeds are considered CDBG program income and subject to CDBG regulations. The use of all CDBG funding, including program income must be spent in accordance with the City's U.S. Department of Housing and Urban Development (or HUD) approved Five-Year Consolidated Plan and Annual Action Plan known as the

*Annual Action Plan.* The proposed use of all anticipated program income, per the draft plan, indicates all program income will continue to be allocated to the City's *Public Facility Improvement Program*, with up to the allowable caps for public services and program administration. The *Public Facilities Improvement Program* supports the rehabilitation of existing Berkeley facilities that are open to the public and serve a low-income population, including centers for seniors, persons with disabilities, youth, and childcare centers, homeless shelters and transitional housing for homeless households. Due to HUD's timely expenditure requirements, the City has directed that the ideal time to receive funds from the sale of real property at 1631 Fifth St is after May 3, 2026.

#### CURRENT SITUATION AND ITS EFFECTS

In October 2025, the city solicited and received an appraisal on 1631 Fifth Street. An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser (the Berkeley-based firm Yovino-Young Inc) to conclude that the market value of the 5,525 square foot property to be \$650,000 (as of 9/24/25).

The City Charter requires that the resulting contract for sale be approved by City Council via ordinance. Further, any profits from sale proceeds must be applied to the City's Community Development Block Grant (CDBG) Fund, pursuant to the City's U.S. Department of Housing and Urban Development (or HUD) approved Five-Year Consolidated Plan and Annual Action Plan known as the *Annual Action Plan*. Depositing the proceeds of the sale in the CDBG program will directly support the City's ability to provide and maintain affordable housing options, shelters, and community serving facilities in Berkeley.

The subject property is a level, vacant site that was previously improved with a house, long ago demolished. The parcel is less than ½ acre in size and the contiguous parcels are privately held. The site is zoned M-UR (Mixed Use-Residential) that will allow for a myriad of uses but the site size favors some kind of residential use with adjacent neighbors to the north and smaller (2-4 unit) developments to the west.

In December 2025, the City received an unsolicited offer from local developer Matthew Wadlund, for 1631 Fifth Street, articulating a "strong[ly held] desire to convey ownership of 1631 Fifth St" and offering "to craft an agreement that works for the City." The offer letter stated no contingencies and offered \$650,000 for the parcel. A revised offer from Matthew Wadlund (Wadlund+ Design Studio) delivered to the City on February 23, 2026, stated no contingencies and offered \$750,000 for the parcel.

#### *Surplus Lands Act Compliance*

Based on the following findings, the Property at 1631 Fifth Street qualifies as "exempt surplus land" pursuant to Government Code section 54221(f)(1)(B):

1. *Size Requirement:* The Property is approximately 0.127 acres in size (5,525 sq ft). Because this area is less than one-half acre (21,780 square feet), it meets the size criteria set forth in Government Code section 54221(f)(1)(B).

2. *Contiguity Requirement*: Staff has reviewed the surrounding landownership and determined that the Property is not contiguous to any land owned by a state or local agency that is currently used for open-space, park, recreational, or low- and moderate-income housing purposes.
3. *Simultaneous Disposition*: The City is not disposing of this parcel simultaneously with any contiguous parcels to the same receiving entity in a manner that would aggregate the total size to over one-half acre.

### BACKGROUND

The parcel at 1631 Fifth Street was once part of Berkeley's Redevelopment Zone, an area of eight square blocks roughly bound by University Avenue, 4th Street, Cedar Street, and 6th Street. Berkeley's Redevelopment Agency (BRA) was a city body established under state Community Redevelopment Law to identify blighted areas, acquire property using Community Development Block Grant (CDBG) funds, and redevelop the acquired properties to spur economic growth and opportunity.

A house was once located on the site of 1631 Fifth Street and was demolished in approximately 1983. The 5,525 square foot parcel has stood vacant since. The Redevelopment Agency conducted an RFP for housing at the site in 2008, but the only response was Northern California Land Trust's (NCLT) proposal to move the Kenney Cottage (now at 1281 University Avenue) to the site. This proposal did not come to fruition due to NCLT's bankruptcy, but NCLT did manage a small community garden at the site from 2009 to 2011. In 2011, a state law ended all redevelopment programs statewide, and 1631 Fifth Street was received as vacant parcel by the City of Berkeley as the Successor Agency to the Berkeley's Redevelopment Agency.<sup>1</sup>

In the intervening years, the City of Berkeley's Health Housing and Community Services Department (HHCS) solicited proposals to acquire and develop some of the former redevelopment sites along Fifth Street for affordable housing but 1631 Fifth Street was not considered for inclusion in the proposals, as new construction of affordable housing on the 1631 Fifth Street lot would require "significant investments" and "not be feasible due to the size of the lot."<sup>2</sup> On November 21, 2019, the Land Use, Housing & Economic Development Committee recommended the City Council authorize the sale of 1631 Fifth Street, as did the staff's report to council on March 10, 2020.

This property can be sold at market rate and any sale or proceeds from modifying the property must yield a return on the City's Community Development Block Grant (CDBG)

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<sup>1</sup> Berkeley City Council, [Referral Response: Housing and Homeless Uses for City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street](#), January 19, 2021.

<sup>2</sup> City of Berkeley, Request for Proposals, [1631 Fifth Street Affordable Housing Development](#), August 2, 2022.

investment and therefore will be applied to that fund.<sup>3</sup> Article VIII, Section 44, (7) of the City Charter, requires that the resulting contract for sale be approved by City Council via ordinance.

In 2022, the City of Berkeley's HHCS Department solicited proposals "from qualified firms or individuals to acquire and develop as affordable housing the City-owned site at 1631 Fifth Street."<sup>4</sup> No responses to the request for proposals were received, no viable proposals were submitted, and a sale did not materialize. Since 2022, HHCS has continued its responsibility for managing the site at 1631 Fifth Street including working with the City's Public Works department to contract for maintenance of the vegetation on the lot.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The resolution designating this property as exempt from the Surplus Lands Act does not have the potential for creating a significant effect on the environment and is exempt from further review under the California Environmental Quality Act because it is not a "project" subject to CEQA pursuant to Section 15378(b)(5) of the CEQA Guidelines but is rather an administrative determination that will not result in direct or indirect physical changes to the environment.

The ordinance approving the sale of this Property similarly is not a "project" under CEQA Guidelines Section 15378(b)(5) because the disposition of real property is an administrative activity that will not result in any direct or indirect physical changes to the environment. No particular project has been proposed on the Property, and the sale does not commit the City to approve any project on the Property. Rather, any subsequent development at 1631 Fifth Street will be subject to environmental review. Further, the commonsense exemption in CEQA Guidelines Section 15061(b)(3) applies because it can be seen with certainty that the sale of the Property will not have a significant effect on the environment because any future development thereon is speculative.

#### RATIONALE FOR RECOMMENDATION

The sale of 1631 Fifth Street, a vacant lot, generates income for the City's CDBG Fund, and divests the City from the responsibility of maintaining the parcel at a time when there is a significant structural budget deficit. In turn, the City receives funds that exceed the fair market appraised value of the land obtained by a reputable local appraiser.

#### ALTERNATIVE ACTIONS CONSIDERED

<sup>3</sup> Berkeley City Council, [Disposition of City-Owned, Former Redevelopment Agency Property at 1631 Fifth Street](#), March 10, 2020, page 2.

<sup>4</sup> City of Berkeley, Request for Proposals, [1631 Fifth Street Affordable Housing Development](#), August 2, 2022.



The City could continue to maintain the vacant parcel located at 1631 Fifth Street as is or sell the parcel for \$1 for workforce development programming.

CONTACT PERSON

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

Attachments:

1: Resolution

Exhibit A: 1631 5th Street, Land Appraisal Report

2: Ordinance

RESOLUTION NO. ##-N.S.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BERKELEY DECLARING  
THE REAL PROPERTY LOCATED AT 1631 5TH STREET TO BE EXEMPT SURPLUS  
LAND PURSUANT TO GOVERNMENT CODE SECTION 54221(f)(1)(B)

WHEREAS, the Surplus Land Act (Gov. Code §§ 54220–54234) (the “Act”) requires local agencies to follow certain procedures before disposing of “surplus land,” and identifies categories of “exempt surplus land” in Government Code § 54221(f); and

WHEREAS, the City of Berkeley (“City”) is the owner in fee simple of the real property located at 1631 5th Street, Berkeley, California, designated APN 057-2117-011, consisting of approximately 5,525 square feet (0.127 acres) in the MUR (Manufacturing Mixed-Use) zoning district, as documented in the September 24, 2025 Appraisal by Yovino-Young, Inc. (“Property”); and

WHEREAS, the Appraisal describes the parcel as a vacant, level, fenced lot formerly improved with a residence demolished circa 1983, with residential uses to the north and west across the street, and industrial uses to the south and east; and

WHEREAS, City staff researched all contiguous properties on the real estate database RealQuest Professional and determined that none of the contiguous properties to 1631 Fifth Street are owned by a state or local agency but are rather privately owned; and

WHEREAS, the City was approached with an offer to purchase the Property; and

WHEREAS, the Act provides that surplus land is land owned in fee simple by the City for which the City Council takes formal action in a regular public meeting declaring the land is surplus and not necessary for the City’s use; the land must be declared either surplus land or exempt surplus land; and

WHEREAS, Government Code § 54221(f)(1)(B) defines exempt surplus land as land that is “less than one-half acre in area and is not contiguous to land owned by a state or local agency that is used for open-space purposes or low- and moderate-income housing purposes”; and

WHEREAS, the Act provides that the City may dispose of property declared exempt surplus land without further regard to the requirements of the Act; and

WHEREAS, the California Department of Housing and Community Development (HCD) Surplus Land Act Guidelines require agencies to adopt written findings demonstrating the factual basis for an exemption determination; and

April 28, 2026

WHEREAS, pursuant to the Surplus Land Act Guidelines issued by the California Department of Housing and Community Development ("HCD"), any determination by a local agency that property is exempt surplus land must be provided to HCD for its review at least 30 days prior to disposition; and

WHEREAS, the City Council desires to declare the property exempt surplus land under § 54221(f)(1)(B), adopt the required findings, and direct staff compliance with HCD's Guidelines; and

WHEREAS, adoption of this administrative exemption determination does not commit the City to any physical development or disposal and therefore is not a "project" under the California Environmental Quality Act (CEQA) (Pub. Res. Code § 21065; CEQA Guidelines § 15378(b)(5)).

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Berkeley hereby finds that the above recitals are true and correct are a substantive part of this Resolution; and

BE IT FURTHER RESOLVED that the City Council hereby finds that the Property is 5,525 square feet and that it is not contiguous to any land owned by a state or local agency that is used for open-space purposes or low- or moderate-income housing purposes. Rather, adjacent parcels are privately owned; and

BE IT FURTHER RESOLVED that on the basis of the above findings, the City Council declares that the Property is exempt surplus land pursuant to Government Code Section 54221(f)(1)(B); and

BE IT FURTHER RESOLVED that the City Council hereby authorizes and directs the City Manager or his designee to submit a copy of the Resolution to HCD in accordance with the Surplus Land Act Guidelines at least 30 days prior to the disposition of the Property; and

BE IT FURTHER RESOLVED that the City Council finds that this action is not a project under CEQA Guidelines § 15378(b)(5) and is therefore exempt from CEQA, as it constitutes an administrative determination that does not result in a direct or reasonably foreseeable indirect physical change in the environment. Any future discretionary action regarding the Property will undergo separate CEQA review.

Exhibit A: 1631 5th Street, Land Appraisal Report

10/10/2025

City of Berkeley Public Works Dept  
2180 Milvia Street  
Berkeley, CA 94704

RE: APPRAISAL REPORT  
1631 5th Street  
Berkeley, CA 94710  
File No. 250403  
Case No.

Dear Dionne Early

In accordance with your request, I have personally inspected and prepared an appraisal report of the real property located at:

1631 5th Street, Berkeley, CA 94710

The purpose of this appraisal is to estimate the market value of the property described in the body of this appraisal report.

Enclosed, please find the appraisal report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of 09/24/2025 is:

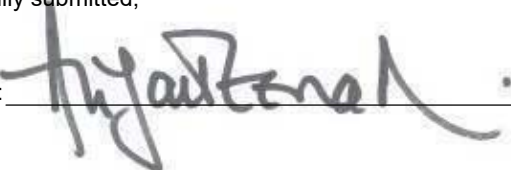
\$ 650,000

The opinion of value expressed in this report is contingent upon the limiting conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

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



Alison Teeman  
AG003312



# Appraisal Report • Residential

**of**

1631 5th Street  
Berkeley, CA 94710

**As Of:**

09/24/2025

**Prepared For:**

City of Berkeley Public Works Dept  
2180 Milvia Street  
Berkeley, CA 94704

**Prepared By:**

Alison Teeman  
YOVINO-YOUNG, INC  
2716 Telegraph Avenue  
Berkeley, CA 94705



Client File #: Appraisal File #: 250403

## Appraisal Report · Land

Appraisal Company: YOVINO-YOUNG, INC

Address: 2716 Telegraph Avenue, Berkeley, CA 94705

Phone: 510-548-1210

Fax: 510-548-3110

Website: www.yovino.com

Appraiser: Alison Teeman

Co-Appraiser:

AI Membership (if any): ☐ SRA ☐ MAI ☐ SRPA ☐ AI-GRS ☐ AI-RRSAI Membership (if any): ☐ SRA ☐ MAI ☐ SRPA ☐ AI-GRS ☐ AI-RRSAI Affiliation (if any): ☐ Candidate for Designation ☒ Practicing AffiliateAI Affiliation (if any): ☐ Candidate for Designation ☐ Practicing Affiliate

Other Professional Affiliation: Associate Member Appraisal Institute

Other Professional Affiliation:

Email: ateeman@yovino.com

E-mail:

Client: City of Berkeley Public Works Dept

Contact: Dionne E Early

Address: 2180 Milvia Street, Berkeley, CA 94704

Phone:

Fax:

Email:

## SUBJECT PROPERTY IDENTIFICATION

Address: 1631 5th Street

City: Berkeley

County:

Alameda

State:

CA

ZIP: 94710

Legal Description: See Title Report for Legal Description

Tax Parcel #: 057-2117-011

RE Taxes: N/A

Tax Year:

Use of the Real Estate As of the Date of Value: Vacant Land

Use of the Real Estate Reflected in the Appraisal: Same

Opinion of highest and best use (if required): Same

## SUBJECT PROPERTY HISTORY

Owner of Record: City of Berkeley

Description and analysis of sales within 3 years (minimum) prior to effective date of value: None - Long term ownership

Description and analysis of agreements of sale (contracts), listing, and options: None

## RECONCILIATIONS AND CONCLUSIONS

Indication of Value by Sales Comparison Approach

\$ 650,000

Indication of Value by Cost Approach

\$ N/A

Indication of Value by Income Approach

\$ N/A

Final Reconciliation of the Methods and Approaches to Value: Only a sales comparison approach is applicable for this assignment.

The range of value from the data is \$750,000 to \$900,000. After adjustments for differences, the range is \$565,000 to \$737,000 with the weighted average close to \$665,000. An appraised value anywhere within the range can be supported, since no one sale is more persuasive than another but the appraised value is reconciled to just below the weighted average taking into account the location and level site. The final value conclusion assumes there are no adverse conditions and no contamination.

Opinion of Value as of: 09/24/2025

\$ 650,000

Exposure Time: 09/24/2025

The above opinion is subject to: ☐ Hypothetical Conditions and/or ☒ Extraordinary Assumptions cited on the following page.

\* NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute makes no representations, warranties or guarantees as to, and assumes no responsibility for, the data, analysis or work product or third party certifications, verifications, data specifications, scores, indexes, or valuation tools, used or provided by the individual appraiser(s) or others in the specific contents of the AI Reports(R). AI Reports(R) AI-120.05 Appraisal Report - Land © Appraisal Institute 2017, All Rights Reserved

|                   |                                     |                   |        |
|-------------------|-------------------------------------|-------------------|--------|
| Client:           | City of Berkeley Public Works Dept  | Client File #:    |        |
| Subject Property: | 1631 5th Street, Berkeley, CA 94710 | Appraisal File #: | 250403 |

**ASSIGNMENT PARAMETERS**

Intended User(s): City of Berkeley

Intended Use: Asset valuation for planning purposes.

*The report is not intended by the appraiser for any other use by any other user.*

Type of Value: Current Market Value

Effective Date of Value: 09/24/2025

Interest Appraised: ☒ Fee Simple ☐ Leasehold ☐ Other

Hypothetical Conditions: (A hypothetical condition is that which is contrary to what exists, but is asserted by the appraiser for the purpose of analysis. Any hypothetical condition may affect the assignment results.) None

Extraordinary Assumptions: (An extraordinary assumption is directly related to a specific assignment and presumes uncertain information to be factual. If found to be false this assumption could alter the appraiser's opinions or conclusions. Any extraordinary assumption may affect the assignment results.) Assumption that the site is clear of any contamination.

This is an Appraisal Report in accordance with Standard Rule 2-2(a) of the Uniform Standard of Professional Appraisal Practice (USPAP).

**SCOPE OF WORK**

Definition: The scope of work is the type and extent of research and analysis in an assignment. Scope of work includes the extent to which the property is identified, the extent to which tangible property is inspected, the type and extent of data research, and the type and extent of analysis applied to arrive at credible opinions or conclusions. The specific scope of work for this assignment is identified below and throughout this report.

**Scope of Subject Property Inspection/Data Sources Utilized****Appraiser**Property Inspection: ☒ Yes ☐ No

Date of Inspection: 09/24/2025

Describe Scope of Property Inspection, Source of Area Calculations and Data Sources Consulted: Site viewed from public street and aerial via Google Air. Site size calculations are from public records. Local public records, MLS data sources & local Real Estate agents were consulted.

**Co-Appraiser**Property Inspection: ☐ Yes ☐ No

Date of Inspection:

Describe Scope of Property Inspection, Source of Area Calculations and Data Sources Consulted:

**Approaches to Value Developed****Cost Approach:**

- ☐ Is necessary for credible results and is developed in this analysis  
☒ Is not necessary for credible results; not developed in this analysis  
☐ Is not necessary for credible results but is developed in this analysis

**Sales Comparison Approach:**

- ☒ Is necessary for credible results and is developed in this analysis  
☐ Is not necessary for credible results; not developed in this analysis  
☐ Is not necessary for credible results but is developed in this analysis

**Income Approach:**

- ☐ Is necessary for credible results and is developed in this analysis  
☒ Is not necessary for credible results; not developed in this analysis  
☐ Is not necessary for credible results but is developed in this analysis

Additional Scope of Work Comments:

INSPECTION: Vacant land viewed from the public street.

LOCAL APPRAISER: The subject property is located in a market area with which I am familiar. I drove through the neighborhood and selected the most similar comparable sales.

APPRAISAL INDEPENDENCE: This appraisal report was completed in compliance with the requirements for appraisal independence.

Significant Real Property Appraisal Assistance: ☒ None ☐ Disclose Name(s) and contribution:

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|                   |                                     |                   |        |
|-------------------|-------------------------------------|-------------------|--------|
| Client:           | City of Berkeley Public Works Dept  | Client File #:    |        |
| Subject Property: | 1631 5th Street, Berkeley, CA 94710 | Appraisal File #: | 250403 |

**MARKET AREA ANALYSIS**

|                                                                                                                                                 |                                                                                                                                           |                                                                                                                                |                                                                                                                                                           |                                                                                                                                                |                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location</b><br><input checked="" type="checkbox"/> Urban<br><input type="checkbox"/> Suburban<br><input type="checkbox"/> Rural             | <b>Built Up</b><br><input type="checkbox"/> Under 25%<br><input type="checkbox"/> 25%-75%<br><input checked="" type="checkbox"/> Over 75% | <b>Growth</b><br><input type="checkbox"/> Rapid<br><input checked="" type="checkbox"/> Stable<br><input type="checkbox"/> Slow | <b>Supply &amp; Demand</b><br><input checked="" type="checkbox"/> Shortage<br><input type="checkbox"/> In Balance<br><input type="checkbox"/> Over Supply | <b>Value Trend</b><br><input type="checkbox"/> Increasing<br><input checked="" type="checkbox"/> Stable<br><input type="checkbox"/> Decreasing | <b>Typical Marketing Time</b><br><input checked="" type="checkbox"/> Under 3 Months<br><input type="checkbox"/> 3-6 Months<br><input type="checkbox"/> Over 6 Months |
| <b>Neighborhood Single Family Profile</b><br>Price<br>728,000<br>2,100,000<br>1,125,000<br>Age<br>Low<br>High<br>Predominant<br>1<br>127<br>101 |                                                                                                                                           | <b>Neighborhood Land Use</b><br>1 Family 30 % Commercial 15 %<br>Condo 15 % Vacant 2 %<br>Multifamily 10 % Indus. 28 %         |                                                                                                                                                           | <b>Neighborhood Name :</b> West Berkeley<br>PUD <input type="checkbox"/> Condo <input type="checkbox"/> HOA: \$ /<br>Amenities:                |                                                                                                                                                                      |

Market area description and characteristics: MARKET AREA BOUNDARIES: Berkeley flats location west of San Pablo Ave. Albany border to the north, Ashby Ave to the south, R/R tracks and Hwy 80/580 to the west. .

MARKET AREA DESCRIPTION: Almost fully developed mixed use area with residential uses, small commercial development, industrial uses & newer condominiums in formerly industrial West Berkeley. Some of the oldest houses in Berkeley in the area. Train noise in the area.

MARKET CONDITIONS: Strong buyer demand with limited supply. Values are basically stable with a slowing in mid-2023 as interest rates increased and the market slowly adjusted to 6-7% interest rates. Sellers retreated, reluctant to give up low rate mortgages and all participants had to adjust expectations. Berkeley flat-lands locations continue to command high \$/SF values in 2024 and 2025 as compared to the hills where insurance problems have exacerbated supply & demand. Mortgage interest rates are currently in the 6.3% range, a slight increase from last week. Land values are negatively impacted by high borrowing and construction costs.

**SITE ANALYSIS**

|                                                                                                                                                       |                                                                                                                                            |                                                                                                                                                                                                             |                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Dimensions: 42.5 x 130                                                                                                                                |                                                                                                                                            | Area: 5,525 SF                                                                                                                                                                                              |                                                                                                                                                                                                                                         |
| View: Urban                                                                                                                                           |                                                                                                                                            | Shape: Rectangular                                                                                                                                                                                          |                                                                                                                                                                                                                                         |
| Drainage: Appears Adequate                                                                                                                            |                                                                                                                                            | Utility: Level - Good                                                                                                                                                                                       |                                                                                                                                                                                                                                         |
| <b>Site Similarity/Conformity to Neighborhood</b>                                                                                                     |                                                                                                                                            | <b>Zoning/Deed Restriction</b>                                                                                                                                                                              |                                                                                                                                                                                                                                         |
| Size:<br><input type="checkbox"/> Smaller than Typical<br><input checked="" type="checkbox"/> Typical<br><input type="checkbox"/> Larger Than Typical | View:<br><input type="checkbox"/> Favorable<br><input checked="" type="checkbox"/> Typical<br><input type="checkbox"/> Less than Favorable | Zoning: MUR - Manufacturing Mixed Use<br><input checked="" type="checkbox"/> Legal <input type="checkbox"/> No zoning<br><input type="checkbox"/> Legal, non-conforming<br><input type="checkbox"/> Illegal | Convenants, Condition & Restrictions<br><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown<br>Documents Reviewed<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>Ground Rent \$ / |
| <b>Utilities</b>                                                                                                                                      |                                                                                                                                            | <b>Off Site Improvements</b>                                                                                                                                                                                |                                                                                                                                                                                                                                         |
| Electric <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other                                                                    | Gas <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other                                                              | Water <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other                                                                                                                             | Sewer <input checked="" type="checkbox"/> Public <input type="checkbox"/> Other                                                                                                                                                         |
|                                                                                                                                                       |                                                                                                                                            | Street <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private                                                                                                                          | Alley <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private                                                                                                                                                       |
|                                                                                                                                                       |                                                                                                                                            | Sidewalk <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private                                                                                                                        | Street Lights <input checked="" type="checkbox"/> Public <input type="checkbox"/> Private                                                                                                                                               |

Site description and characteristics: MUR Zoning - West Berkeley Plan incorporating residential, live-work, light industrial & arts & crafts compatible uses. Subject is a level, vacant lot, fenced from the street. No improvements. Industrial use to the south and east. Residential use to the north and opposite. Rear alley with vehicular access (Fifth 1/2 Street)

No adverse easements or conditions noted but no title report provided.

**HIGHEST AND BEST USE ANALYSIS**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                       |                                                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------------------------------------|
| <input type="checkbox"/> Present Use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <input type="checkbox"/> Proposed Use | <input checked="" type="checkbox"/> Other Development |
| Summary of highest and best use analysis: The subject is located in West Berkeley in the MUR zone as verified by the city of Berkeley. A variety of uses are allowed. Residential use with 2-4 units will be permissible based on current zoning. The lot size and shape will allow multi-family development and this will represent a financially feasible and maximally productive use. The highest and best use is development with 2-4 residential units. Previously a house on the site was demolished ~1983 and development was abandoned when high levels of lead contamination were found. There was an RFP to developers in 2022 that did not result in a sale. It is not apparent if there has been any remediation of the site but for the purposes of this analysis there is an assumption that the property is clear of contamination. |                                       |                                                       |

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|                   |                                     |                   |        |
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| Client:           | City of Berkeley Public Works Dept  | Client File #:    |        |
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**SITE VALUATION****Site Valuation Methodology**

- ☒ **Sales Comparison Approach:** A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, then applying appropriate units of comparison and making adjustments to the sale prices of the comparables based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when an adequate supply of comparable sales are available.
- ☐ **Market Extraction:** A method of estimating land value in which the depreciated cost of the improvements on the improved property is estimated and deducted from the total sale price to arrive at an estimated sale price for the land; most effective when the improvements contribute little to the total sale price of the property.
- ☐ **Alternative Method:** (Describe methodology and rationale)

**Site Valuation**

| ITEM                         | SUBJECT                               | COMPARISON 1                                                                |            | COMPARISON 2                                                                |            | COMPARISON 3                                                                |             |
|------------------------------|---------------------------------------|-----------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------|------------|-----------------------------------------------------------------------------|-------------|
| Address                      | 1631 5th Street<br>Berkeley, CA 94710 | 2808 9th Street<br>Berkeley, CA 94710                                       |            | 2113 6th Street<br>Berkeley, CA 94710                                       |            | 1850 Berryman Street<br>Berkeley, CA 94703                                  |             |
| Proximity to Subject         |                                       | 1.31 miles SE                                                               |            | 0.49 miles SE                                                               |            | 1.56 miles E                                                                |             |
| Data Source/<br>Verification |                                       | MLS/Public Records<br>M#41096520                                            |            | MLS/Public Records<br>M#41083382                                            |            | MLS/Public Records/Agt<br>M#41086348                                        |             |
| Sales Price                  | \$                                    |                                                                             | \$ 750,000 |                                                                             | \$ 750,000 |                                                                             | \$ 900,000  |
| Price/                       | \$ 0                                  |                                                                             | \$ 160     |                                                                             | \$ 250     |                                                                             | \$ 179      |
| Sale Date                    |                                       | 06/27/2025                                                                  |            | 03/27/2025                                                                  |            | 08/02/2025                                                                  |             |
| Location                     | West Berkeley                         | West Berk 10%                                                               |            | West Berkeley                                                               |            | North Berk 10%                                                              |             |
| Site Size                    | 5,525 SF                              | 4,680 SF                                                                    |            | 3,000 SF                                                                    |            | 5,019 SF                                                                    |             |
| Site View                    | Neighborhood                          | Neighborhood                                                                |            | Neighborhood                                                                |            | Neighborhood                                                                |             |
| Site Improvements            | Vacant                                | Tear Dwn                                                                    |            | Fixer/Sup/30%                                                               |            | Vac/Entitled                                                                |             |
| Site Utility                 | Level/Good                            | Similar                                                                     |            | Similar                                                                     |            | Similar                                                                     |             |
| Offers                       | N/A                                   | 3                                                                           |            | 1                                                                           |            | 1                                                                           |             |
| Frontage                     | 42.5'                                 | 36'                                                                         |            | 26'                                                                         |            | 61'                                                                         |             |
|                              |                                       |                                                                             |            |                                                                             |            |                                                                             |             |
| Net Adjustment               |                                       | <input checked="" type="checkbox"/> + <input checked="" type="checkbox"/> - | \$ -12,750 | <input checked="" type="checkbox"/> + <input checked="" type="checkbox"/> - | \$ -98,750 | <input checked="" type="checkbox"/> + <input checked="" type="checkbox"/> - | \$ -304,700 |
|                              |                                       | Net Adj. -2%                                                                |            | Net Adj. -13%                                                               |            | Net Adj. -34%                                                               |             |
| Indicated Value              |                                       | Gross Adj. 18%                                                              |            | Gross Adj. 47%                                                              |            | Gross Adj. 39%                                                              |             |
|                              |                                       | \$ 737,250                                                                  |            | \$ 651,250                                                                  |            | \$ 595,300                                                                  |             |
| Prior Transfer History       | Unknown                               | 03/20/2013 for \$230,000                                                    |            | None                                                                        |            | None                                                                        |             |

Site Valuation Comments: Site size adjustment at \$50/SF for differences greater than 500 SF. See addendum for comments on comparables.

Site Valuation Reconciliation: Sales are from Berkeley "flats" locations and are differing size sites, all with potential to be developed with condos or multi-family uses, from 2 to 4+ units. Some sold as vacant land, others sold with entitlements, others have dilapidated structures that will be torn down. Primary adjustments reflect size and locational differences.

The range of \$/SF after adjustment for listing status is \$117 to \$250. Sales 1-3 are closed sales and are most heavily weighted. The appraised value is reconciled close to a mid-point in the adjusted range from sales 1-3

**Opinion of Site Value**

\$ 650,000

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| Client:           | City of Berkeley Public Works Dept  | Client File #:    |        |
| Subject Property: | 1631 5th Street, Berkeley, CA 94710 | Appraisal File #: | 250403 |

## SITE EVALUATION

### Site Valuation Methodology

- ☒ **Sales Comparison Approach:** A set of procedures in which a value indication is derived by comparing the property being appraised to similar properties that have been sold recently, then applying appropriate units of comparison and making adjustments to the sale prices of the comparable based on the elements of comparison. The sales comparison approach may be used to value improved properties, vacant land, or land being considered as though vacant; it is the most common and preferred method of land valuation when an adequate supply of comparable sales are available.
- ☐ **Market Extraction:** A method of estimating land value in which the depreciated cost of the improvements on the improved property is estimated and deducted from the total sale price to arrive at an estimated sale price for the land; most effective when the improvements contribute little to the total sale price of the property.
- ☐ **Alternative Method:** (Describe methodology and rationale)

### Site Valuation

| ITEM                         | SUBJECT                               | COMPARISON 4                                                     |             | COMPARISON 5                                                     |             | COMPARISON 6                                                     |      |
|------------------------------|---------------------------------------|------------------------------------------------------------------|-------------|------------------------------------------------------------------|-------------|------------------------------------------------------------------|------|
| Address                      | 1631 5th Street<br>Berkeley, CA 94710 | 3032 Mabel Street<br>Berkeley, CA 94702                          |             | 913 Camellia Street<br>Berkeley, CA 94710                        |             |                                                                  |      |
| Proximity to Subject         |                                       | 1.72 miles SE                                                    |             |                                                                  |             |                                                                  |      |
| Data Source/<br>Verification |                                       | MLS/Public Records/Agt<br>M#41083445                             |             | MLS/Public Records/Agent<br>M#41104882                           |             |                                                                  |      |
| Sales Price                  | \$                                    |                                                                  | \$ 799,000  |                                                                  | \$ 799,000  |                                                                  | \$   |
| Price/                       | \$ 0.00                               |                                                                  | \$ 130.09   |                                                                  | \$ 227.44   |                                                                  | \$   |
| Sale Date                    |                                       | ACTIVE                                                           |             | ACTIVE                                                           |             |                                                                  |      |
| Location                     | West Berkeley                         | South Berk 5%                                                    |             | West Berkeley                                                    |             |                                                                  |      |
| Site Size                    | 5,525 SF                              | 6,142 SF                                                         |             | 3,513 SF                                                         |             | 100,600                                                          |      |
| Site View                    | Neighborhood                          | Neighborhood                                                     |             | Neighborhood                                                     |             |                                                                  |      |
| Site Improvements            | Vacant                                | Tear Down                                                        |             | Vac/Entitled                                                     |             | -150,000                                                         |      |
| Site Utility                 | Level/Good                            | Similar                                                          |             | Similar                                                          |             |                                                                  |      |
| Offers                       | N/A                                   | N/A                                                              |             | 1 offer                                                          |             | -75,000                                                          |      |
| Frontage                     | 42.5'                                 | 44'                                                              |             | 39'                                                              |             |                                                                  |      |
|                              |                                       |                                                                  |             |                                                                  |             |                                                                  |      |
| Net Adjustment               |                                       | <input type="checkbox"/> + <input checked="" type="checkbox"/> - | \$ -129,850 | <input type="checkbox"/> + <input checked="" type="checkbox"/> - | \$ -124,400 | <input checked="" type="checkbox"/> + <input type="checkbox"/> - | \$ 0 |
|                              |                                       | Net Adj. -16%                                                    |             | Net Adj. -16%                                                    |             | Net Adj. 0%                                                      |      |
| Indicated Value              |                                       | Gross Adj. 21% \$ 669,150                                        |             | Gross Adj. 41% \$ 674,600                                        |             | Gross Adj. 0% \$ 0                                               |      |
| Prior Transfer History       | Unknown                               | None                                                             |             | None                                                             |             |                                                                  |      |

Site Valuation Comments:

Site Valuation Reconciliation:

|                          |                                    |                          |        |
|--------------------------|------------------------------------|--------------------------|--------|
| <b>Client:</b>           | City of Berkeley Public Works Dept | <b>Client File #:</b>    |        |
| <b>Subject Property:</b> | 1631 5th Street                    | <b>Appraisal File #:</b> | 250403 |

### Subject Property

The subject property is described in the report. It is a level, vacant site that was previously improved with a house, long ago demolished. Zoning is MUR that will allow for a myriad of uses but the site size favors some kind of residential use with adjacent neighbors to the north and opposite being single family residences or small 2-4 unit developments. The majority of small vacant or under developed sites in the area are being improved with for profit condominiums and this is consistent with the highest and best use for the subject site.

### Sales Comparison Approach

Market data throughout the Berkeley flats was reviewed and three closed sales and two active listings are arrayed in the report.

#1 is a timely sale of a site with similar zoning but in an area with less direct proximity to commercial/industrial uses, so rated as superior. There is an existing dilapidated structure that has been gutted and which will be demolished to make way for a new 3-unit structure. Adjustment reflects the anticipated demolition cost.

#2 is a smaller site in the same West Berkeley area, in a more residential location but on a busier through street so location is rated as similar. There is an existing structure that will likely be renovated rather than demolished as per the listing agent so it adds value. Set-backs and permitting will be less onerous for an existing structure.

#3 is in a superior location, in an area that is dominated by residential uses. The site is more similar in size to the subject site and is vacant with no prior development since it was carved off from an adjacent developed parcel. It is now entitled and approved for a 3-unit condominium development with 3 garages. The entitlement process was costly and the value is adjusted to reflect the contributory value of the entitlements.

#4 is a larger site in a slightly superior South Berkeley location with primarily residential uses. The existing structure is falling down and adds no value and a typical buyer will demolish and redevelop the site with 2-4 units. The listing agent is entertaining offers at a price about 10% below the asking price, so the adjustment made reflects this.

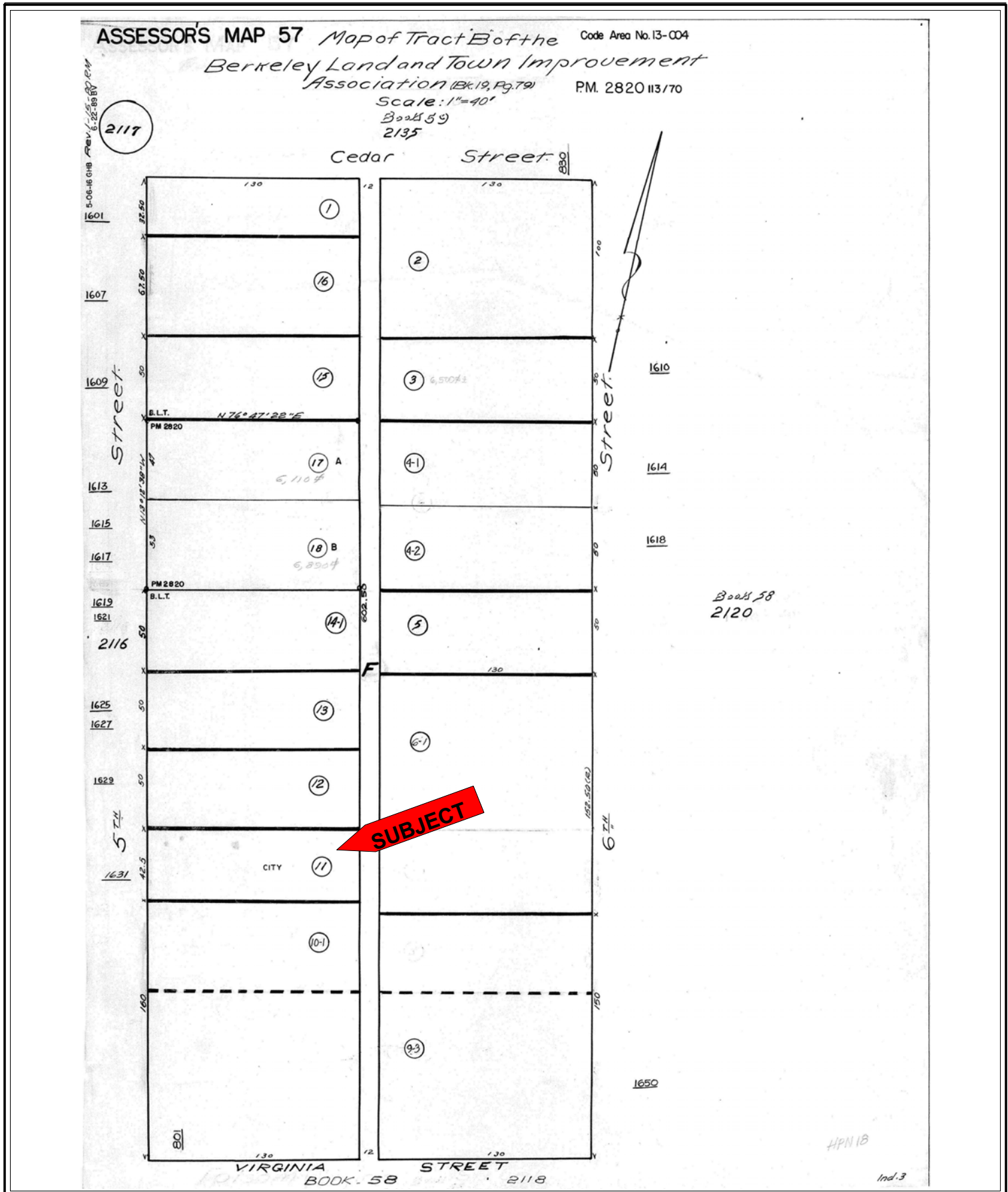
#5 is a small, entitled site with approved plans for 3 townhouse units and the adjustment reflects approximate costs of entitlements. The owner is entertaining an offer that is about \$75,000 below the list price so an adjustment is made accordingly.

### Reconciliation

The range of value from the data is \$750,000 to \$900,000. After adjustments for differences, the range is \$565,000 to \$737,000 with the weighted average close to \$665,000. An appraised value anywhere within the range can be supported, since no one sale is more persuasive than another but the appraised value is reconciled to just below the weighted average taking into account the location and level site. The final value conclusion assumes there are no adverse conditions and no contamination.

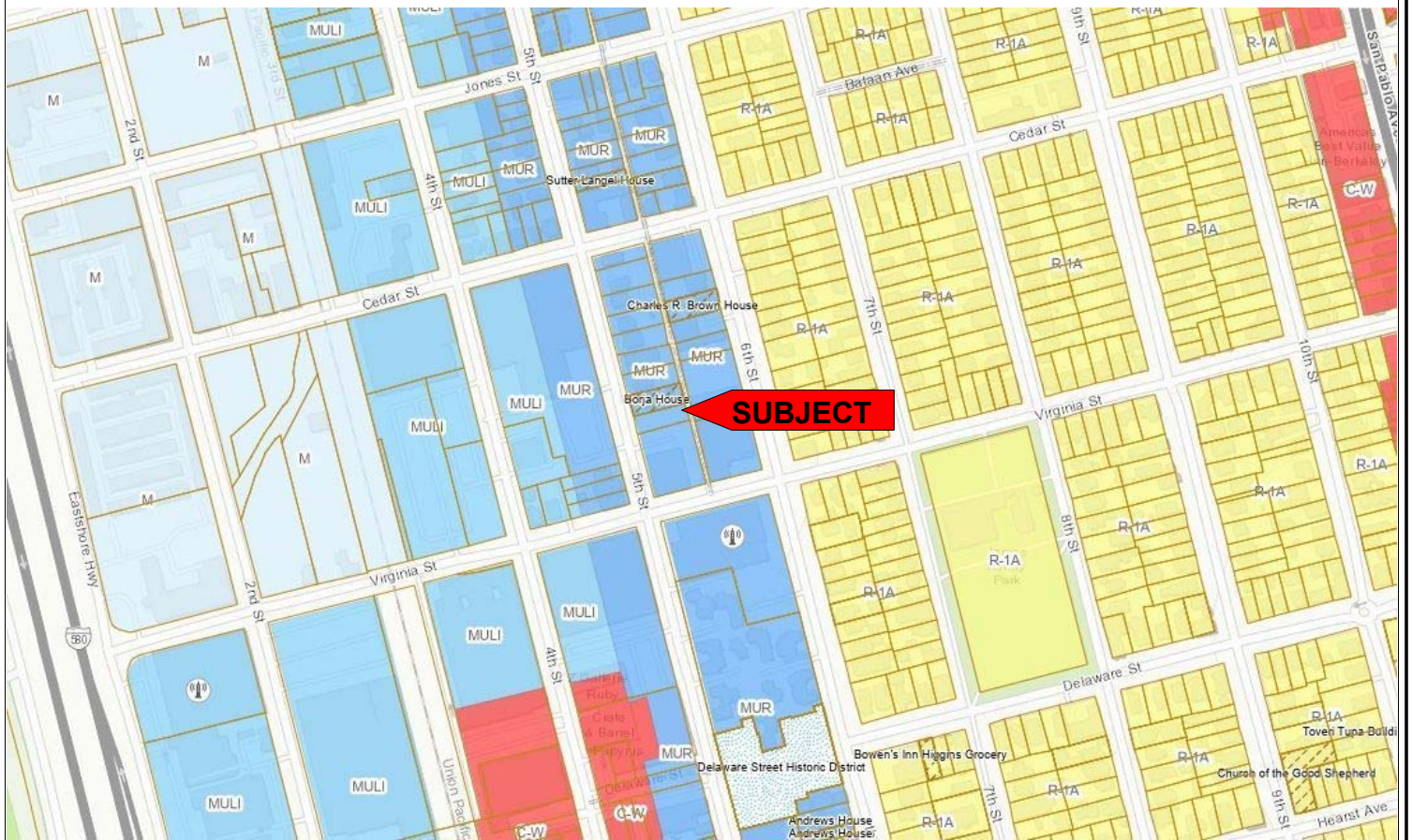
**Appraised value as of 09/24/2025 is \$650,000.**

|                   |                                    |                   |        |
|-------------------|------------------------------------|-------------------|--------|
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|                          |                                    |                          |        |
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| <b>Subject Property:</b> | 1631 5th Street                    | <b>Appraisal File #:</b> | 250403 |



|                          |                                    |                          |        |
|--------------------------|------------------------------------|--------------------------|--------|
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| <b>Subject Property:</b> | 1631 5th Street                    | <b>Appraisal File #:</b> | 250403 |

**Parcel Number: 57-2117-11**

|                                                              |                            |
|--------------------------------------------------------------|----------------------------|
| Assessor's Parcel Number (APN)                               | 57-2117-11                 |
| Parcel ID                                                    | 057 211701100              |
| Parcel Address                                               | 1631 5TH ST BERKELEY 94710 |
| Zoning District                                              | MUR                        |
| General Plan Land Area                                       | Manufacturing Mixed Use    |
| Downtown Arts District Overlay                               | No                         |
| Earthquake Fault Rupture (Alquist-Priolo) Zone               | No                         |
| Landslide (Seismic Hazards Mapping Act)                      | No                         |
| Liquefaction (Seismic Hazards Mapping Act)                   | Yes                        |
| Un-reinforced Masonry Building Inventory                     | No                         |
| Landmarks or Structure of Merit                              | No                         |
| Parcel Larger than or equal to 10,000 Square Feet            | No                         |
| Parcel Larger than or equal to one acre (43,560 square feet) | No                         |
| Addresses on Parcel                                          | 1631 FIFTH ST - [Primary]  |
| Creek Buffer                                                 | None                       |
| Flood Zone (100-year or 1%)                                  | No                         |
| Redevelopment Area                                           | Yes                        |
| Commercial Districts with Use Quotas                         | No                         |
| BESO Data - Current Status                                   | N/A                        |
| BESO Data - Associated Score                                 | N/A                        |
| BESO Data - Current Status Link                              | N/A                        |
| BESO Data - Associated Score Link 1                          | N/A                        |
| BESO Data - Associated Score Link 2                          | N/A                        |
| BESO Data - Associated Score Link 3                          | N/A                        |
| Taxable Square Feet                                          | 0                          |
| Is Main Address?                                             | Yes                        |
| Has Secondary Address?                                       | No                         |
| Sites Inventory - Category                                   | Opportunity_126            |
| Sites Inventory - Permit#                                    |                            |
| Sites Inventory - RHNA5                                      | No                         |

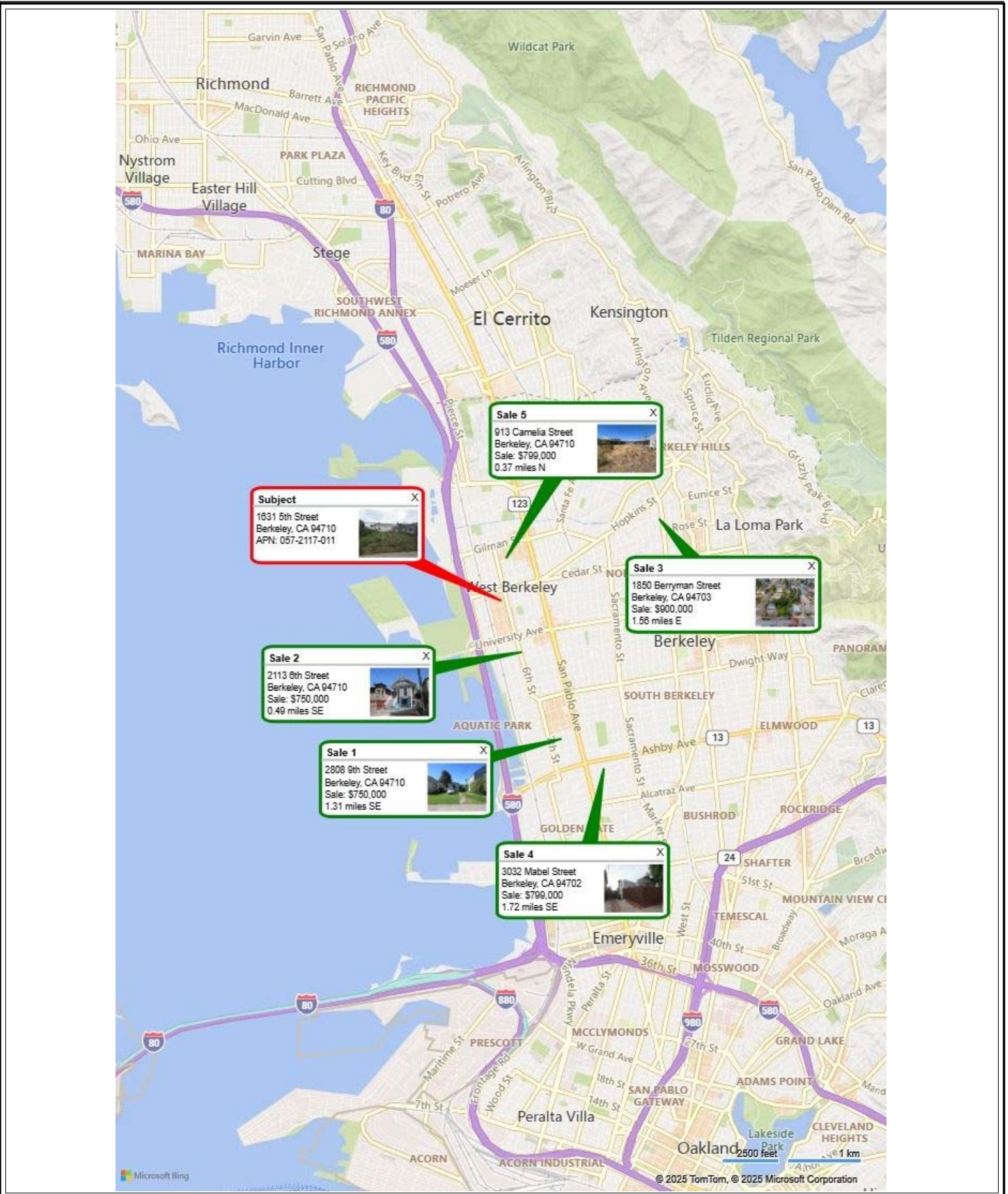


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|                          |                                    |                          |        |
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**FRONT OF  
SUBJECT PROPERTY**  
1631 5th Street  
Berkeley, CA 94710



**REAR OF  
SUBJECT PROPERTY**  
Street View South



**STREET SCENE**  
Street View North



|                   |                                    |                   |        |
|-------------------|------------------------------------|-------------------|--------|
| Client:           | City of Berkeley Public Works Dept | Client File #:    |        |
| Subject Property: | 1631 5th Street                    | Appraisal File #: | 250403 |



**COMPARABLE SALE #** 1  
2808 9th Street  
Berkeley, CA 94710



**COMPARABLE SALE #** 2  
2113 6th Street  
Berkeley, CA 94710



**COMPARABLE SALE #** 3  
1850 Berryman Street  
Berkeley, CA 94703

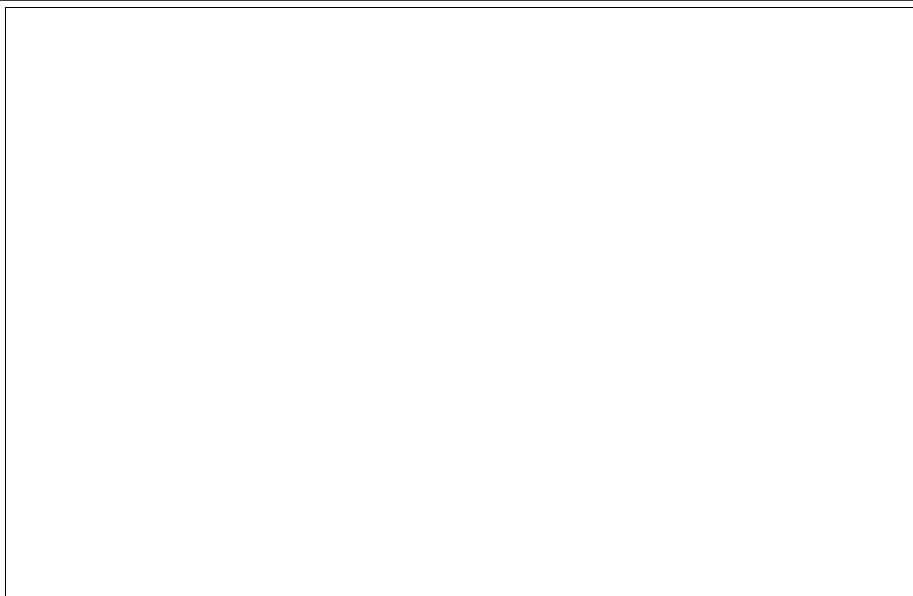
|                   |                                    |                   |        |
|-------------------|------------------------------------|-------------------|--------|
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**COMPARABLE SALE # 4**  
3032 Mabel Street  
Berkeley, CA 94702



**COMPARABLE SALE # 5**  
913 Camellia Street  
Berkeley, CA 94710



**COMPARABLE SALE # 6**



|                   |                                    |                   |        |
|-------------------|------------------------------------|-------------------|--------|
| Client:           | City of Berkeley Public Works Dept | Client File #:    |        |
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## STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS

This appraisal is subject to the following assumptions and limiting conditions:

- This report is prepared using forms developed and copyrighted by the Appraisal Institute. However, the content, analyses, and opinions set forth in this report are the sole product of the appraiser. The Appraisal Institute is not liable for any of the content, analyses, or opinions set forth herein.
- No responsibility is assumed for matters legal in character or nature. No opinion is rendered as to title, which is assumed to be good and marketable. All existing liens, encumbrances, and assessments have been disregarded, unless otherwise noted, and the property is appraised as though free and clear, having responsible ownership and competent management.
- I have examined the property described herein exclusively for the purpose of identification and description of the real property. The objective of our data collection is to develop an opinion of the highest and best use of the subject property and make meaningful comparisons in the valuation of the property. The appraiser's observations and reporting of the subject improvements are for the appraisal process and valuation purposes only and should not be considered as a warranty of any component of the property. This appraisal assumes (unless otherwise specifically stated) that the subject is structurally sound and all components are in working condition.
- I will not be required to give testimony or appear in court because of having made an appraisal of the property in question, unless specific arrangements to do so have been made in advance, or as otherwise required by law.
- I have noted in this appraisal report any significant adverse conditions (such as needed repairs, depreciation, the presence of hazardous wastes, toxic substances, etc.) discovered during the data collection process in performing the appraisal. Unless otherwise stated in this appraisal report, I have no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and have assumed that there are no such conditions and make no guarantees or warranties, express or implied. I will not be responsible for any such conditions that do exist or for any engineering or testing that might be required to discover whether such conditions exist. Because I am not an expert in the field of environmental hazards, this appraisal report must not be considered as an environmental assessment of the property. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable public and/or private sources that I believe to be true and correct.
- I will not disclose the contents of this appraisal report except as provided for in the Uniform Standards of Professional Appraisal Practice, and/or applicable federal, state or local laws.
- The Client is the party or parties who engage an appraiser (by employment contract) in a specific assignment. A party receiving a copy of this report from the client does not, as a consequence, become a party to the appraiser-client relationship. Any person who receives a copy of this appraisal report as a consequence of disclosure requirements that apply to an appraiser's client, does not become an intended user of this report unless the client specifically identified them at the time of the assignment. The appraiser's written consent and approval must be obtained before this appraisal report can be conveyed by anyone to the public through advertising, public relations, news, sales, and other media.
- If this valuation conclusion is subject to satisfactory completion, repairs, or alterations, it is assumed that the improvements will be completed competently and without significant deviation.

## VALUE DEFINITION

|                                                                     |                                                                |
|---------------------------------------------------------------------|----------------------------------------------------------------|
| <input checked="" type="checkbox"/> Market Value Definition (below) | <input type="checkbox"/> Alternate Value Definition (attached) |
|---------------------------------------------------------------------|----------------------------------------------------------------|

MARKET VALUE is defined as the most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of the title from the seller to buyer under conditions whereby:

1. buyer and seller are typically motivated;
2. both parties are well informed or well advised and acting in what they consider their own best interests;
3. a reasonable time is allowed for exposure in the open market;
4. payment is made in terms of cash in U.S. dollars or in terms of financial arrangements comparable thereto; and
5. the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

Source: *The Dictionary of Real Estate Appraisal, 6th ed., Appraisal Institute*

\* NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute makes no representations, warranties or guarantees as to, and assumes no responsibility for, the data, analysis or work product or third party certifications, verifications, data specifications, scores, indexes, or valuation tools, used or provided by the individual appraiser(s) or others in the specific contents of the AI Reports(R). AI Reports(R) AI-900.05 Certification, Assumptions and Limiting Conditions © Appraisal Institute 2017, All Rights Reserved

|                   |                                    |                   |        |
|-------------------|------------------------------------|-------------------|--------|
| Client:           | City of Berkeley Public Works Dept | Client File #:    |        |
| Subject Property: | 1631 5th Street                    | Appraisal File #: | 250403 |

**APPRAISER'S CERTIFICATION**

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analysis, opinions, and conclusions are limited only by the report assumptions and limiting conditions, and are my personal, unbiased professional analysis, opinions, and conclusions.
- I have no present (unless specified below) or prospective interest in the property that is the subject of this report, and I have no (unless specified below) personal interest with respect to the parties involved.
- I have no bias with respect to any property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analysis, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice.
- Individuals who have provided significant real property appraisal assistance are named below. The specific tasks performed by those named are outlined in the Scope of Work section of this report.

☒ None ☐ Name(s)

As previously identified in the Scope of Work section of this report, the signer(s) of this report certify to the inspection of the property that is the subject of this report as follows:

Property Inspected by Appraiser ☒ Yes ☐ No

Property inspected by Co-Appraiser ☐ Yes ☐ No

- Services provided, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment: ☐ None ☐ Specify services provided:

**ADDITIONAL CERTIFICATION FOR APPRAISAL INSTITUTE MEMBERS, CANDIDATES AND PRACTICING AFFILIATES**

Appraisal Institute Designated Member, Candidate, or Practicing Affiliate Certify:

- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute, which include the Uniform Standards of Professional Appraisal Practice.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.

As of the date of this report, I ☒ have / ☐ have not completed the continuing education program for Associate Members of the Appraisal Institute.

As of the date of this report, I ☐ have / ☐ have not

**APPRAISERS SIGNATURES**

APPRAISER:

Signature

Name Alison Teeman

Report Date 10/10/2025

Trainee ☐ Licensed ☐ Certified Residential ☐ Certified General ☒

License # AG003312 State CA

Expiration Date 03/17/2027

CO-APPRAISER:

Signature

Name

Report Date

Trainee ☐ Licensed ☐ Certified Residential ☐ Certified General ☐

License # State

Expiration Date

\* NOTICE: The Appraisal Institute publishes this form for use by appraisers where the appraiser deems use of the form appropriate. Depending on the assignment, the appraiser may need to provide additional data, analysis and work product not called for in this form. The Appraisal Institute makes no representations, warranties or guarantees as to, and assumes no responsibility for, the data, analysis or work product or third party certifications, verifications, data specifications, scores, indexes, or valuation tools, used or provided by the individual appraiser(s) or others in the specific contents of the AI Reports(R). AI Reports(R) AI-900.05 Certification, Assumptions and Limiting Conditions © Appraisal Institute 2017, All Rights Reserved

|                          |                                    |                          |        |
|--------------------------|------------------------------------|--------------------------|--------|
| <b>Client:</b>           | City of Berkeley Public Works Dept | <b>Client File #:</b>    |        |
| <b>Subject Property:</b> | 1631 5th Street                    | <b>Appraisal File #:</b> | 250403 |

**PROFESSIONAL QUALIFICATIONS**  
**ALISON TEEMAN , LLB**

**PROFESSIONAL CREDENTIALS**

Certified General Real Estate Appraiser, Licensed by the Bureau of Real Estate Appraisers, (BREA) License **AG003312**

|                                                                    |           |
|--------------------------------------------------------------------|-----------|
| Practicing Affiliate of the Appraisal Institute (AI)               | 1988-     |
| Former Director of the East Bay Chapter of the Appraisal Institute | 1987-1993 |
| Editor Chapter Newsletter                                          | 1988-1993 |
| Delegate to Young Advisory Council                                 | 1991-1992 |

**EDUCATION**

|                                                         |           |
|---------------------------------------------------------|-----------|
| Graduate University College London, Faculty of Laws LLB | 1971-1974 |
| College of Law, London                                  | 1974-1975 |
| Admitted as a Solicitor of the Supreme Court            | 1979      |

Appraisal Institute Courses from 1983 to present  
Fulfilled continuing education requirements for OREA and AI

**EXPERIENCE**

1981-present Principal Appraiser and Vice President, Yovino-Young, Inc.

All types of appraisal assignments in the San Francisco Bay Area with an emphasis on complex residential assignments, unique properties, disasters and detrimental conditions.

Qualified as an expert witness in Municipal, Superior and Federal Courts. Testified as an Expert Witness at Assessment Appeal Hearings, Superior Court ordered arbitration proceedings, Federal Bankruptcy Court and Rent Board. Court Appointed Appraiser.

Teaching assignments include seminars and courses, "Appraising Tough Residential Properties", "Unique Residential Properties", "Residential Litigation".

1980-1981 Independent Solicitor, William T. Stockler, Solicitors, London, England

Trial preparation, real property disputes, monopolies and trade practices in the European Union.

1975-1980 Assistant Solicitor, Simons, Muirhead and Allan, Solicitors, London, England

All aspects of legal work, preparation for court litigation involving breach of contracts and landlord/tenant disputes, preparation of contracts for recording, publishing and management, negotiating and preparing commercial leases and conveyancing of real property.

ORDINANCE NO. -N.S.

AUTHORIZING THE SALE OF CITY PROPERTY AT 1631 5<sup>th</sup> STREET

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

Section 1. Findings

- a. The vacant land located at 1631 5<sup>th</sup> Street was purchased in the 1970s by the City of Berkeley's Redevelopment Agency using Community Development Block Grant Funds (CDBG).
- b. The property at 1631 5<sup>th</sup> Street was received by the City of Berkeley in 2011 as the successor to the City's Redevelopment Agency and the property is exempt surplus land so the City may sell the property at market rate.
- c. The City obtained a market value appraisal of the level, vacant site at 1631 5<sup>th</sup> Street for \$650,000 in October 2025.
- d. Proceeds of the sale must be applied to the City's Community Development Block Grant Fund (CDBG). Revenue generated from the sale of the property will be deposited into Fund 128 (CDBG fund).
- e. City Charter Article VIII, Section 44(7) requires that the sale of public real property shall be by City Ordinance.
- f. This action is consistent with the direction provided by City Council in closed session on March 16, 2026.

Section 2. The sale of 1631 5th Street is hereby approved, and the City Manager is hereby authorized to execute all necessary documents to complete that sale and transfer the property.

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 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.







Office of the City Manager

CONSENT CALENDAR

April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: David Sprague, Fire Chief

Subject: Rescind Resolution No. 68,099-N.S. and Adopt a Resolution for Continual Participation in the Alameda County Operational Area

RECOMMENDATION

Adopt a Resolution rescinding Resolution No. 68,099-N.S. and authorizing the City Manager to execute an agreement, effective through 2035, with the Alameda County Operation Area Emergency Management Organization to establish the administrative pathways that enable resource sharing among cities, counties and the State during disasters.

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley participates in Statewide emergency management structures defined at the State level. That participation is codified through an agreement with the Alameda County Operational Area Emergency Management Organization. The City needs to renew its commitment to participate.

Executing an agreement with the Alameda County Operation Area Emergency Management Organization advances the Strategic Plan goal to create a resilient, safe, connected, and prepared city.

BACKGROUND

As a result of the 1991 East Bay Hills firestorm, State Senator Nicholas Petris sponsored legislation that established the Standardized Emergency Management System (SEMS) in California. As part of SEMS, cities participate in Operational Area<sup>1</sup> agreements. These agreements establish the administrative pathways that enable resource sharing among cities, counties and the State during disasters.

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<sup>1</sup> An Operational Area is defined in California Government Code §8559(b) as “an intermediate level of the state emergency services organization consisting of a county and all political subdivisions within the county area.”

In January 1995, in accordance with State statutes, the Alameda County Board of Supervisors first developed the Alameda County Operational Area Emergency Management Organization.

The agreement adopted by the County Board of Supervisors on January 27, 2026 will be effective until December 31, 2035. This agreement establishes a cooperative effort with the following features:

- A partnership for exchanging disaster information, mutual aid requests, and resource requests in emergencies;
- Supports cooperative disaster preparedness efforts;
- No monetary compensation is required for participants to be members of the organization;
- The State's SEMS regulations and guidelines will guide the policies and procedures of the organization;
- The Alameda County Sheriff/Director of Emergency Services serves as the Operational Area Coordinator and is responsible for assuring the representation of all affected jurisdictions in decision-making before, during, and after a disaster occurs; and
- A representational Operational Area Council is established to review and approve policies and procedures for the organization and serve as Alameda County's Civil Defense and Disaster Council.

On April 16, 1996, the Berkeley City Council adopted Resolution No. 58,407-N.S., authorizing the City Manager to agree to participate in the Alameda County Operational Area Emergency Management Organization. Council again authorized participation on February 15, 2005 through Resolution No. 62,957-N.S. and again on July 25, 2017 through Resolution No. 68,099-N.S.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No environmental or climate effects.

#### RATIONALE FOR RECOMMENDATION

The preservation of life, property and the environment is the responsibility of local, state and federal government. This agreement ensures a unified and coordinated effort between state and local government agencies to facilitate mutual aid and to ensure the effective and efficient use of regional and local resources in the event of a catastrophe. The City's continued participation in the Operational Area Emergency Management Organization is a key step toward that goal.

ALTERNATIVE ACTIONS CONSIDERED

None considered.

CONTACT PERSON

Sarah Lana, Emergency Services Manager, Fire Department, 510-981-5576

Attachments:

- 1: Resolution
- 2: Executed copy of Alameda County Board of Supervisors' Agreement for Participation in the Alameda County Operational Area Emergency Management Organization (Operational Area Agreement) with Board Letter

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

ADOPTING A REVISED RESOLUTION TO PARTICIPATE IN ALAMEDA COUNTY OPERATIONAL AREA AGREEMENT, AND RESCINDING RESOLUTION NO. 68,099-N.S.

WHEREAS, the potential for a major catastrophe due to natural or human-caused disaster requires all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect the public welfare; and

WHEREAS, greater efficiency and disaster preparedness, response, recovery, and mitigation can be achieved by combining the efforts of the County of Alameda, other cities, special districts, and other public benefit non-profit corporations in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the “operational area” and defines it as “an intermediate level of the state emergency services organization” created to perform extraordinary functions for local government within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution No. 68,099-N.S. is hereby rescinded.

BE IT FURTHER RESOLVED that by the Council of the City of Berkeley that the City Manager is hereby authorized to execute an agreement with the Alameda County Operational Area Emergency Management Organization and amendments thereto; a record signature copy of all agreements and amendments to be on file in the Office of the City Clerk.


**ALAMEDA COUNTY SHERIFF'S OFFICE**
**YESENIA SANCHEZ**  
 SHERIFF-CORONER

AGENDA: \_\_\_\_\_ January 27, 2026

January 2, 2026

 Honorable Board of Supervisors  
 County Administration Building  
 1221 Oak Street, Suite 536  
 Oakland, CA 94612-4305

**SUBJECT: APPROVE AN AGREEMENT FOR PARTICIPATION IN THE ALAMEDA COUNTY OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION**

Dear Board Members:

**RECOMMENDATION:**

Approve an agreement with cities, special districts, and nonprofit corporations to participate in the Alameda County Operational Area Emergency Management Organization, establishing a unified framework for disaster preparedness, response, recovery, and mitigation, effective upon execution by all parties through December 31, 2035, with no monetary compensation required except for reimbursement of direct costs under mutual aid agreements.

**DISCUSSION/SUMMARY:**

On May 10, 2016 (File No. 29782, Item No. 44), your Board approved an agreement that allows the County of Alameda and other local public entities to work together by sharing resources and information to protect the public.

The protection of life, property, and the environment is a shared responsibility of local, state, and federal governments. To support this responsibility, Alameda County, in collaboration with the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City, along with special districts and nonprofit corporations, has elected to enter into an agreement to promote a unified and coordinated approach among state and local agencies, facilitate mutual aid, and ensure the efficient and effective use of regional and local resources during a catastrophic event. The Alameda County Operational Area is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the County area.

The agreement integrates and coordinates the County's available facilities and personnel into an efficient and effective organizational structure by defining roles, policies, and general procedures in accordance with the Standardized Emergency Management System. This approach ensures the most effective and cost-efficient allocation of resources. This provides a framework for collaboration and covers essential areas including communications, equipment, medical services, financial matters, and environmental and economic resources.

This agreement has been approved as to form by County Counsel.

Honorable Board of Supervisors  
January 2, 2026  
Page 2

**FINANCING:**

No additional appropriation is required. There will be no increase in net County cost as a result of your approval.

**VISION 2036 GOALS:**

This agreement meets the 10x goal pathways of **Crime Free County**, in support of our shared visions of **Safe and Livable Communities**.

Respectfully submitted,

Signed by:  
  
7B226C003FF04FA...  
for  
Yesenia Sanchez  
Sheriff-Coroner

YS:APE:ape



## **AGREEMENT FOR PARTICIPATION IN ALAMEDA COUNTY OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION**

This Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_, 2026, by and between the County of Alameda and the cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement.

**WHEREAS**, the potential for a major catastrophe due to natural or manmade disaster requires all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

**WHEREAS**, greater efficiency and disaster preparedness response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, the Cities, Special Districts, and other public benefit non-profit corporations together in pre-disaster agreements; and

**WHEREAS**, the California Emergency Services Act makes reference to the "operational area" and defines it as "an intermediate level of the state emergency services organization" created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources;

**THE COUNTY, CITIES, SPECIAL DISTRICTS, AND OTHER PUBLIC BENEFIT NON-PROFIT CORPORATIONS AGREE AS FOLLOWS:**

### **1. RECOGNITION OF AND PARTICIPATION IN AN OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION**

The parties to this Agreement recognize an Operational Area, as the term is defined in the California Emergency Services Act (*California Government Code §8550 et seq.*) which designates an intermediate level of organization, cooperation, and planning between public entities within Alameda County boundaries.

The County of Alameda, cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement shall participate in this organizational structure, which is a partnership for a systematic approach for exchanging disaster intelligence, mutual aid requests, and resource requests in emergencies and also to provide emergency preparedness on a day-to-day basis through cooperative training and exercise activities.

The Operational Area Emergency Management Organization will be the primary contact point during an emergency in Alameda County for sharing disaster intelligence among local agencies and between the Operational Area Emergency Management Organization and state and federal agencies requesting information.

The Operational Area Emergency Management Organization will assist parties to this agreement to share resources before, during, and after an emergency, as well as to prepare, respond, and recover from disasters that strike Alameda County. The Operational Area Emergency Management Organization will prioritize competing needs according to the policies and procedures approved by the Operational Area Council.

C-2026-7

Each of the parties to this Agreement will designate individuals to be trained to represent their agency in the Operational Area Emergency Management Organization. The training will be an orientation on the policies and procedures of the Operational Area Emergency Management Organization. Each party to this Agreement will also designate, in writing, a line of succession of officials who are empowered to represent the party to the Operational Area Emergency Management Organization.

## 2. CONSIDERATION

The consideration under this Agreement is the mutual advantage of protection afforded to each of the parties to this Agreement. There shall not be any monetary compensation required from any to another party as a condition of assistance provided under the agreement, except for reimbursement of direct costs as designated in mutual aid agreements. Nothing in this agreement shall be construed as altering any preexisting disaster response agreements between the parties.

## 3. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

The Operational Area Emergency Management Organization and its policies and procedures will be regulated by the Standardized Emergency Management System as stated in *California Government Code §8607*, and its implementing regulations, *California Code of Regulations, Title 19, Division 2, Office of Emergency Services, Standardized Emergency Management System*, and guidelines. The incident command system and a multi-agency coordination system, as described in those regulations and guidelines, will be used for coordination and direction of the parties to this agreement participating in emergency efforts. The *Alameda County Emergency Operations Plan* shall be the primary method and criteria used to conduct Operational Area Emergency Management Center activities.

## 4. OPERATIONAL AREA COORDINATOR

The Sheriff/Director of Emergency Services is the Operational Area Coordinator. It is the responsibility of the Operational Area Coordinator to oversee the operation of the Operational Area Emergency Management Organization and to reasonably interpret the terms of this agreement. It is the responsibility of the Operational Area Coordinator to encourage equal representation by parties to the agreement on a day-to-day basis and to include representatives of affected parties to this agreement and mutual aid coordinators in the operational decision making before, during, and after a disaster strikes Alameda County.

## 5. COUNCIL

An Operational Area Council is hereby established consisting of a representational membership of the party jurisdictions to this Agreement. The Council shall include one voting representative from each of the following:

- a. The President of the **Board of Supervisors**, or his/her designee;
- b. The **Sheriff/Director of Emergency Services**, or his/her designated alternate;
- c. The **Alameda County Administrator**, or his/her designated alternate;
- d. The **County Agency Heads** having primary functional responsibilities in a disaster, or their designated alternates;



Including, but not limited to:

1. Auditor-Controller
  2. Fire Department
  3. General Services Agency
  4. Alameda County Health
  5. Human Resource Services
  6. Public Works Agency
  7. Sheriff's Office
  8. Social Services Agency
- e. The President of the **Alameda County Emergency Managers' Association**, or his/her designated alternate;
- f. The President of the **Alameda County Fire Chiefs' Association**, or his/her designated alternate;
- g. The President of the **Alameda County Chiefs of Police and Sheriff's Association**, or his/her designated alternate;
- h. A City Manager of a **North County City**, or his/her designated alternate, chosen annually by the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont to represent them in the Council;
- i. A City Manager of a **South County City**, or his/her designated alternate, chosen annually by the cities of Fremont, Hayward, Newark, San Leandro, and Union City to represent them in the Council;
- j. A City Manager of an **East County City**, or his/her designated alternate, chosen annually by the cities of Dublin, Livermore, and Pleasanton to represent them in the Council;
- k. A General Manager of a **Regional District** based in Alameda County, or his/her designated alternate, chosen annually by participating regional districts, defined as a special district having service areas in more than one county, to represent them in the Council;
- l. A General Manager of a **Special District**, or his/her designated alternate, chosen annually by participating special districts having their entire service area within the boundaries of Alameda County to represent them in the Council;
- m. The **Alameda County Superintendent of Schools**, or his/her designated alternate, to represent the school districts of Alameda County;
- n. A Director of a **Public Benefit Non-profit Corporation**, or his/her designated alternate, chosen annually by the Alameda County Voluntary Organizations Active in Disaster executive committee to represent them in the Council;
- o. A Chief Executive Officer or President, or his/her designated alternate, of a **private sector company** doing business in this county that is an active member of the Emergency Managers' Association of Alameda County and is selected annually by the Operational Area Coordinator; and

- p. Such representatives of **other organizations**, either civic, business, labor, veterans, professional or other organizations having an official group or organization having disaster responsibility and may be appointed by the Operational Area Coordinator.

It is the responsibility of the Operational Area Council to set the policies and procedures for the governing of the Operational Area Emergency Management Organization and to review and approve recommendations for changes to these policies and procedures on an annual basis. The Operational Area Council will also serve as the Alameda County Civil Defense and Disaster Council, as described in the *Alameda County Administrative Code, Chapter 2.118*. The County of Alameda will supply staff support for the Operational Area Council.

## **6. PROVISION OF FACILITIES AND SUPPORT**

The County of Alameda shall provide its emergency operations center as the site for the Operational Area Emergency Management Organization. The County of Alameda will provide support staff for the emergency operations center and all reasonable supplies for the Operational Area Emergency Management Organization during actual activations, drills, and exercises. All parties to this Agreement may provide representatives for decision making and liaison to operational elements of the Operational Area Emergency Management Organization when activated.

The Operational Area Emergency Management Organization will facilitate the mutual aid systems used by local agencies to assist each other in a disaster with the resources necessary to save lives, mitigate property loss, and meet the basic needs of the people.

## **7. TERM OF AGREEMENT**

This Agreement shall be effective from the date executed by all parties until December 31, 2035. This Agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties.

## **8. WITHDRAWAL OF PARTY**

Any party to this Agreement may withdraw as a party to this Agreement prior to the termination of the term of this Agreement upon giving thirty (30) days prior written notice to all other parties.

## **9. ADDITIONAL PARTIES**

Additional parties, who are public entities within the geographical boundaries of Alameda County, may join in this Agreement and become a member party upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement. The executed Exhibit shall become a part of this Agreement automatically after the expiration of thirty (30) days following notification by the new party to all other parties to the execution of the exhibit. Thereafter, the entity shall be considered to be a party of this Agreement unless the entity withdraws as provided herein. Provided however, in the event any existing party to the Agreement gives all other parties notice of its objection to the addition of the particular entity becoming a member to this Agreement within the thirty (30) day notice period, the addition of such party to this Agreement shall require the consent of a two-thirds majority to the then member parties.

## 10. INDEMNIFICATION AND HOLD HARMLESS

Each of the parties agree to indemnify and hold the other parties harmless and waives all claims for compensation for any loss, damage, personal injury, or death incurred in consequences of the acts or omissions of the indemnifying parties' own employees and agents in the performance of this Agreement.

It is the intent of the parties that, where negligence is determined to have been contributory, principles of comparative fault will be followed, and each party shall bear the proportionate costs of any loss, damage, expense, and liability attributable to the party's negligence.

## 11. SALARIES, EMPLOYMENT AND WORKERS COMPENSATION BENEFITS

The salaries, employment and workers compensation benefits of each employee participating in the Operational Area Emergency Management Organization shall be the responsibility of the party employing the individual. It is understood that each party's employees have no rights, benefits, or special employment status conferred by reason of this Agreement.

### IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

COUNTY OF ALAMEDA,  
a political subdivision of the  
State of California

By David B. Haubert  
DAVID HAUBERT, President  
Board of Supervisors

I hereby certify under penalty of perjury that the President of the Board of Supervisors was duly authorized to execute this document on behalf of the County of Alameda by a majority vote of the Board on 11/27/2026; and that a copy has been delivered to the President as provided by Government Code section 25103.

ATTEST: BRITNEY DAVIS  
Clerk, Board of Supervisors  
Alameda County, California

By Britney Davis  
Clerk, Board of Supervisors

### APPROVED AS TO FORM AND CONTENT:

DONNA ZIEGLER  
County Counsel

By Clay Christianson  
Clay Christianson  
Deputy County Counsel





Office of the City Manager

CONSENT CALENDAR

April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director, Human Resources Department

Subject: Contract No. 32400192 Amendment: GovernmentJobs.com (dba NEOGOV)  
for Online Data Management ServicesRECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32400192 with GovernmentJobs.com (dba NEOGOV) for online data management services including applicant tracking, onboarding, and learning management to increase the not to exceed amount of \$180,000 by \$190,000 for a total not to exceed amount of \$370,000 with a contract end date of May 15, 2027.

FISCAL IMPACTS OF RECOMMENDATION

The additional funding of \$190,000 will be split between three funds- \$137,000 will be covered through the General Fund (011), \$48,000 will be covered through the Training Fund (146) and \$5,000 will be covered by Measure FF (164). Funds are available in the departments' current year budget.

| Fund             | Amount    |
|------------------|-----------|
| 011 (General)    | \$137,000 |
| 146 (Training)   | \$48,000  |
| 164 (Measure FF) | \$5,000   |

CURRENT SITUATION AND ITS EFFECTS

The Human Resources Department is responsible for recruiting, receiving, and processing job applications; administering candidate assessments and examinations; establishing eligibility lists; referring lists of eligible candidates to City departments to fill vacancies; and providing mandatory and developmental training. The Recruitment, Exam, and Selection division received and processed a total of 19,826 applications in 2024 and 15,930 in 2025; A total of 564 applicants were hired in 2024 and 487 in 2025, all of whom completed their onboarding paperwork electronically and completed mandatory training courses. In addition to the Applicant Tracking System, the City of Berkeley contracted NEOGOV's Course Management Import and Position Import systems to assign mandatory training for new hires. In 2025, 96% of employees

completed mandatory training courses to comply with city policies, as well as state and federal laws.

NEOGOV's web-based applicant tracking system has allowed the Human Resources department to quickly and effectively deliver services to both internal departments and external customers by automating the recruitment and selection process and improving its efficiency and effectiveness. An amendment of the contract and an increase to its cap are necessary to continue services through May 15, 2027 and pay for services rendered and upcoming.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3204.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

#### BACKGROUND

On October 30, 2018, staff issued a request for proposal (RFP), Specification No. 19-11262-C for Performance and Learning Management System. The City received three (3) qualified vendor responses. A committee made up of staff from Human Resources, Public Works, Health, Housing & Community Services and Information Technology conducted the evaluation process where NEOGOV was selected. On June 3, 2024, the contracts held under NEOGOV were combined into a single contract, Contract No. 32400192. Council Resolution No. 71,753-N.S. authorized an extension of the contract beginning on May 16, 2025, with a not to exceed amount of \$108,884 which was later amended via Resolution No. 71,942-N.S. which authorized an extension of the contract through May 16, 2026, and a new not to exceed amount of \$180,000.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

NEOGOV provides software services which enable paperless processing of applications, new hire documents, and training materials.

#### RATIONALE FOR RECOMMENDATION

Services through NEOGOV are essential for recruitment operations which include processing job applications, administering candidate assessments and examinations, establishing eligible lists, certifying lists to City departments to fill vacancies, and conducting mandatory and developmental training. If this contract amendment is not approved, the City will not have the systems in place to perform essential human resource functions.

#### ALTERNATIVE ACTIONS CONSIDERED

No alternative action has been identified.

#### CONTACT PERSON

Janelle Rodrigues, Director of Human Resources, 510-981-6807

Attachments:  
1: Resolution

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

CONTRACT NO. 32400192 AMENDMENT: GOVERNMENTJOBS.COM (DBA NEOGOV) FOR ONLINE DATA MANAGEMENT SERVICES

WHEREAS, the Human Resources Department is responsible for recruiting, receiving and processing job applications, administering candidate assessments and examinations, establishing employment eligibility lists, certifying lists to City departments and conducting mandatory training; and

WHEREAS, the City issued requests for proposals (RFP) for an integrated web-based job applicant tracking system, performance, learning and other services, and responses were evaluated by a selection committee from the Human Resources, Public Works, Health, Housing & Community Services and Information Technology departments; and

WHEREAS, the selection committee selected NEOGOV from the respondents as the most qualified vendor capable of providing the system and services to manage the hiring process lifecycle and manage mandatory training; and

WHEREAS, the work is still in progress and essential to keep up with the City's hiring and training needs; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1; and

WHEREAS, on May 6, 2025, Resolution 71,753-N.S. was adopted authorizing the City Manager to execute a contract and any amendments with NEOGOV for a job applicant tracking system and service with training modules in an amount not to exceed \$108,884; and

WHEREAS, on September 9, 2025, Resolution 71,942-N.S. was adopted authorizing the City Manager to execute a contract and any amendments with NEOGOV for a job applicant tracking system and service with training modules in an amount not to exceed \$180,000 while at the same time amending Resolution 71,753-N.S.; and

WHEREAS, The additional funding of \$190,000 will be split between three funds- \$137,000 will be covered through the General Fund (011), \$48,000 will be covered through the Training Fund (146) and \$5,000 will be covered by Measure FF (164) and funds are available in the departments' current year budget.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32400192 with GovernmentJobs.com (dba NEOGOV) for online data management services including applicant tracking, onboarding, and learning management to increase the not to exceed



amount of \$180,000 by \$190,000 for a total not to exceed amount of \$370,000 with a contract end date of 5/15/27.





CONSENT CALENDAR  
April 28, 2026

To: Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Greg Murphy, Chairperson

Subject: Support Position on SB 894 (Allen) - California Wildfire Resilience Loan Program

RECOMMENDATION

Adopt an official Support position on Senate Bill 894 (Allen), the California Wildfire Resilience Loan Program, and authorize and direct the Mayor or City Manager or designee to send letters of support to Senator Ben Allen, Senator Jesse Arreguin, representing Berkeley in the California State Senate, and Assemblymember Buffy Wicks.

FISCAL IMPACTS OF RECOMMENDATION

No direct fiscal costs to the City of Berkeley. The recommended action is limited to communicating a policy position and transmitting letters of support to state legislators; no City appropriation or expenditure is required.

Substantial potential fiscal benefits to the City. SB 894 would establish a state-administered loan program providing financial assistance to Berkeley residents, homeowners, and small businesses for wildfire hardening and defensible space improvements. Increased adoption of such measures citywide would be expected to:

- Reduce the risk and severity of catastrophic wildfire losses within Berkeley, particularly in the Very High Fire Hazard Severity Zone (VHFHSZ) in the hills, where a major fire event could result in billions of dollars in property damage and significant municipal emergency response costs.
- Reduce pressure on the City's emergency response resources and the costs of post-disaster recovery, debris removal, and infrastructure repair.
- Help stabilize the homeowner's insurance market in Berkeley, where increasing non-renewals and premium escalations driven by wildfire risk pose growing fiscal and economic stability concerns for residents and the City alike.
- Complement City investments in emergency preparedness and wildfire mitigation without requiring additional local expenditure.

Because SB 894 operates through state and private financing mechanisms – including loan loss reserves and interest rate buy-downs administered by the California Alternative Energy and Advanced Transportation Financing Authority (CAEATFA) – the

## Support Position on SB 894 (Allen) - California Wildfire Resilience Loan Program

CALENDAR

City of Berkeley would receive these community protection benefits at no direct cost to the City's General Fund.

CURRENT SITUATION AND ITS EFFECTS

Berkeley faces a significant and well-documented wildfire risk, particularly in the hillside neighborhoods that border the Wildland-Urban Interface (WUI). The California Department of Forestry and Fire Protection (CAL FIRE) has designated a substantial portion of the Berkeley Hills as a Very High Fire Hazard Severity Zone (VHFHSZ). This designation reflects the elevated risk posed by the combination of steep terrain, dense vegetation, older housing stock, and the region's characteristic dry and windy seasonal conditions.

The 1991 Tunnel Fire – also known as the Oakland-Berkeley Hills Fire – remains the defining example of the catastrophic potential of wildfire in this urban setting. That event destroyed approximately 3,354 housing units, killed 25 people, and caused over \$1.5 billion in damages. Risk modeling and climate trends suggest that fire weather conditions in the East Bay hills have intensified since 1991, and the probability of a comparable or larger fire event remains a serious public safety concern.

Despite this well-established risk, access to affordable capital for home hardening and defensible space improvements remains a significant barrier for many Berkeley residents. Home hardening projects – which may include ember-resistant vents, fire-resistant roofing and siding, deck replacement, and vegetation management – can cost tens of thousands of dollars, creating inequitable outcomes in which wealthier homeowners are better positioned to protect themselves and their neighbors. SB 894 directly addresses this affordability barrier by leveraging state resources to reduce the cost of private financing for these improvements.

At the same time, the insurance market crisis in wildfire-prone California communities has reached an acute stage. Multiple major insurers have paused or discontinued homeowner's insurance offerings in California, with Berkeley's hillside neighborhoods among the most affected. Reduced insurability further depresses property values, complicates home sales, and threatens the financial stability of existing homeowners. Broad adoption of home hardening improvements, facilitated by accessible financing such as proposed under SB 894, would create a mechanism to improve insurability at the community level, simultaneously with making our community safer from wildfire.

Action:.

Votes: Ayes: 8

Noe's: 0

Abstain: 0

Support Position on SB 894 (Allen) - California Wildfire Resilience Loan Program  
CALENDAR

Absent: 1

## BACKGROUND

The DFSC has maintained an active focus on wildfire resiliency in Berkeley for a number of years. The Commission's Wildfire Resiliency Workgroup has examined a range of policy options aimed at increasing the rate of home hardening and defensible space compliance among Berkeley residents, with particular attention to the challenges of affordability and equitable access to improvement resources.

As part of this ongoing work, the DFSC previously reviewed and discussed potential enhancements to the City's Resident Assistance Program, including proposals to expand financial assistance available to lower-income residents for wildfire mitigation improvements. These discussions informed the Commission's understanding of the financing barriers facing Berkeley homeowners and highlighted the limitations of locally funded approaches in achieving the scale of adoption necessary for meaningful community-wide risk reduction.

Most recently, the DFSC recommended – and the Berkeley City Council approved with modifications – a Transfer Tax Rebate program to incentivize wildfire hardening improvements at the point of residential property sale. This program represents an important step toward encouraging home hardening, and reflects the Council's recognition that financial incentives are a necessary component of a comprehensive resiliency strategy. However, the Transfer Tax Rebate is limited in reach, applying only to properties at the time of sale or in the preceding five years, and falling short of mobilizing the broad, proactive investment in fire hardening that the community's risk profile demands.

SB 894 would establish the California Wildfire Resilience Loan Program, administered by CAEATFA – an authority with demonstrated experience managing statewide financing programs that leverage public participation to unlock private capital. The program would establish a loan loss reserve and interest rate buy-down mechanism to make private financing for wildfire hardening and defensible space improvements more accessible and affordable to eligible property owners across the state, including in Berkeley. Eligible improvements would include home hardening measures consistent with California Code of Regulations requirements, defensible space activities, and smoke mitigation retrofits.

Importantly, financial assistance under the program would be available to eligible properties throughout California and would not be restricted by land classification, jurisdiction, or hazard severity zone designation – ensuring that Berkeley homeowners in all risk zones, not only those in the formally designated VHFHSZ, could potentially benefit from the program.

Support Position on SB 894 (Allen) - California Wildfire Resilience Loan Program

CALENDAR

ALTERNATIVE ACTIONS CONSIDERED

- The City of Berkeley could independently establish a municipal loan loss reserve or interest rate buy-down program for wildfire hardening improvements. While this approach would allow the City to tailor program design to Berkeley's specific needs and move forward on its own timeline, it would require a significant commitment of City capital and administrative resources, and would operate at a much smaller scale than a statewide program. A locally funded program would also face challenges in leveraging private lending partnerships and achieving the critical mass necessary to materially shift the insurance market. The DFSC finds that this alternative should be deferred pending the outcome of SB 894.
- Berkeley could explore partnering with neighboring jurisdictions – such as Oakland, and other East Bay communities participating in the East Bay Wildfire Coalition facing similar wildfire risk, and perhaps in conjunction with agencies with an interest in property improvements for water and energy efficiency such as EBMUD or AVA – to establish a regional financing program modeled on the structure proposed in SB 894. A multi-jurisdictional approach could achieve somewhat greater scale than a purely local program. However, designing, negotiating, and launching a joint program across multiple jurisdictions would be time- and resource-intensive, and would likely take years to operationalize. This alternative should likewise be deferred pending the outcome of SB 894. If the bill does not advance, the City of Berkeley may wish to revisit this option in a subsequent recommendation.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Keith May, Commission Secretary, Deputy Fire Chief, (510) 510-981-5508

Attachments:

- 1: Sample Letter of Support

Support Position on SB 894 (Allen) - California Wildfire Resilience Loan Program

CALENDAR

**ATTACHMENT A**

*Draft Letter of Support from the Mayor of Berkeley*

[DATE]

The Honorable Ben Allen  
California State Senate, District 24  
State Capitol, Room 2054  
Sacramento, CA 95814

Re: Letter of Support – SB 894 (Allen): California Wildfire Resilience Loan Program

Dear Senator Allen:

On behalf of the City of Berkeley, I am pleased to write in strong support of Senate Bill 894, which would establish the California Wildfire Resilience Loan Program. This legislation represents exactly the kind of bold, statewide financial innovation needed to accelerate home hardening and defensible space improvements in wildfire-vulnerable communities across California.

Berkeley is acutely aware of the wildfire risk facing our community. The Berkeley Hills are designated a Very High Fire Hazard Severity Zone, and the memory of the 1991 Tunnel Fire – which destroyed more than 3,300 homes and claimed 25 lives – shapes our ongoing commitment to wildfire preparedness and mitigation. Despite that commitment, we continue to face a fundamental challenge: the upfront cost of home hardening and defensible space improvements is a significant barrier for many residents, particularly those of moderate means who may not qualify for or have access to affordable private financing.

SB 894's approach – leveraging CAEATFA's proven financing expertise to create a loan loss reserve and interest rate buy-down program – is precisely the right model to address this barrier at scale. By reducing the cost and risk of private lending for wildfire resilience improvements, the bill would mobilize investment that neither government grants nor property-tax-based financing alone can achieve. The program's statewide scope and its availability to properties regardless of hazard zone designation would ensure that communities like Berkeley, with significant WUI risk throughout our hillside neighborhoods, can fully participate.

The City of Berkeley has long worked to advance wildfire resiliency. SB 894 would complement and extend these local efforts by providing the affordable financing infrastructure our residents need to take action. We also recognize that improved home hardening at scale is essential to stabilizing the homeowner's insurance market in California's most vulnerable communities, and we strongly support that goal.

Support Position on SB 894 (Allen) - California Wildfire Resilience Loan Program

CALENDAR

The City of Berkeley urges the Legislature to pass SB 894 and respectfully requests the Governor's signature. We look forward to working with your office and with CAEATFA to ensure that Berkeley residents are well-positioned to benefit from this program upon its enactment.

Sincerely,

Mayor, City of Berkeley

**cc:**

Senator Jesse Arreguín, California State Senate, District 9

Assemblymember Buffy Wicks, California State Assembly, District 14

Berkeley City Council





CONSENT CALENDAR

April 28, 2026

To: Mayor and Members of the City Council

From: Disaster and Fire Safety Commission

Submitted by: Greg Murphy, Chairperson

Subject: Support Position on SB 1076 (Pérez) - Insurance Coverage for Fire-Safe Homes Act

RECOMMENDATION

Adopt an official Support position on Senate Bill 1076 (Pérez), the Insurance Coverage for Fire-Safe Homes Act, and authorize and direct the Mayor or City Manager or designee to send letters of support to Senator Sasha Renée Pérez, Senator Jesse Arreguín, representing Berkeley in the California State Senate, and Assemblymember Buffy Wicks.

FISCAL IMPACTS OF RECOMMENDATION

No direct fiscal costs to the City of Berkeley. The recommended action is limited to communicating a policy position and transmitting letters of support to state legislators; no City appropriation or expenditure is required.

Substantial potential fiscal benefits to the City. SB 1076 would require admitted insurers to offer and renew residential property insurance for homeowners whose properties meet state-defined wildfire mitigation standards, effective January 1, 2028. Stabilizing the residential insurance market in Berkeley's wildfire-vulnerable neighborhoods would be expected to:

- Protect property values in the Berkeley Hills and other areas affected by insurance non-renewals and market withdrawals, reducing the risk of a destabilized local housing market with downstream consequences for the City's property tax base.
- Reduce pressure on the California FAIR Plan as an insurer of last resort, which currently underwrites significant risk in Berkeley's hillside neighborhoods at inadequately capitalized rates – a dynamic that poses systemic financial risk to all California ratepayers, including Berkeley residents.
- Create a stronger financial incentive for Berkeley homeowners to invest in home hardening and defensible space improvements, since those investments would now carry a guaranteed path to insurance coverage – thereby reducing the City's wildfire risk exposure and potential emergency response costs.
- Complement City investments in wildfire preparedness and mitigation, including the Transfer Tax Rebate program and the Resident Assistance Program, by

## Support Position on SB 1076 (Pérez) - Insurance Coverage for Fire-Safe Homes Act CALENDAR

ensuring that residents who complete hardening improvements can secure and maintain insurance coverage.

Because SB 1076 operates through the state insurance regulatory framework – imposing obligations on admitted insurers rather than requiring direct City expenditure – the City of Berkeley would receive these community protection benefits at no direct cost to the City's General Fund.

### CURRENT SITUATION AND ITS EFFECTS

Berkeley faces a serious and ongoing home insurance crisis driven by wildfire risk. The Berkeley Hills are designated a Very High Fire Hazard Severity Zone (VHFHSZ) by the California Department of Forestry and Fire Protection, and the area's steep terrain, dense vegetation, older housing stock, and fire-weather conditions make it among the highest-risk urban communities in California.

In recent years, multiple major admitted insurers have paused or ceased offering homeowners insurance in California, including in Berkeley's hillside neighborhoods. Statewide, enrollment in the California FAIR Plan – the insurer of last resort – has doubled in just two years as hundreds of thousands of homeowners have lost their original coverage. Berkeley residents have not been immune to this trend, and the insurance availability crisis now threatens property values, home sales, and the financial stability of existing homeowners throughout the hills.

A central and deeply troubling feature of the current insurance market failure is that homeowners who invest in proven fire mitigation measures – home hardening, ember-resistant construction, defensible space – are receiving no meaningful assurance that those investments will secure or restore their access to coverage. Studies from the National Association of Insurance Commissioners, CAL FIRE, and the University of California, Berkeley document broad scientific consensus that home hardening and defensible space significantly reduce the risk of structural damage in a wildfire. Yet insurers have continued to decline coverage and non-renew policies regardless of a property's mitigation status, removing the market incentive for residents to make these investments.

SB 1076 directly addresses this market failure by establishing that, beginning January 1, 2028, an admitted insurer that offers or sells residential property insurance in California may not refuse to offer, sell, or renew a policy for a property that meets minimum home hardening and wildfire mitigation standards as established by the Insurance Commissioner by regulation. The bill provides a limited exception for geographic overconcentration of risk, subject to a public hearing process and six-month renewal requirements, and maintains insurers' ability to apply non-wildfire underwriting criteria. Insurers that habitually violate the bill's requirements, or that elect to exit the residential property market rather than comply, would face a five-year suspension or

Support Position on SB 1076 (Pérez) - Insurance Coverage for Fire-Safe Homes Act  
CALENDAR

revocation of their authority to sell both homeowner's and automobile insurance in California.

The bill's enforcement mechanism mirrors a model already operating in California's auto insurance market under Proposition 103, which requires insurers to offer a Good Driver Discount policy to any motorist who meets the state's safe-driving standard. SB 1076 would extend that same principle to homeowners: residents who invest in making their properties fire-safe deserve to know they will be able to insure them.

Action:.

Votes: Ayes: 8

Noe's: 0

Abstain: 0

Absent: 1

#### BACKGROUND

The DFSC has maintained an active focus on wildfire resiliency in Berkeley for a number of years. The Commission's Wildfire Resiliency Workgroup has examined a range of policy options aimed at increasing the rate of home hardening and defensible space compliance among Berkeley residents, with particular attention to the challenges of affordability and equitable access to improvement resources.

As part of this ongoing work, the DFSC previously reviewed and discussed potential enhancements to the City's Resident Assistance Program, including proposals to expand financial assistance available to lower-income residents for wildfire mitigation improvements. These discussions underscored a recurring concern: that even when residents are willing and able to complete hardening improvements, the absence of a guaranteed path to insurance coverage undermines the motivation to invest.

Most recently, the DFSC recommended – and the Berkeley City Council approved with modifications – a Transfer Tax Rebate program to incentivize wildfire hardening improvements at the point of residential property sale or in the preceding five years. That program reflects the Council's recognition that financial incentives are a necessary component of a comprehensive resiliency strategy. However, its reach is limited to properties at or near the time of sale, and it does not address the insurance availability barrier that discourages broader, proactive investment in home hardening.

Senator Pérez introduced SB 1076 in response to concerns raised by survivors of the January 2025 Eaton Fire in Altadena, who reported that even newly rebuilt homes constructed to the highest fire-resistance standards faced the prospect of insurance denial. The bill is co-sponsored by the Eaton Fire Survivors Network and Consumer

Support Position on SB 1076 (Pérez) - Insurance Coverage for Fire-Safe Homes Act  
CALENDAR

Watchdog. Polling conducted by Hart Research and FM3 Research found that 85 percent of voters believe home insurers should be required to cover homeowners who meet state fire safety guidelines.

ALTERNATIVE ACTIONS CONSIDERED

- The City of Berkeley could take no position on SB 1076, on the grounds that insurance regulation is primarily a state function outside the City's direct jurisdiction. However, the DFSC finds that the insurance availability crisis in Berkeley's hillside neighborhoods is a direct threat to community safety, housing stability, and the City's wildfire mitigation objectives. SB 1076 directly advances those objectives at no cost to the City, and Berkeley's voice in support of the bill could meaningfully contribute to its prospects for passage.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Keith May, Commission Secretary, Deputy Fire Chief, (510) 510-981-5508

Attachments:

1: Sample Letter of Support

Support Position on SB 1076 (Pérez) - Insurance Coverage for Fire-Safe Homes Act  
CALENDAR

**ATTACHMENT A**

*Draft Letter of Support from the Mayor of Berkeley*

[DATE]

The Honorable Sasha Renée Pérez  
California State Senate, District 25  
State Capitol, Room [Room Number]  
Sacramento, CA 95814

Re: Letter of Support – SB 1076 (Pérez): Insurance Coverage for Fire-Safe Homes Act

Dear Senator Pérez:

On behalf of the City of Berkeley, I am pleased to write in strong support of Senate Bill 1076, the Insurance Coverage for Fire-Safe Homes Act. This legislation addresses one of the most critical and frustrating failures of the current residential insurance market: the denial of coverage to homeowners who have done everything right – who have hardened their homes, created defensible space, and invested in making their properties safer – and who are still being turned away by insurers.

Berkeley is intimately familiar with wildfire risk. The Berkeley Hills are designated a Very High Fire Hazard Severity Zone, and our community has lived with the memory of the 1991 Tunnel Fire – which destroyed more than 3,300 homes and claimed 25 lives – as a constant reminder of what is at stake. In recent years, we have watched the insurance market retreat from our hillside neighborhoods, leaving residents with limited or no options for affordable coverage. FAIR Plan enrollment has doubled statewide in just two years, and Berkeley residents are among those most affected.

The core problem SB 1076 addresses is not merely an inconvenience – it is a fundamental breakdown of the incentive structure that should be driving wildfire risk reduction. When homeowners invest in fire-resistant roofing, ember-resistant vents, and defensible space, they reduce risk not just for themselves but for their neighbors and their entire community. If those investments do not guarantee access to insurance, the incentive to make them is severely undermined. SB 1076 restores that incentive by ensuring that meeting state-defined wildfire safety standards translates into a right to coverage.

The City of Berkeley has worked hard to encourage home hardening through local programs including a Transfer Tax Rebate for wildfire hardening improvements and ongoing resident assistance initiatives. SB 1076 would powerfully reinforce those local efforts. We strongly support the bill's balanced approach: requiring coverage for compliant properties while preserving insurers' ability to apply non-wildfire underwriting criteria and to seek temporary waivers for genuine overconcentration of risk through a transparent, public process.

Support Position on SB 1076 (Pérez) - Insurance Coverage for Fire-Safe Homes Act  
CALENDAR

The City of Berkeley urges the Legislature to pass SB 1076 and respectfully requests the Governor's signature.

Sincerely,

Mayor, City of Berkeley

**cc:**

Senator Jesse Arreguín, California State Senate, District 9  
Assemblymember Buffy Wicks, California State Assembly, District 14  
Berkeley City Council



CONSENT CALENDAR  
Tuesday, April 28, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Jenny Wong, City Auditor *zw*

**Subject:** Berkeley's Financial Condition (FY 2016-FY 2025): Structural Deficit Poses Risk to Financial Sustainability

### RECOMMENDATION

We recommend City Council request that the City Manager report back by Fall 2026, and annually thereafter, regarding the status of our audit recommendations until reported fully implemented by the Finance Department, Budget Office, and other relevant departments. This audit includes 9 recommendations to formalize the use of more sustainable budget strategies, ensure funds withdrawn from the Section 115 Trust are replenished, improve financial reporting, and develop a capital financing plan that proposes future funding mechanisms beyond existing sources to help address the City's growing unfunded capital needs. City management agreed or partially agreed to our recommendations. Please see our report for their complete response.

### FISCAL IMPACTS OF RECOMMENDATION

The audit recommendations intend to help the City achieve long-term financial sustainability and address the financial risks identified in the report. This audit is especially relevant as the City will need to make difficult decisions to close the FY 2027 and FY 2028 structural General Fund deficit.

### CURRENT SITUATION AND ITS EFFECTS

This audit assessed Berkeley's financial condition between FY 2016 and FY 2025 using various financial indicators. Overall, Berkeley's long-term financial condition is facing ongoing challenges, similar to the findings from our [2022 audit](#). In the near-term, Berkeley's structural deficit poses additional risk to the City's long-term financial sustainability. As we stated in our 2022 audit, it will continue to be important for the City to balance its near-term needs and long-term financial obligations.

### *Near-Term Financial Indicators*

1. **Revenues and Expenses:** Despite budgetary challenges, the City's revenues for governmental activities generally covered actual expenses in the past ten fiscal years, except for FY 2020. Berkeley's largest source of revenue was property taxes. While a smaller portion of revenue, investment earnings saw the largest percentage increase and lease revenue decreased by nearly one half.

2. **Budgetary Practices:** The City's previous one-time balancing strategies can put the long-term sustainability of some funds at risk. Some enterprise funds also faced structural deficits and received millions of dollars from the General Fund and other funds to balance. The City is considering placing a sales and use tax measure on the 2026 ballot to generate new revenues to help address its projected General Fund deficit.
3. **Demographic and Economic Indicators:** The City's economy improved after the pandemic but experienced recent declines. Property value continues to grow, while median household income has not substantially grown. Unemployment recovered to pre-pandemic levels but has trended upward again.
4. **Net Position, Liquidity, and Reserves:** The City's net position increased, and its liquidity ratio is strong. The City is on track to meet its updated General Fund reserves goal.

#### *Long-Term Financial indicators*

5. **Long-Term Debt and Liabilities:** The City's long-term liabilities have grown. General obligation bond debt per resident peaked in FY 2022 and declined in recent years. The City's general obligation bond debt remained at or less than one percent of taxable assessed property value.
6. **Net Pension and Retiree Healthcare Liabilities:** The City's unfunded pension liability is still considered high risk and totaled \$694.8 million as of FY 2025. However, the City made progress in decreasing its unfunded retiree healthcare liability by more than \$100 million. According to the Government Financial Officers Association, Berkeley would have the highest bond rating, and as a result cheaper borrowing, if not for its pension liabilities. The City has not consistently met its annual contribution goal to the Section 115 Trust.
7. **Capital Assets:** The City's unfunded capital and deferred maintenance needs have grown to \$1.8 billion in FY 2024 despite some increased investment. Compared to other jurisdictions, Berkeley lacks advanced planning to finance capital needs in the long term. Advanced planning could help the City better anticipate and communicate plans for future bond measures. Without sufficient investment, these unfunded capital needs will continue to grow. To help address some of these capital needs, the City is considering placing a \$300 million bond measure on the 2026 ballot.

#### BACKGROUND

This audit provides an update on Berkeley's financial condition since our last financial condition audit in 2022. The audit's purpose is to provide a clear, accessible report for the public and City leadership to better understand the City's near-term and long-term financial condition and help inform decision making, especially ahead of difficult budget decisions.

#### ENVIRONMENTAL SUSTAINABILITY

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



RATIONALE FOR RECOMMENDATION

Implementing our recommendations will improve the City's long-term financial sustainability. If the City uses more sustainable budget strategies rather than one-time solutions to pass future budgets, the City is more likely to have recurring revenues cover recurring expenses to sustain ongoing operations. If the City explicitly requires the Section 115 Trust to be replenished after Trust funds are withdrawn, the City is more prepared to meet its future pension obligations. If the City develops a capital financing plan that includes proposals to raise new funding, the City is more likely to have sufficient funding to address its unfunded capital and deferred maintenance needs.

CONTACT PERSON

Jenny Wong, City Auditor, City Auditor's Office, 510-981-6750

## Attachments:

- 1: Audit Report: Berkeley's Financial Condition (FY 2016-FY 2025): Structural Deficit Poses Risk to Financial Sustainability

Audit Report  
April 8, 2026

# Berkeley's Financial Condition (FY 2016-FY 2025): Structural Deficit Poses Risk to Financial Sustainability



BERKELEY CITY AUDITOR

Jenny Wong, City Auditor

Caitlin Palmer, Audit Manager

Manami Suenaga, Auditor I



# Berkeley's Financial Condition (FY 2016-FY 2025): Structural Deficit Poses Risk to Financial Sustainability

## Report Highlights

April 8, 2026



### Findings

Overall, Berkeley is facing ongoing challenges regarding its long-term financial condition, similar to the findings from our 2022 audit. In the near term, the City faces a structural deficit, which poses additional risk to the City's long-term financial sustainability.

#### Near-Term

**Revenues and Expenses:** Governmental activities revenues generally exceeded expenses, but the General Fund still faced a structural deficit.

**Budgetary Practices:** The City's one-time balancing strategies can put the long-term sustainability of some funds at risk. Some enterprise funds also have structural deficits and receive transfers from the General Fund and other funds to balance.

**Demographic and Economic Indicators:** The City's economy improved after the pandemic but experienced recent declines. Property value continues to grow, while median household income has not substantially grown. Unemployment recovered to pre-pandemic levels but has trended upward again.

**Net Position, Liquidity, and Reserves:** The City's net position increased, and its liquidity ratio is strong. The City is on track to meet its updated reserves goal.

#### Long-Term

**Long-Term Debt and Liabilities:** The City's long-term liabilities have grown. General obligation bond debt per resident peaked in FY 2022 and declined in recent years. The City's general obligation bond debt remained at or less than one percent of taxable assessed property value.

**Net Pension and Retiree Healthcare Liabilities:** The City's net pension liability is still high risk. Net pension liability peaked in FY 2021 and decreased thereafter. Net retiree healthcare liability decreased. The City set aside resources to pre-fund pension obligations in a Section 115 Trust but has not consistently met its annual contribution goal.

**Capital Assets:** The City's unfunded capital and deferred maintenance needs have grown to \$1.8 billion despite some increased investment. The City lacks advanced planning to finance its capital plan in the long term. Without sufficient investment, these unfunded capital needs will continue to grow.

### Objective

Our objective was to assess Berkeley's financial condition using indicators for the following categories:

1. Revenues and Expenses
2. Budgetary Practices
3. Demographics and Economic Indicators
4. Net Position, Liquidity, and Reserves
5. Long-Term Debt and Liabilities
6. Net Pension and Retiree Healthcare Liabilities
7. Capital Assets

### Why This Audit Is Important

The audit's purpose is to provide a clear, accessible report for the public and City leadership to better understand the City's near-term and long-term financial condition and help inform decision making. This audit is especially relevant as the City will need to make difficult decisions to close the projected \$32 million General Fund deficit in FY 2027 and \$33 million in FY 2028.<sup>1</sup>

<sup>1</sup> This is the structural deficit estimate as of January 22, 2026.



BERKELEY CITY AUDITOR

For the full report, visit [the City Auditor's website](#).

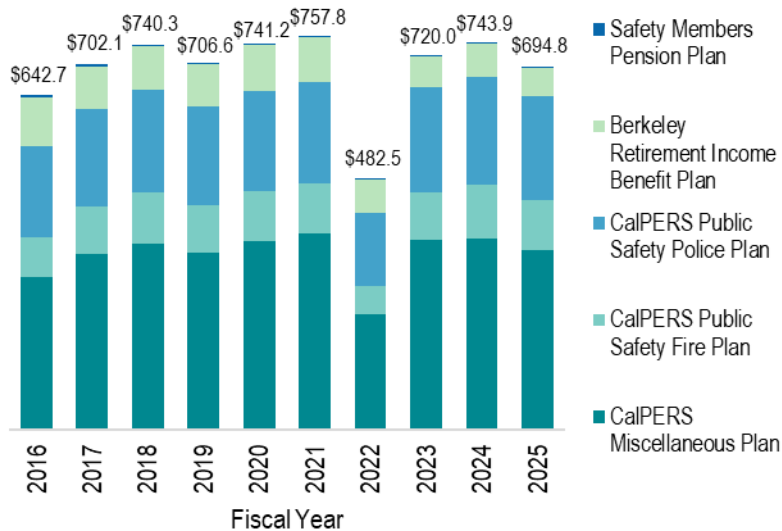
## Report Highlights

April 8, 2026



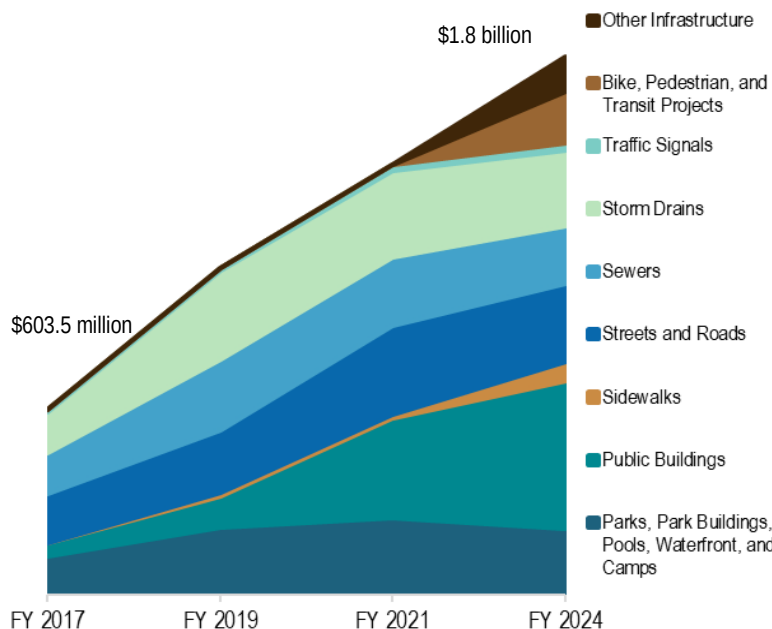
### Findings

#### Net Pension Liability Per Plan (in millions, in 2025 dollars)



Source: Finance Department data

#### Unfunded Capital and Deferred Maintenance Needs (in 2025 dollars)



Source: Berkeley's unfunded liability reports (FY 2017-FY 2021); Capital Improvement Program (FY 2024)

### Summary of Recommendations

To help the City pass a structurally balanced budget, we recommend City management propose a fiscal policy to City Council to assess whether recurring revenues and recurring expenditures are balanced, and to formalize developing the baseline budget using the prior year's actual expenditures and projected needs.

To improve the financial sustainability of enterprise funds, we recommend the City adopt a citywide policy to regularly evaluate enterprise fees and establish reserves for each enterprise fund.

To continue to strengthen the Section 115 Trust, we recommend City management amend the fiscal policies to explicitly require the City replenish the Trust after funds are withdrawn.

To improve the City's ability to anticipate capital infrastructure needs, we recommend City management extend the Capital Improvement Program (CIP) beyond five years.

To address the City's long-term capital infrastructure needs, we recommend City management develop a capital financing plan that covers a period at least as long as the CIP and proposes future funding mechanisms beyond existing sources.

City management agreed or partially agreed with these recommendations.



BERKELEY CITY AUDITOR

For the full report, visit [the City Auditor's website](#).

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## Introduction

This audit provides an update on Berkeley's financial condition since our last financial condition audit in 2022.<sup>1</sup> The audit's purpose is to provide a clear, accessible report for the public and City leadership to better understand the City's near-term and long-term financial condition and help inform decision making, especially ahead of difficult budget decisions. This audit does not assess the state of the national economy or project the potential impact of recent economic events.

Overall, Berkeley is facing ongoing challenges regarding its long-term financial condition, similar to the findings from our 2022 audit. Berkeley's net pension liability is still considered high risk. The City's unfunded capital and deferred maintenance need has grown to \$1.8 billion. In the near-term, the City faces a structural deficit, which poses additional risk to the City's long-term financial sustainability. As we stated in our 2022 audit, it will continue to be important for the City to balance its near-term needs and long-term financial obligations.

Throughout the report, we compared some of Berkeley's financial indicators to other California cities with similar characteristics. For all the financial indicators that we benchmarked to peer cities, Berkeley is not an outlier and mostly falls in the middle of the range.

## Objective

Our objective was to assess Berkeley's financial condition using financial indicators for the following categories:

1. Revenues and Expenses
2. Budgetary Practices
3. Demographic and Economic Indicators
4. Net Position, Liquidity, and Reserves
5. Long-Term Debt and Liabilities
6. Net Pension and Retiree Healthcare Liabilities
7. Capital Assets

## Scope and Methodology

This audit is an update to our previous financial condition audit, and we relied on a similar methodology for consistency. We used financial indicators included in the International

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<sup>1</sup> [Berkeley's Financial Condition \(FY 2012-FY 2021\): Pension Liabilities and Infrastructure Need Attention](#)

City/County Management Association's (ICMA) *Evaluating Financial Condition* handbook for local governments. We also included some indicators used by peer cities in their financial condition audits. We do not provide an in-depth analysis of causes and impact, but we point out areas of financial risk for the City to evaluate further.

For our audit scope, we examined Berkeley's financial data within the past 10 fiscal years, from FY 2016 to FY 2025, except for a few indicators for which data was only available for limited years. We relied mainly on data from Berkeley's Annual Comprehensive Financial Reports (ACFRs). For some indicators, we also analyzed other sources of city financial data. Where appropriate, we adjusted financial indicators for inflation using the Bay Area Consumer Price Index calculated by the U.S. Bureau of Labor Statistics to express values in 2025 dollars.

For some indicators, we benchmarked Berkeley to other California cities. We selected Long Beach, Oakland, Pasadena, Santa Clara, Santa Monica, and Palo Alto because these cities were similar to Berkeley across one or more criteria, such as population, general fund expenditures per resident, services provided, and presence of a large university.

For more information on our methodology, see page 43.

## Background

According to the ICMA, financial condition refers to a local government's ability to finance its services on an ongoing basis. To understand Berkeley's financial condition, this audit considers a series of financial indicators tracked over time. These indicators reflect Berkeley's financial decisions as well as external factors outside of Berkeley's control, such as changes in economic conditions, financial markets, and federal funding decisions.

To provide a broad overview of Berkeley's financial condition, our primary source was government-wide financial statements from the City's ACFRs. Government-wide financial statements are also categorized into governmental and business-type activities. This audit report mainly focuses on governmental activities, which fund citywide operations that serve all Berkeley residents and are supported mostly by taxes. Governmental activities include service areas such as general government, public safety, transportation, community development, and culture and leisure. Business-type activities operate like businesses and are supported by enterprise funds, such as the Berkeley Marina and Parking Meter funds.

This audit also takes into consideration Berkeley's unique characteristics. Berkeley has the highest population density of any city in the East Bay. Berkeley's economy is shaped by the

presence of the University of California, Berkeley campus, the high assessed value of property, and a diverse tax base. The City provides residents a full range of services beyond those offered by most similarly-sized cities in California. The City offers its own sanitation, sewer, and waste management services; parks, recreation, and the Berkeley Marina; health, housing, and community services, including city-funded health clinics and mental health services; animal control; and library. Berkeley is also a relatively older city and faces challenges with aging infrastructure.



## Revenues and Expenses: Governmental activities revenues generally exceeded expenses, but the General Fund still faced a structural deficit.

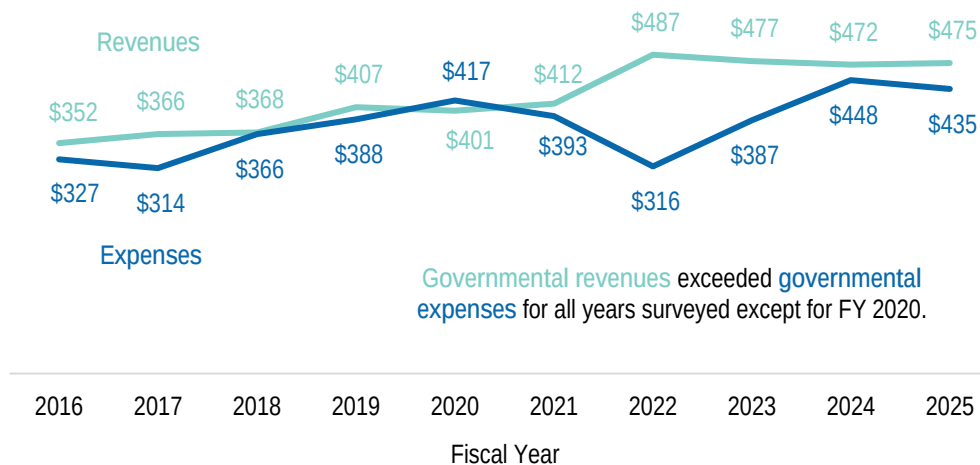
Berkeley's governmental activities revenues exceeded expenses for all years in the audit scope except FY 2020. Governmental activities revenues increased overall, primarily from growth in revenues from property taxes, state and local taxes, and investment earnings. Governmental activities expenses also increased overall, primarily from growth in community development and housing as well as health and welfare. However, the General Fund still faced a structural deficit.

### Revenues

#### Governmental activities revenues generally exceeded expenses.

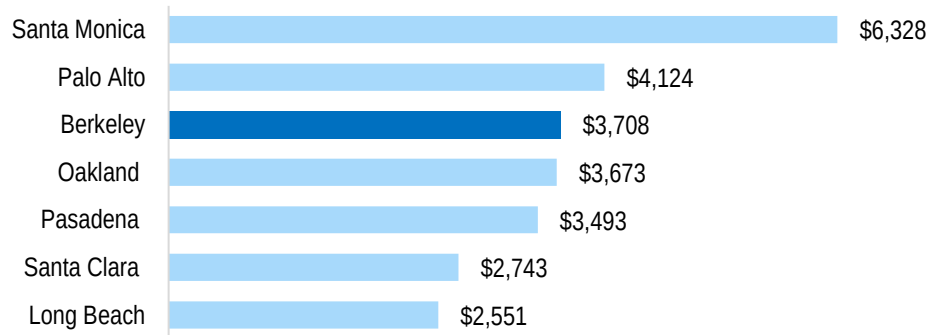
Governmental activities revenues exceeded governmental activities expenses for all years except FY 2020 (Figure 1). The exception in FY 2020 was because of revenue shortfalls due to the COVID-19 pandemic.

**Figure 1. Governmental Activities Revenues and Expenses (in millions, in 2025 dollars)**



Source: Berkeley ACFRs

Compared to benchmark cities in FY 2024, Berkeley's governmental revenues per resident were in the middle of the range and nearly the same as Oakland (Figure 2). Similarly, Berkeley was in the middle of the range relative to benchmark cities in our 2022 financial condition audit.

**Figure 2. Governmental Activities Revenues per Resident, FY 2024**

Source: Cities' FY 2024 ACFRs

Note: Not all cities reported population data by fiscal year. Santa Monica and Oakland's ACFR population figures are from calendar year 2024. Pasadena's population figure is from calendar year 2023.

### However, the General Fund still faced a structural deficit.

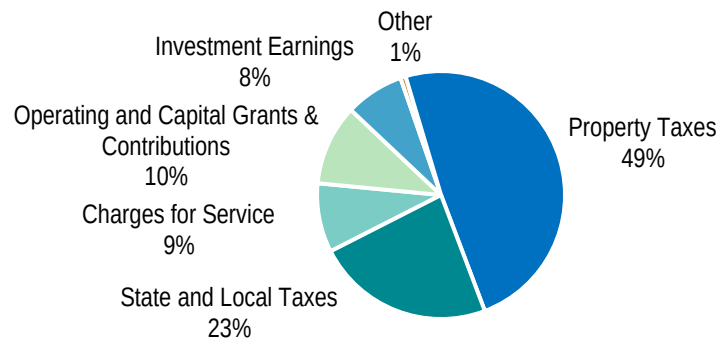
The General Fund is the largest of all governmental funds and is the City's primary operating fund which pays for services provided by the City. City leaders focus on the General Fund because it is a flexible source of funding and can help address the City's most pressing needs.

While the City's governmental activities revenues generally exceeded expenses, the City still faced a structural General Fund deficit, with deficits ranging from \$12 million to \$40 million. This is because the City determines whether it has a structural deficit at the start of the budget process. A structural deficit occurs when budgeted revenues are projected to be less than budgeted expenditures. However, Berkeley can balance its budget through one-time measures, such as moving surpluses from other funds into the General Fund. These transfers are recorded as General Fund revenue. The City's actual revenues generally cover its actual expenditures due in part to these balancing measures and adjustments to the City's revenues and expenditure over the fiscal year. Therefore, while the General Fund still faced a structural deficit, the City's governmental activities revenues generally exceeded expenses.

In the next section starting on page 13, we discuss Berkeley's budgetary practices in the context of the structural budget deficit in further detail.

### Where do revenues for Berkeley's governmental activities come from?

In FY 2025, the largest source of revenue was property taxes (49 percent), followed by state and local taxes (23 percent) and operating and capital grants and contributions (10 percent) (Figure 3).

**Figure 3. Revenues for Governmental Activities by Source, FY 2025**

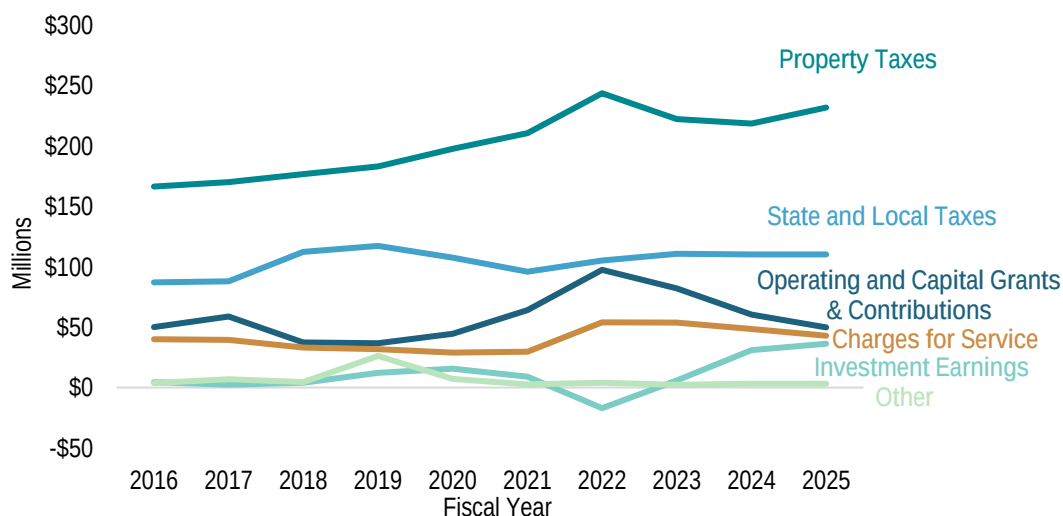
Source: Berkeley FY 2025 ACFR

Note: "Other" includes revenues from contributions not restricted to specific programs, revenues (or losses) from the gain or loss on the sale of capital assets, miscellaneous revenues, and revenues from other unrestricted state subventions.

### How have revenues changed over time?

In total, governmental activities revenues increased by 35 percent, from \$352.0 million in FY 2016 to \$474.5 million in FY 2025, adjusted for inflation.

Berkeley's largest source of revenue was property taxes, which grew substantially and reached a peak in FY 2022. Between FY 2016 to FY 2025, revenue from property taxes increased by 39 percent, from \$166.5 million to \$231.9 million, adjusted for inflation (Figure 4). The peak in FY 2022 is explained by multiple factors, including increased assessed value of property, increased value of property sales, and the passage of Measure FF in 2020, a special tax to support fire services which was effective in FY 2022, adding more property based tax revenues.

**Figure 4. Revenues for Governmental Activities by Source (in millions, in 2025 dollars)**

Source: Berkeley ACFRs

Berkeley's next largest source of revenue was state and local taxes, which also grew during the audit period. Between FY 2016 to FY 2025, revenue from state and local taxes increased by 27 percent, from \$87.1 million to \$110.3 million, adjusted for inflation (Figure 4).

Operating and capital grants and contributions more than doubled from FY 2019 to FY 2022, but these revenues have since declined (Figure 4). The increase was due in large part to the City receiving American Rescue Plan Act (ARPA) grant funds.

Of all revenue streams, revenues from investment earnings had the largest percentage increase (693 percent) between FY 2016 and FY 2025. Investment earnings dipped in FY 2022, due to increased interest rates set by the Federal Reserve, but recovered above pre-pandemic levels by the end of the audit period.

The Finance Department (Finance) updates City Council on the status of the City's investment portfolio through quarterly investment reports. These quarterly investment reports include the City's investment rate of return for the quarter, indicating the outcomes of the City's investment approach, policies, and other external factors. The reports evaluate performance changes from quarter to quarter within the past fiscal year and do not cover trends across multiple years. Other cities cover past trends across years. For example, the City of Palo Alto's FY 2025 fourth quarter investment report showed their investment portfolio's rate of return for the past twenty three years.

Berkeley's Investment Policy requires Finance to provide an annual investment report to Council in addition to quarterly reports. Finance currently does not submit an annual investment report to Council. However, Finance produced annual investment reports to Council in the past that covered key investment results, such as the rate of return on the City's investments, and compared these results to the previous five fiscal years.

According to the City's Investment Policy, the City's primary investment objective is to achieve a reasonable rate of return on public funds while minimizing the potential for losses. Without reporting that covers the City's investment rate of return over a longer time span, it is difficult for the public to easily access information about past trends in the City's investment performance.

### How have revenues from leases changed over time?

During the audit period, Berkeley's revenues from leases decreased by nearly one half. The City receives revenue from rent payments from tenants who lease City-owned properties. Between FY 2016 to FY 2025, the City's revenue from leases decreased by 48 percent, from \$4.9 million

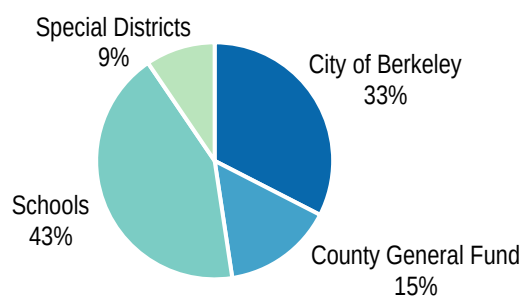
to \$2.5 million, adjusted for inflation.

While we did not investigate the cause of Berkeley's decreased lease revenue, we do know that City management has opportunities to improve lease management, such as regularly monitoring leases to prevent them from going into holdover. From our Leases Audit Follow-Up report, released in January 2025, we found that the City lacks a clear approach to lease management and lacks a complete repository of leases.<sup>2</sup> By improving tracking of leases, the City could improve revenue generation from leases on City-owned properties.

### Where do your property taxes go?

Alameda County collects property tax revenue from Berkeley taxpayers and distributes them among multiple entities. Ad valorem taxes are one part of the property tax bill and are based on a percentage of the assessed value of property. There are two types of ad valorem taxes: the countywide 1 percent tax and voter-approved debt service taxes. The countywide 1 percent ad valorem property tax amounts to roughly one-half of the total property tax bill.<sup>3</sup> However, this may differ for individual properties based on a variety of factors, such as assessed value and square footage. The other part of the property tax bill is fixed charges and/or special assessments, which include parcel taxes. In FY 2025, Berkeley received an estimated one-third of the countywide 1 percent ad valorem property tax revenue generated within the City limits (Figure 5).

**Figure 5. Berkeley's Countywide 1 percent Ad Valorem Property Tax Distribution by Entity, FY 2025**



Source: Auditor analysis of data from the Alameda County Auditor-Controller/Clerk-Recorder's Office

Note: This figure is an estimate of the distribution of countywide 1 percent property tax revenue within City limits. Special districts include AC Transit, East Bay Regional Park, East Bay Municipal Utility District, Bay Area Rapid Transit and other regional entities. According to Alameda County, this does not include any amount that may be shifted due to the dissolution of Berkeley's former redevelopment agency.

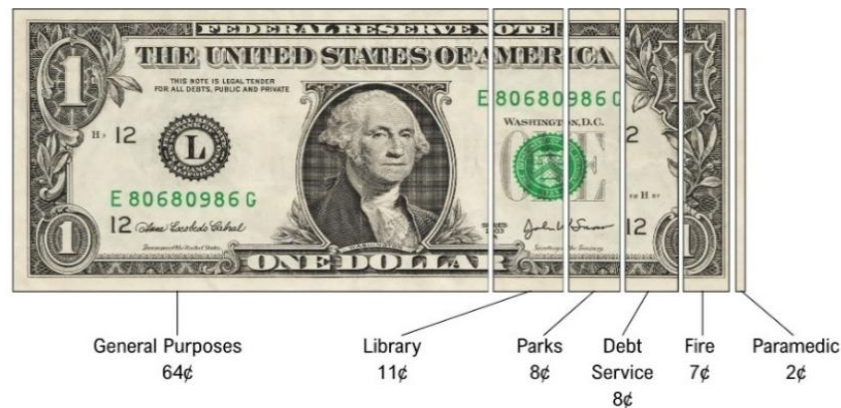
<sup>2</sup> [2009 Leases Audit Follow-Up: Berkeley Faces the Same Risks 16 Years Later](#)

<sup>3</sup> According to a 2025 City management report to Council, this estimate is based on a single-family residence with an assessed value of \$550,000 and 1,900 square feet with a \$7,000 homeowner's exemption.

## What are your property taxes levied for?

Berkeley receives revenues from property taxes that are levied for specific purposes. For every dollar of property tax revenue Berkeley received in FY 2025, a portion was levied for general purposes, library services, city parks, debt service for voter-approved bond measures, fire department services, and paramedic services. The largest portion was levied for general purposes (Figure 6).

**Figure 6. What are your property taxes levied for? (FY 2025)**



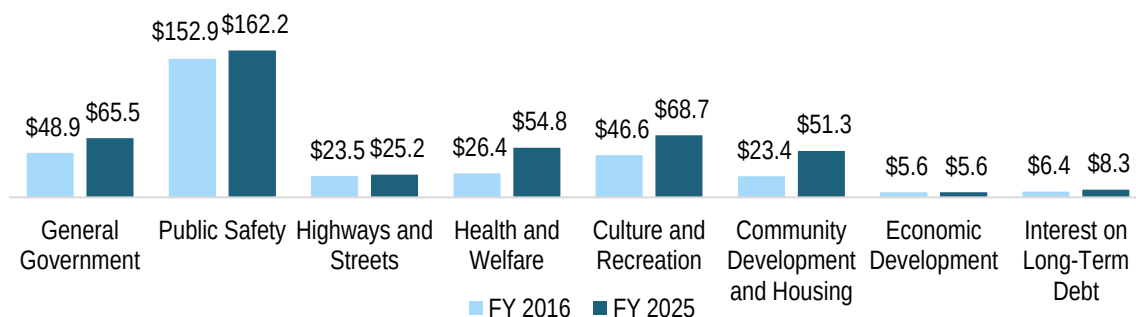
Source: Berkeley FY 2025 ACFR

## Expenses

### How have Berkeley's expenses changed over time?

Overall, Berkeley's government activities expenses increased by 33 percent from \$327.1 million in FY 2016 to \$435.0 million in FY 2025, adjusted for inflation. In FY 2025, public safety represented the City's largest expense by function (Figure 7). Between FY 2016 and FY 2025, City functions with the largest increases in spending were community development and housing (119 percent) and health and welfare (107 percent), adjusted for inflation.

**Figure 7. Expenses for Governmental Activities by Function (in millions, in 2025 dollars)**

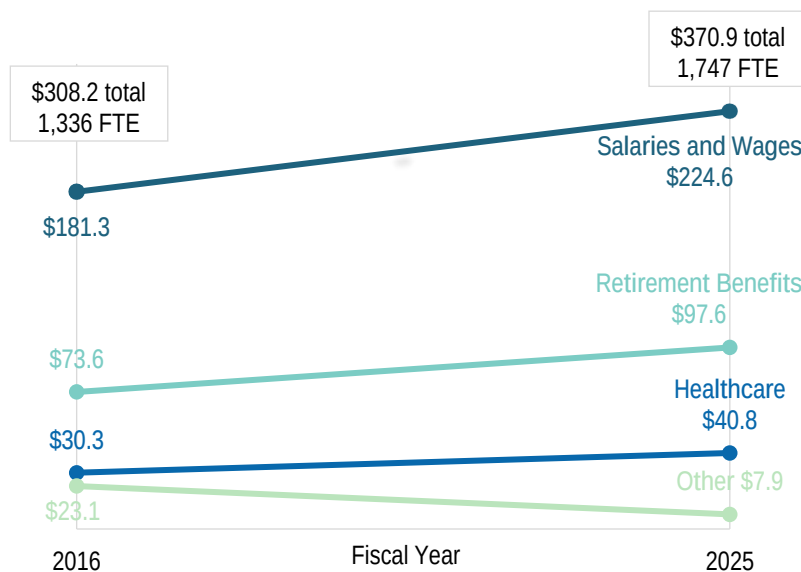


Source: Berkeley ACFRs

## How has personnel expenditure changed over time?

Salaries and benefits represent a large portion of Berkeley's spending and have increased over time. Salaries and benefits represent approximately half of the citywide budget and about two-thirds of the General Fund budget. Between FY 2016 and FY 2025, Berkeley's total personnel expenditure increased by 20 percent from \$308.2 million to \$370.9 million, adjusted for inflation (Figure 8). Berkeley's budgeted full-time equivalent (FTE) employee count increased by approximately 30 percent from FY 2016 to FY 2025, despite total personnel expenditure only increasing by approximately 20 percent.

**Figure 8. Personnel Expenditures by Category (in millions, in 2025 dollars)**



Source: Berkeley City Manager, Budget Office data; Berkeley FY 2025 ACFR

Note: This graphic includes budgeted FTE counts, which include the number of filled and vacant FTEs. "Salaries and wages" include regular and hourly pay, overtime pay, stipends, and workers' compensation pay. "Healthcare" includes healthcare benefits, such as medical, dental, and vision insurance. "Retirement benefits" include retirement income, such as pensions, and retiree healthcare benefits. "Other" includes life insurance, commuter benefits, terminal payout, contributions to the workers' compensation fund, and other fringe benefits.

The City's growth in personnel expenditure is driven by increased spending on salaries and wages, retirement benefits, and healthcare. The City's spending on salaries and wages had the largest dollar increase (\$43.3 million) from FY 2016 to FY 2025, followed by retirement benefits (\$23.9 million) and healthcare (\$10.6 million) (Figure 8).

Salaries and wages increased from FY 2016 to FY 2025 primarily due to a \$33.3 million increase in regular salary expenditures for employees other than Police, and a \$10.6 million increase in Police and Fire overtime expenditures, adjusted for inflation. Notably, regular salary expenditures for Police decreased by \$4.8 million from FY 2016 to FY 2025, adjusted for



inflation. In our 2022 audit of police overtime, we found the Berkeley Police Department (BPD) relied on overtime to achieve its staffing levels.<sup>4</sup> Consistent with this audit's findings, BPD's actual overtime expenditures exceeded its overtime budget for the last three fiscal years, according to the BPD's FY 2025 budget presentation to the Budget and Finance Committee.

### What is contributing to General Fund expenditure growth?

In January 2026, the Budget Office highlighted General Fund expenditures that have substantially grown, including salaries, pension costs, overtime pay, and public liability insurance. However, these costs vary in their contribution to the General Fund baseline overall. For FY 2027, salaries are projected to represent 34.8 percent of the General Fund baseline, compared to pension costs representing 17.7 percent, overtime pay representing 4.2 percent, and public liability insurance representing 3.6 percent.

According to the City Attorney's Office, cost increases for public liability insurance reflect a statewide trend of increasing insurance or self-insurance costs for public entities. The City's public liability insurance is a self-insurance pool administered by the Bay Cities Joint Power Insurance Authority (BCJPIA), whose members consist of cities, towns, and other public agencies located in the Bay Area. In FY 2025, the City's public liability insurance cost through BCJPIA was \$10.46 million, which included risk management support, claims handling, and general liability coverage, involving the payout of general liability claims.

### Recommendation

- 1.1 To present clear information regarding the City's investment performance, we recommend the Finance Department provide an investment report to Council that compares the City's investment rate of return for the most recent fiscal year to at least the previous five fiscal years, similar to the City's past annual investment reports.

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<sup>4</sup> [Berkeley Police: Improvements Needed to Manage Overtime and Security Work for Outside Entities](#)



## Budgetary Practices: One-time balancing strategies can put the long-term sustainability of some funds at risk.

### General Fund Deficit

Berkeley's General Fund faces a structural deficit. As mentioned previously, a structural deficit occurs when budgeted revenues are projected to be less than budgeted expenditures. Berkeley has faced a structural General Fund deficit for multiple years. The City currently faces a projected structural General Fund deficit that is estimated at \$32 million in FY 2027 and \$33 million in FY 2028.<sup>5</sup>

### Berkeley relied on one-time balancing measures to address its structural deficit in the past.

Berkeley faces an ongoing structural General Fund deficit due in part to one-time balancing measures. For several years, the City used one-time balancing measures to address the structural deficit rather than making structural changes to budgetary practices. While one-time solutions relying on other funds can be appropriate to balance the General Fund temporarily, they do not address the General Fund structural deficit in the long run and can put long-term sustainability of these other funds at risk.

For example, to help balance the General Fund in FY 2025, the City redirected \$4.7 million intended for the workers' compensation fund to the General Fund. At the time, an external actuarial report had previously stated that the City's workers' compensation program did not have enough assets to cover its estimated future liabilities by approximately \$2 million as of June 2024. Using funds intended for the workers' compensation fund put the City at risk of not having enough assets to cover workers' compensation benefits for employees who have suffered a work-related injury or illness. It also did not help address the structural deficit in the General Fund in the long run.

The City also relied on the Section 115 Trust to help balance the General Fund in FY 2025. The City pulled \$3 million from the Section 115 Trust to pay for its pension expenses instead of the General Fund. The Section 115 Trust is a rainy-day fund that allows the City to set aside resources to pay its pension obligations. While the City was authorized to use the Section 115 Trust to pay for pension expenses, it is not sustainable for the City to continuously rely on the

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<sup>5</sup> This is the structural deficit estimate as of January 22, 2026.

Section 115 Trust to meet its pension obligations. By transferring funds out of the Section 115 Trust, the City may be less prepared to meet its required pension contributions in the long term, which can negatively impact the City's financial condition. We discuss the Section 115 Trust in further detail on page 32.

### **City Council's fiscal policies for budget development can be strengthened.**

City Council's fiscal policies for budget development can be strengthened. By law, the City must pass a balanced budget. However, the City can meet the statutory definition of a balanced budget by using one-time solutions rather than sustainable strategies. In a 2022 risk analysis report commissioned by the City, the Government Finance Officers Association (GFOA) recommended the City adopt a policy that commits to using sustainable strategies to pass a structurally balanced budget, where recurring revenues are equal to or exceed recurring expenditures. GFOA also recommends that city budget policies call for communicating whether recurring revenues and recurring expenditures are balanced. While City Council has a fiscal policy that requires the budget to primarily allocate one-time revenue for one-time expenditures, the Council's fiscal policies do not require a separate assessment of recurring revenues and recurring expenditures.

Some cities have adopted this GFOA best practice in different ways. For example, the City of Long Beach adopted a policy that requires the General Fund budget to be structurally balanced for the fiscal year. If the General Fund is structurally unbalanced, the policy requires the City to explain their approach and time frame for achieving structural balance in the General Fund.

City management has recently used some more sustainable strategies to develop the budget. For the fiscal year 2027 and 2028 budget, the Budget Office used the prior year's actual expenditures and projected needs to develop the baseline budget, rather than using the prior year's adopted budget, which had been the practice for many years. According to the Budget Office, this new baseline budget approach aims to more accurately project the real cost of service. GFOA also states that budgeting based on the estimated cost of services rather than assuming the prior year's budget helps to avoid mid-year budget increases. However, this initiative from the Budget Office has not yet been formally adopted as a requirement for future budgets.

In addition, the City is considering placing a sales and use tax measure on the 2026 ballot to help address its projected General Fund structural deficit and support essential City services. The potential 0.5 percent increase in the City's sales and use tax would provide about \$9 to \$10

million annually for general governmental use until ended by voters, according to sample ballot language for the proposed sales and use tax measure.

## Enterprise Fund Deficits

### Some enterprise funds have structural deficits and receive transfers from other funds to balance.

Some enterprise funds have structural deficits. For example, the Off-Street Parking Fund has a deficit due in part to decreased parking revenues because of the pandemic and increased expenditures from debt service costs for the Center Street Garage Reconstruction Project. The Off-Street Parking Fund uses parking fees to support capital, operation, and maintenance costs of three off-street parking facilities owned by the City: the Center Street Garage, the Oxford Garage, and the Telegraph Channing Garage. In addition, some of the City's parking fees have not been updated in five or more years, which may have slowed down Off-Street Parking Fund revenues. The Off-Street Parking Fund depleted its fund balance in FY 2020 and relies on surplus from the Parking Meter Fund to continue operations. In FY 2025, \$1 million was transferred from the Parking Meter Fund to the Off-Street Parking Fund. The Off-Street Parking Fund also received \$1.9 million in General Fund support in FY 2022 and a total of \$4.1 million in ARPA funds in FY 2022 and FY 2023.

The Marina Fund also has a structural deficit and has received transfers from other funds to help cover operational and capital needs for many years. According to the adopted FY 2025 and FY 2026 budget, the Marina Fund received over \$30 million in total capital funding from the T1 Bond Measure, grants, and General Fund over the previous three years.<sup>6</sup> While not a transfer, the Marina Fund also received approximately \$2.6 million in ARPA funds in FY 2022 and FY 2023 to help balance the fund. According to Parks, Recreation and Waterfront (PRW) leadership, despite an investment in capital funding of more than \$50 million over the last 10 years, unfunded capital infrastructure needs at the waterfront still exceed an estimated \$163 million. Marina Fund revenues primarily come from fees generated from vessels that berth at the Marina, commercial building and ground leases, and recreation programs. According to PRW leadership, revenues have suffered because several commercial tenants have struggled to pay rent, and berth occupancy has not recovered from a safety- and infrastructure-related exodus starting in 2016.

City Council's fiscal policies require enterprise funds to balance. Enterprise funds are intended

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<sup>6</sup> Measure T1 was a \$100 million infrastructure bond passed in 2016 to fund improvements to City infrastructure and facilities.

to be primarily self-supporting and are used for activities which charge fees to customers for goods or services. When enterprise funds have structural deficits, they may rely on transfers from the General Fund to balance and may worsen the overall City budget deficit.

### **Some enterprise funds make annual transfers out to the General Fund.**

Some enterprise funds also make annual transfers out to the General Fund. In FY 2025, the Parking Meter Fund transferred approximately \$1 million to the General Fund for the Public Commons for Everyone Initiative. This initiative was intended to improve Berkeley's public areas and increase access to public toilets, public seating, trash cans, as well as housing and outreach services. The annual transfer out of the Parking Meter Fund to the General Fund may not be sustainable when the Parking Meter Fund surplus is also used to help balance the Off-Street Parking Fund. Other transfers from enterprise funds to the General Fund include indirect cost reimbursements related to the operations of the City as a whole, such as administrative support.

### **The City can further strengthen its policies to address enterprise fund deficits.**

The City has taken some steps to address enterprise fund deficits. For example, for the fiscal year 2027 and 2028 budget, the Budget Office required departments to submit structural balancing plans for any fund projecting a deficit. Another example is that the Budget Office asked departments to evaluate current fees and propose adjustments where appropriate. However, the City does not have a documented citywide policy to regularly evaluate and adjust enterprise fees where appropriate. The City also has not regularly evaluated transfers out of enterprise funds and how these transfers impact the financial sustainability of these funds.

In response to a GFOA recommendation, City management started but did not complete plans to develop reserve policies for enterprise funds. Reserves for enterprise funds can promote operational stability and lessen the need for transfers from other funds. On the other hand, according to department staff and leadership, reserves may not be feasible for some enterprise funds that do not have additional funds to set aside. Some jurisdictions have developed separate reserve goals for their enterprise funds. For example, the City of San Diego has different reserve goals for their enterprise funds based on a percentage of operating revenues or the minimum balance needed to support a specific number of days of operation.

## Recommendations

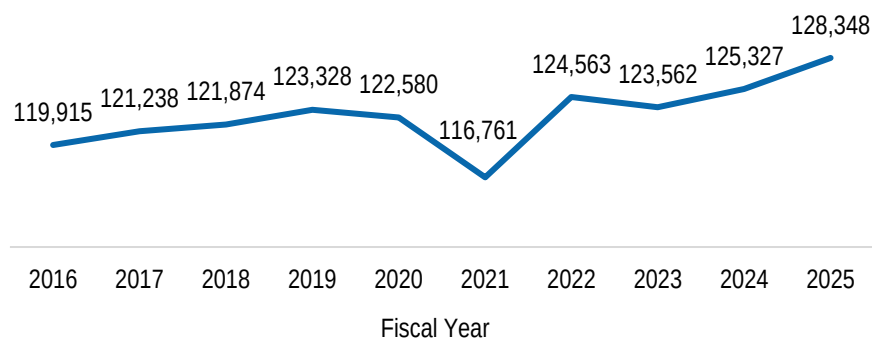
- 2.1 To help the City pass a structurally balanced budget, we recommend City management propose a fiscal policy to City Council to assess whether recurring revenues and recurring expenditures are balanced, and communicate this information to City Council. We recommend this policy also formalize City management's initiative to develop the baseline budget using the prior year's actual expenditures and projected needs.
- 2.2 To ensure sustainable budgetary strategies continue, we recommend the City publicly report in the adopted budget book that departments are required to submit a structural balancing plan to the Budget Office for enterprise funds that project a deficit. As part of this process, we recommend the Budget Office and departments work together to regularly assess the transfers in and out of these enterprise funds.
- 2.3 To improve the financial sustainability of enterprise funds, we recommend the City adopt a citywide policy to regularly evaluate enterprise fees and propose adjustments where appropriate to strengthen revenues and help mitigate the future risk of enterprise fund deficits.
- 2.4 To further improve the financial sustainability of enterprise funds, we recommend the City adopt a policy to establish a reserve for each enterprise fund as appropriate and legally permitted. We recommend the Budget Office and departments work together to determine the appropriate reserve goal for each enterprise fund.

## Demographic and Economic Indicators: Berkeley's economy improved after the pandemic but experienced recent declines.

**Berkeley's population returned to pre-pandemic levels and continued to grow.**

Berkeley's population grew during the audit period between FY 2016 and FY 2025 (Figure 9). Population has exceeded pre-pandemic levels after the decline between FY 2020 and FY 2021 that coincided with the onset of the COVID-19 pandemic.

**Figure 9. Population**



Source: Berkeley FY 2025 ACFR

## UC Berkeley is the City's largest employer and attracts thousands of students and staff to the City.

During the audit period, University of California, Berkeley (UC Berkeley) brought an average of about 44,000 students to Berkeley each year. Between 2016 and 2025, the student population increased by about 6,000 students. UC Berkeley was the City's largest employer, employing approximately one-fifth of the City's workforce, or an average of 14,000 people each year over the audit period. University students and staff have contributed to local consumer spending and increased sales and use tax revenues. The university presence also generates expenses for the City of Berkeley due to students and staff using city services.<sup>7</sup> In 2021, UC Berkeley agreed to pay the City \$82.6 million over 16 years to support city expenses, including fire and other city services.

<sup>7</sup> UC Berkeley is a tax-exempt organization under the Internal Revenue Code Section 501(c)(3).

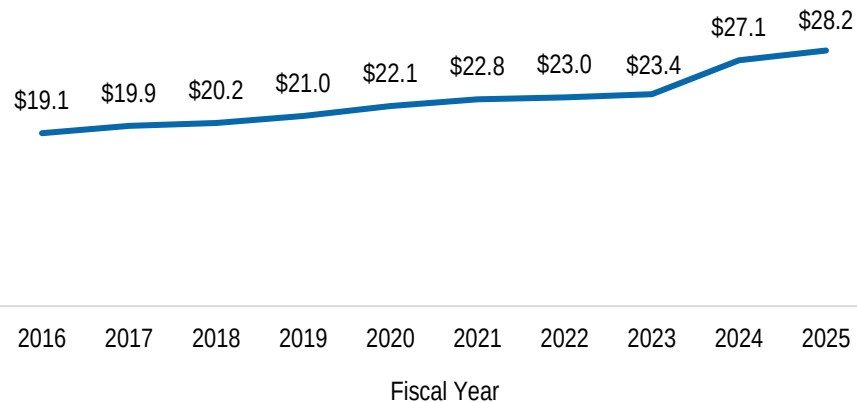
## Unemployment recovered to pre-pandemic levels but has trended upward again.

The City's unemployment rate increased more than three-fold from 3.1 to 13.5 percent between FY 2019 and FY 2020. However, the unemployment rate recovered to pre-pandemic levels in FY 2022. More recently, the unemployment rate has trended upward again, from 3.1 percent in FY 2022 to 5.0 percent in FY 2025.

## Property value continues to grow, while median household income has not substantially grown.

Property values remain a strong and growing source of city revenues. Between FY 2016 and FY 2025, the assessed value of taxable property in Berkeley increased by 48 percent, from \$19.1 billion to \$28.2 billion, adjusted for inflation (Figure 10).

**Figure 10. Total Taxable Assessed Property Value (in billions, in 2025 dollars)**



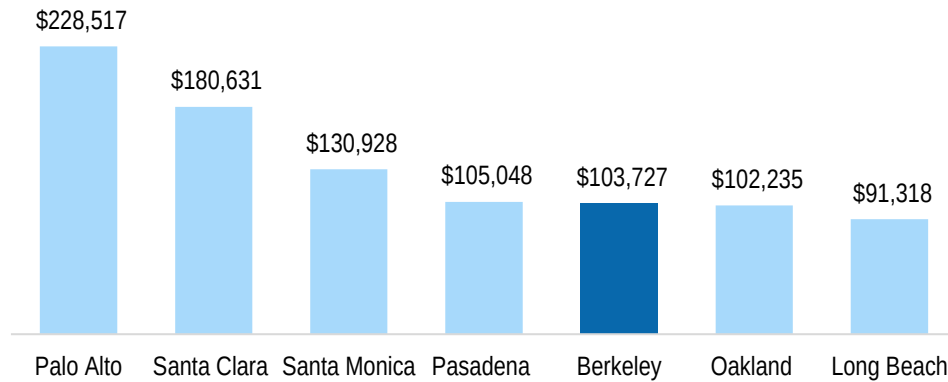
Source: Berkeley FY 2025 ACFR

Property values are integral to Berkeley's overall financial health. Growth in taxable assessed property value corresponds to growth in property tax revenues because a portion of property taxes are based on a percentage of the assessed value of property, otherwise known as ad valorem property taxes. Berkeley residents who are renters and do not benefit from increased property values may also face higher rents passed down from property owners as a result of increased taxes on property.

While property value grew, median household income has not substantially grown. The median household income in Berkeley increased by only 1 percent between 2016 and 2024, after adjusting for inflation. In 2024, Berkeley's median household income fell roughly in the middle of benchmark cities (Figure 11). This may mean that some Berkeley households, especially new homeowners, are paying higher ad valorem property taxes while their incomes may have not

substantially grown after adjusting for inflation. Due in part to Proposition 13, owners of identical properties may pay different amounts of property taxes depending on their time of purchase. Under Proposition 13, the assessed value of property is generally determined by the purchase price and year of purchase. Therefore, new homeowners, whose properties have been recently reassessed at current market value, tend to have higher ad valorem property taxes.

**Figure 11. Median Household Income, 2024**



Source: 2024 American Community Survey (reported in calendar year)



## Net Position, Liquidity, and Reserves: Berkeley's net position, liquidity, and reserves indicate improvements.

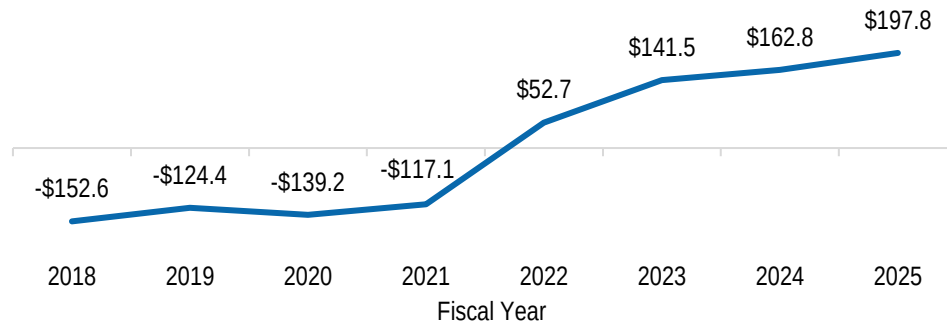
Net position measures the difference between the City's assets (what it owns) and its liabilities (what it owes). The City's assets include cash and investments as well as resources such as capital assets that are not easily converted into cash. The City's liabilities include debt and other obligations, such as accounts payable, accrued salaries and wages, and unfunded pension and retiree healthcare liabilities. Net position reflects a government's financial condition at a point in time and can be thought of as the City's remaining resources after its debts are accounted for.

Liquidity measures the City's cash position, which includes cash on hand and in the bank, as well as other assets that can easily be converted into cash, such as short-term investments. Liquidity tells us about the City's ability to pay its short-term obligations, while net position represents a longer-term view of the City's financial condition because it includes assets not easily converted into cash.

Reserves are funds set aside for future use and are built up over time from operating surpluses. Strong reserves allow cities to weather economic downturns more effectively, manage the consequences of outside agency actions that may result in revenue reductions, and address unexpected emergencies like natural disasters and other catastrophic events such as pandemics.

### The City's net position related to governmental activities increased, indicating an improvement.

The City's growth in net position indicates an improvement but may also reflect factors outside of the City's control, such as changes in the financial market. Between FY 2018 and FY 2025, Berkeley's net position related to governmental activities increased significantly from -\$152.6 million in FY 2018 to \$197.8 million in FY 2025. Specifically, the largest change in net position took place between FY 2021 and FY 2022, when the City's net position increased by \$169.8 million (Figure 12). The large increase in net position between FY 2021 and FY 2022 was specifically due in part to a decrease in net pension and retiree healthcare liabilities from a gain in net investment income. In a later section of this report, we cover the City's net pension and retiree healthcare liabilities in greater detail (see page 30).

**Figure 12. Governmental Activities Net Position (in millions, in 2025 dollars)**

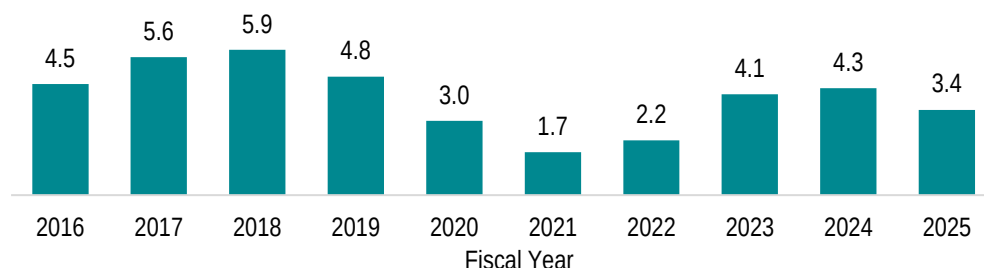
Source: Berkeley ACFRs

Note: We modified the scope of this figure to start in FY 2018, instead of FY 2016, to take into consideration a GASB accounting change that impacted net position beginning in FY 2018.

### Berkeley's liquidity ratio, or cash position, is strong and has increased since a dip in FY 2021.

The liquidity ratio, otherwise known as cash position, measures the City's ability to pay its short-term obligations. According to the ICMA, the liquidity ratio is calculated by dividing cash and short-term investments (assets that can be easily converted to cash) by current liabilities (short-term obligations). A liquidity ratio of greater than one indicates that cash and short-term investments exceed current liabilities. A ratio of one or less than one would be a cause for concern, particularly if this trend persists for more than three years.

Berkeley's liquidity ratio is strong and has increased since a dip in FY 2021. Between FY 2021 and FY 2025, the liquidity ratio increased because cash and short-term investments increased while current liabilities have decreased. Berkeley's increased liquidity ratio suggests that Berkeley's capacity to pay its bills in the short term has improved. However, Berkeley's liquidity ratio in FY 2025 was not as strong as it was in FY 2019, which suggests Berkeley's capacity to pay its bills in the short-term has not fully recovered to pre-pandemic levels (Figure 13).

**Figure 13. Governmental Activities Liquidity Ratio (Current Assets Compared to Current Liabilities)**

Source: Berkeley ACFRs

## Berkeley has contributed annually to its reserves since our 2022 audit.

In FY 2017, the City created the Catastrophic Reserve and the Stability Reserve following a city audit of the General Fund reserve policy. The Catastrophic Reserve is intended to support General Fund operations in the event of a public emergency defined as extreme, one-time events, such as an earthquake, fire, flood, civil unrest, terrorist attack, public health emergencies, and pandemics. The Stability Reserve is intended to help the City maintain services and reduce financial risks associated with unexpected revenue shortfalls during a single fiscal year or prolonged period of recession.

Since our 2022 financial condition audit, the City has contributed annually to its reserves. Our previous audit found that the City was not on track to meet its previous reserve balance goal of 30 percent of budgeted General Fund revenues by FY 2027. This was due in part to the City borrowing from the reserves to balance a General Fund deficit caused by COVID-19. Since then, the City has made annual contributions and increased its overall reserve levels.

## The City updated its reserves goal to balance the need to save with the need to use funds for alternative uses.

In July 2025, the City Council passed a resolution to update its General Fund Reserves policy based on a GFOA risk assessment of the City's reserves. GFOA used a risk model to recommend a reserves goal that would enable Berkeley to cover projected risks within a ten-year period with sufficient confidence. GFOA recommended a range of 20 to 30 percent for the new reserve goal to balance the need to save with the need to use funds for alternative uses. Following GFOA's recommendation, the City Council set a new reserves goal to achieve 20 to 30 percent of budgeted General Fund revenues within ten years. The new goal starts in FY 2026.

## The City is on track to meet its updated reserves goal.

The City is on track to meet its updated reserves goal. As of FY 2025, the reserves level was at 21.3 percent of General Fund revenues (Table 1).

**Table 1. The City is on track to meet its new reserves goal in FY 2026.**

| New reserves level goal                          | FY 2025 reserves level                        | On track to meet goal in FY 2026?                                                            |
|--------------------------------------------------|-----------------------------------------------|----------------------------------------------------------------------------------------------|
| 20 – 30 percent of adopted General Fund revenues | 21.3 percent of adopted General Fund revenues | YES<br> |

Source: Berkeley City Manager, Budget Office data; Council Resolution No. 71,908-N.S.

While FY 2026 is outside of our audit scope, City management estimates that the City is on track to achieve its new reserves goal in FY 2026, with reserves projected to be at 22.1 percent of adopted General Fund revenues. However, the City's reserves level may change before the end of FY 2026 if the City decides to use the Stability Reserve to help address the FY 2027 and FY 2028 structural General Fund deficit.

## Long-Term Debt and Liabilities: Long-term debt and liabilities have grown overall but general obligation bond debt per resident has decreased in recent years.

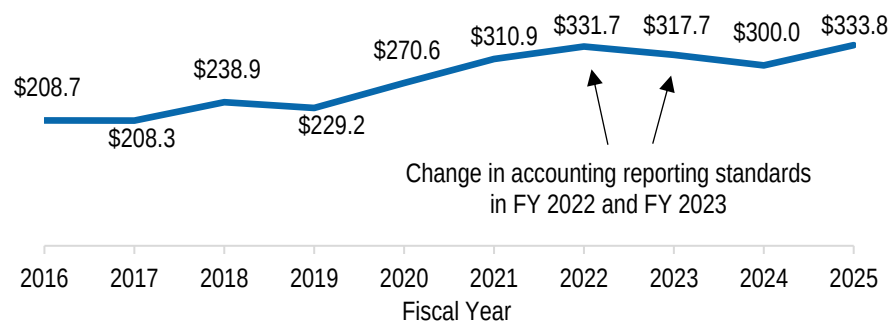
### (Not Including Pension and Retiree Healthcare Liabilities)

An accounting liability is an obligation to make a payment in the future as a result of a past event. Long-term liabilities include debts, in addition to other long-term obligations like accrued vacation and sick leave, accrued workers' compensation claims and judgments, and accrued public liability claims and judgments. Long-term liabilities can include unfunded pension and retiree healthcare liabilities, but they are not included in this section and instead discussed starting on page 30.

### Berkeley's long-term liabilities have grown but still fall in the middle of the range compared to benchmark cities.

Between FY 2016 and FY 2025, the City's total long-term liabilities increased by 60 percent from \$208.7 million to \$333.8 million, adjusted for inflation (Figure 14).

**Figure 14. Governmental Activities Long-Term Liabilities (in millions, in 2025 dollars)**

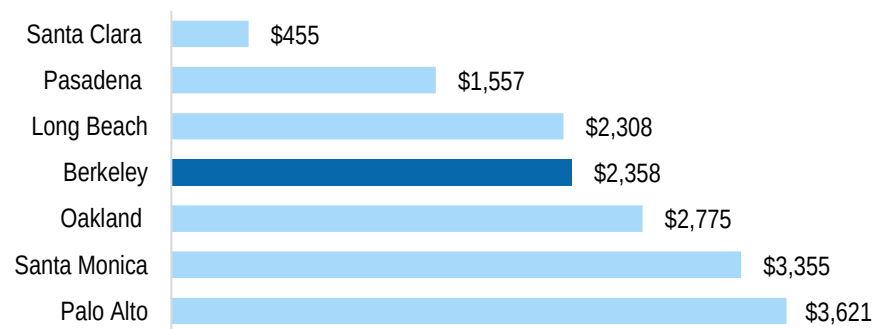


Source: Berkeley ACFRs

In FY 2022, a change in Governmental Accounting Standards Board (GASB) standards required government entities to report leases payable as a long-term liability. In FY 2023, another change in GASB accounting standards required government entities to also report Information Technology (IT) subscriptions, such as software licenses, as a long-term liability. The addition of leases and IT subscriptions did not substantially alter the City's total long-term liabilities, except in FY 2025 when the addition of new leases accounted for more than half of the increase from FY 2024 to FY 2025 (Figure 14).

Compared to benchmark cities, Berkeley's long-term liabilities were in the middle of the range at \$2,358 per resident in FY 2024 (Figure 15). In our 2022 financial condition audit, Berkeley was also in the middle of the range.

**Figure 15. Governmental Activities Long-Term Liabilities per Resident, FY 2024**



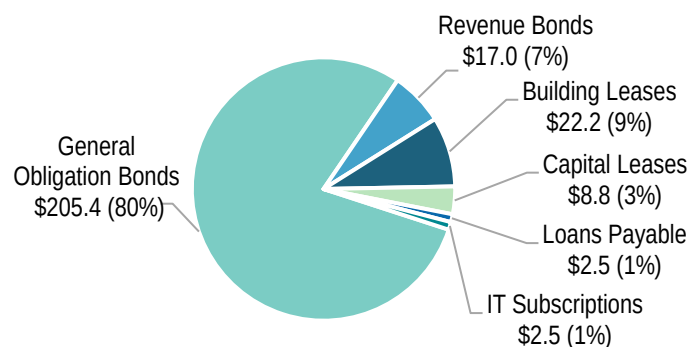
Source: Cities' FY 2024 ACFRs

Between FY 2016 and FY 2025, Berkeley's long-term liabilities increased primarily due to increased bond debt from general obligation bonds. General obligation bonds are a form of long-term debt that cities use to finance capital infrastructure projects and are paid back through property taxes based on assessed value. General obligation bonds are approved through bond measures that must have at least two-thirds voter approval to pass.

### Most of Berkeley's debt comes from general obligation bonds.

In FY 2025, debt represented more than three-fourths of Berkeley's long-term liabilities. Eighty percent of Berkeley's debt comes from general obligation bonds (Figure 16). The remaining twenty percent of Berkeley's debt comes from revenue bonds, building leases, capital equipment leases, loans payable, and IT subscriptions.

**Figure 16. Governmental Activities Debt by Type, FY 2025 (in millions)**



Source: Berkeley FY 2025 ACFR

Note: This figure does not include unfunded pension and retiree healthcare liabilities, workers' compensation, or other long-term obligations.

## Berkeley's general obligation bond rating remained favorable.

Berkeley's general obligation bond ratings have been consistently favorable. The City's general obligation bond ratings from Standard and Poor's remained at its second highest rating of AA+ over the audit period (Table 2). The City's general obligation bond ratings from Moody's improved from Aa2 to Aa1 in FY 2019, the second highest rating offered by Moody's. Bond ratings issued by credit agencies are a measure of the certainty that the City will pay all interest and principal owed to investors. The higher the bond rating, the lower the cost of borrowing. The lower the cost of borrowing, the more savings the City can pass on to taxpayers.

**Table 2. Berkeley's General Obligation Bond Ratings**

|                            | Fiscal Year |      |      |      |      |      |      |      |      |      |
|----------------------------|-------------|------|------|------|------|------|------|------|------|------|
|                            | 2016        | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | 2023 | 2024 | 2025 |
| Standard and Poors' Rating | AA+         | AA+  | AA+  | AA+  | AA+  | AA+  | AA+  | AA+  | AA+  | AA+  |
| Moody's Rating             | Aa2         | Aa2  | Aa2  | Aa1  | Aa1  | Aa1  | Aa1  | Aa1  | Aa1  | Aa1  |

Source: Berkeley ACFRs

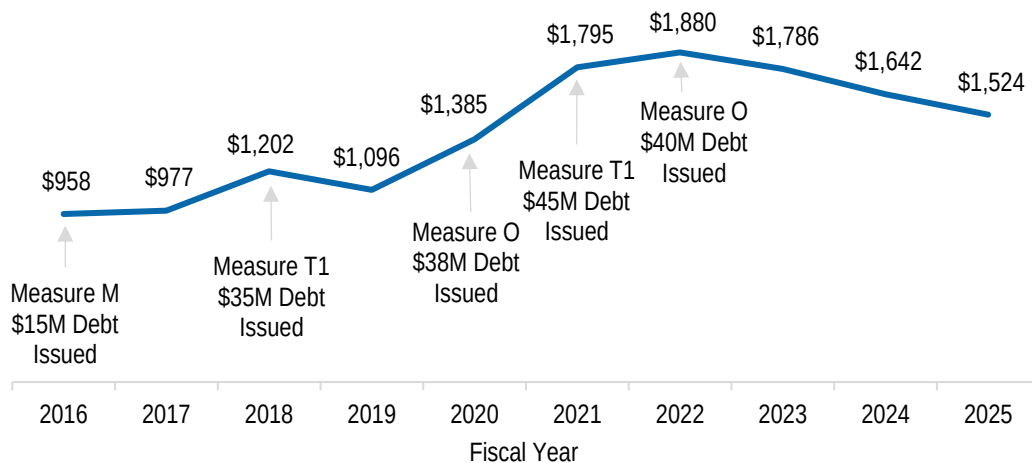
## Berkeley's general obligation bond debt remained at or less than one percent of taxable assessed property value.

To help ensure proper debt management, cities can limit how much general obligation bond debt they issue based on a set percentage of total taxable assessed property value.

During the audit period, the City's general obligation bond debt remained at or less than one percent of taxable assessed property value. In our previous financial condition audit, Berkeley's general obligation debt as a percentage of taxable assessed property value was significantly lower than the City's threshold of 15 percent at the time. As a result, we recommended the City update its debt management policy to set the general obligation threshold to a more locally appropriate level. The Finance Department then decreased the general obligation bond threshold from 15 percent of assessed value to a more locally appropriate threshold of 6 percent.

## Berkeley's general obligation bond debt per resident peaked in FY 2022 and declined in recent years.

General obligation bond debt per resident peaked in FY 2022 and declined after the City did not issue more general obligation bond debt (Figure 17).

**Figure 17. General Obligation Bond Debt per Resident (in 2025 dollars)**

Source: Berkeley ACFRs

### If Berkeley issued more general obligation bonds, debt service tax rates would increase in the near term.

Debt can be a reasonable financing strategy for local governments. General obligation bond debt allows Berkeley to borrow money for capital projects and spreads the cost burden over time so that taxpayers who will benefit from the asset now and in the future can help pay for it. Debt service is the amount that borrowers are required to pay back for issued debt. Voters approve general obligation bonds that are paid back through specific property tax rates based on assessed value, which are known as voter-approved ad valorem debt service taxes.

With current resources alone, Berkeley does not have sufficient funding to fully address its unfunded capital and deferred maintenance needs, as we will cover in greater detail starting on page 34. The longer the City leaves unfunded capital needs unaddressed, the more expensive they will be to address in the future.

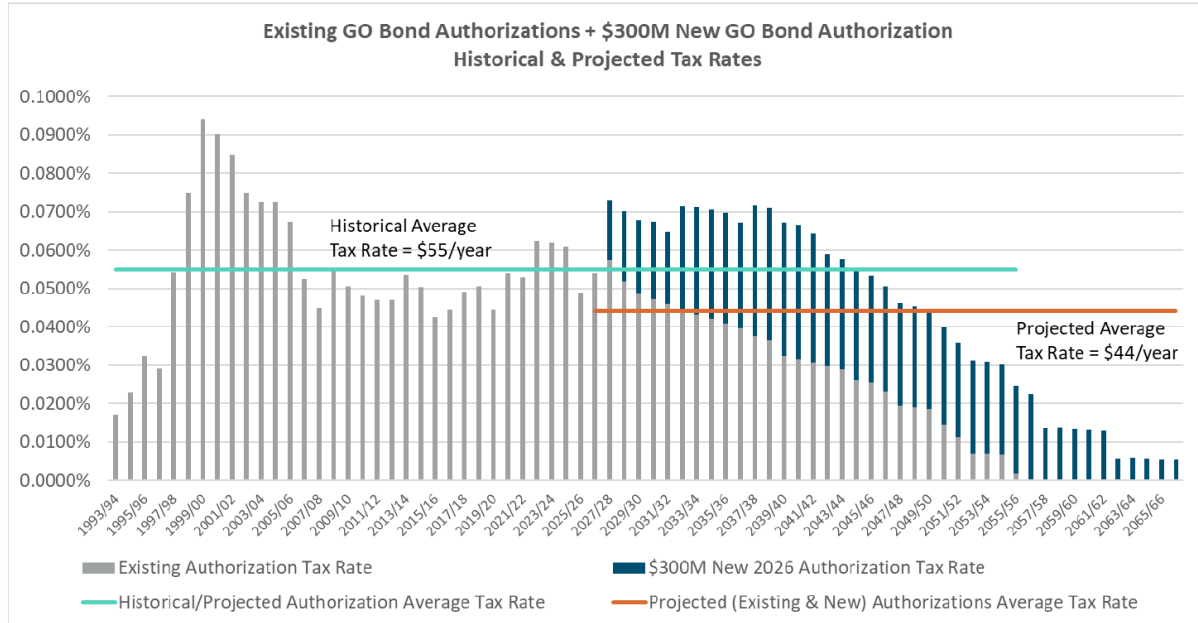
If Berkeley issued more general obligation bonds, debt service tax rates would increase in the near term. City management submitted staff recommendations in December 2025 regarding a potential \$300 million bond measure in 2026 to help address unfunded capital needs. According to City management's analysis, if Berkeley issued this proposed general obligation bond, the projected 40-year average debt service tax rate for property owners would be less than the historical average debt service tax rate (Figure 18).<sup>8</sup> This average debt service tax rate assumes that no other general obligation bonds will be issued other than the proposed \$300 million bond. In the near term, Figure 18 shows that debt service tax rates are likely to increase

<sup>8</sup> City management's analysis assumes \$100 million would be issued every five years.



initially. Figure 18 also shows that property owners will not see decreased debt service tax rates in their property tax bill until about 20 years have passed.

**Figure 18. Historical and Projected Average Tax Rates to Pay Back General Obligation Bond Debt**



Source: City Manager's Office

Note: The historical and projected average tax rates are per \$100,000 in assessed property value.

## Net Pension and Retiree Healthcare Liabilities: Berkeley's net pension liability is still high risk and retiree healthcare liability decreased.

### What is a net pension or net retiree healthcare liability?

Berkeley contributes to various employee retirement benefit plans including pensions through the California Public Employees Retirement System (CalPERS). Pension benefits are earned by employees each year to be paid out after they retire. In addition, Berkeley provides other post-employment benefits (OPEB), or earned compensation other than pensions, for employees when they retire. In Berkeley, OPEB refers to retiree healthcare coverage.

A net pension or net retiree healthcare liability occurs when the estimated cost of benefits exceeds the value of the assets that have been set aside to pay for those benefits. The net pension liability or net retiree healthcare liability is the unfunded portion of the City's total pension or retiree healthcare liability, also referred to as an unfunded liability.

Pension and retiree healthcare contributions can place significant pressure on a city's budget. Some factors, such as yearly required contributions for CalPERS plans, are set by CalPERS and are outside the City's control, posing a widespread challenge for California cities. Cities that do not have substantial funds set aside today will likely face impacts to their credit rating and have to make higher contributions to plans later, which could limit funding for other priorities.

### Net Pension Liability

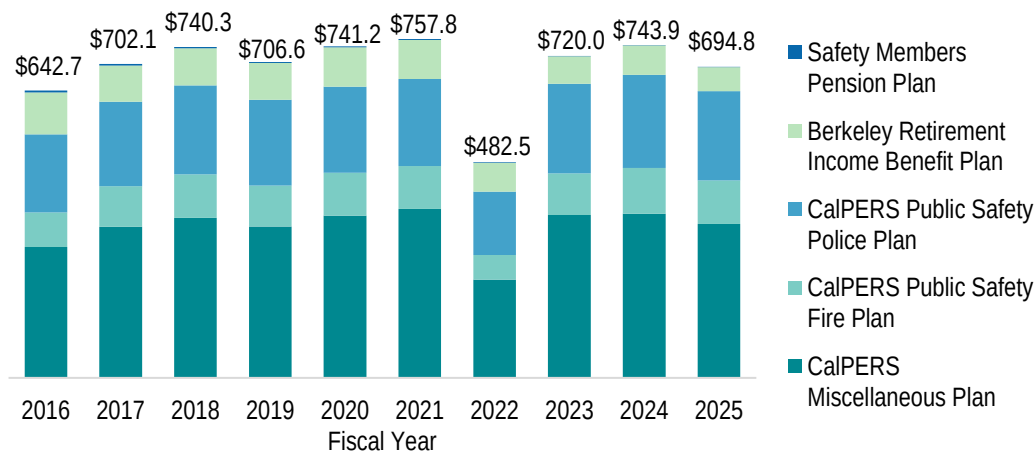
Berkeley has three pension plans administered through CalPERS, which are the Miscellaneous Plan, the Public Safety Fire Plan, and the Public Safety Police Plan. Berkeley also has two older city-sponsored plans that are closed to new members and being phased out: the Berkeley Retirement Income Benefit Plan and Safety Members Pension Plan.

### The City's net pension liability reached a peak in FY 2021 and decreased thereafter.

The City's net pension liability reached a peak in FY 2021, then decreased after the peak as pension assets increased more than pension liabilities. There was also considerable dip in the City's net pension liability in FY 2022 likely due to a large increase in net investment income from the City's CalPERS pension plans (Figure 19). According to the GFOA, Berkeley would have

the highest bond rating, and as a result cheaper borrowing, if not for its pension liabilities.

**Figure 19. Net Pension Liability by Plan (in millions, in 2025 dollars)**



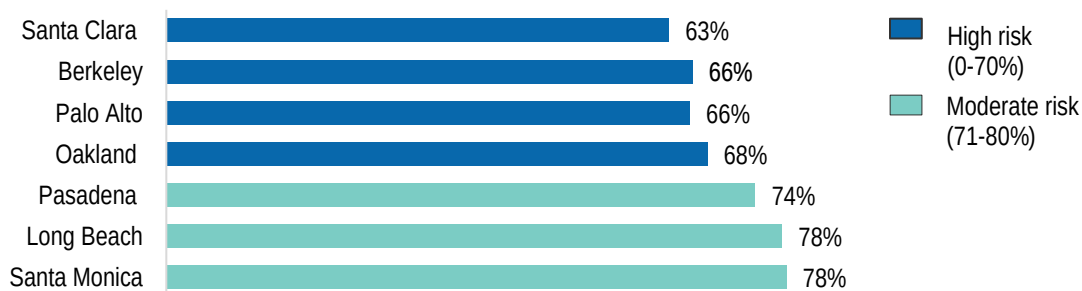
Source: Finance Department data

Decisions from the CalPERS Board impact the City's net pension liability and required pension contributions. According to the City's 2023 unfunded liability report, the City's annual pension payment is estimated to increase from \$76 million in FY 2025 to \$108 million in FY 2034.

### Berkeley's funded ratio is still high risk.

Berkeley's funded ratio is high risk according to past methodology from the California State Auditor's Fiscal Health of California Cities dashboard, which is no longer published. The pension funded ratio compares the City's pension plan assets to its accrued pension liabilities. Berkeley's funded ratio, tied with Palo Alto, is ranked the second highest in risk among benchmark cities (Figure 20). In our 2022 financial condition audit, Berkeley's funded ratio was also at 66 percent in FY 2020.

**Figure 20. Funded Ratio of Pension Plans, FY 2024**



Source: Cities' FY 2024 ACFRs and previous methodology from California State Auditor's Fiscal Health Dashboard

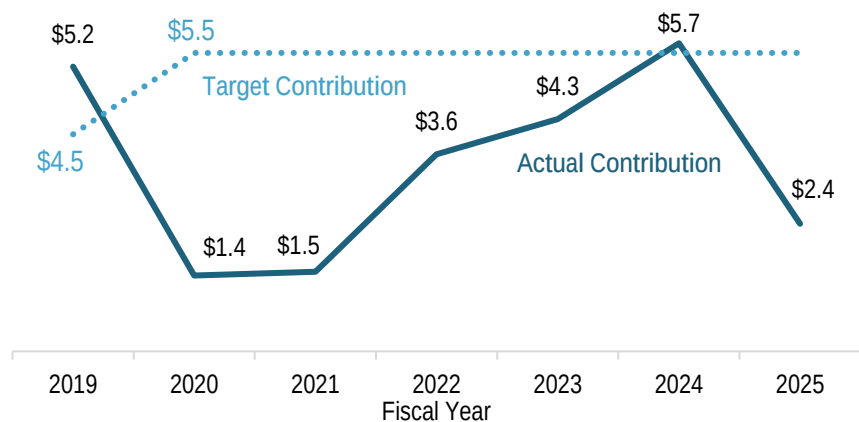
Note: Funded ratios from 81 percent to 100 percent are considered low risk according to past criteria from the California State Auditor's dashboard. None of the benchmark cities had funded ratios in this range in FY 2024, so this category is not represented in the figure.

## The City has increased its pension savings but has not consistently met its annual savings goal.

Following a city audit of unfunded liabilities, the City authorized an IRS Section 115 Trust Fund (Trust) in FY 2018 to help pre-fund its pension obligations. The Trust acts as a rainy-day fund that allows the City to set aside resources restricted for payment of pension obligations and is intended to prepare for and partially offset increases in contributions in the coming years.

It is important for the City to meet its Trust contribution goal to adequately prepare for projected increases in required pension contributions in the coming years. While the City has made Trust contributions every year since FY 2019, the City has only met its annual Trust contribution goal two out of the seven years (Figure 21). As of June 2025, the City's Trust had a balance of \$29.5 million.

**Figure 21. Contributions to the Section 115 Trust (in millions)**



Source: Berkeley ACFRs; May 14, 2019 staff report to City Council

Since our previous audit, City Council adopted a new fiscal policy to increase Trust contributions. In June 2022, the City Council adopted a new fiscal policy to allocate one-third of additional revenue earned from the City's investments that is over the annual baseline of \$6 million to the Trust. Previously, Trust contributions primarily came from annual savings derived from prepayments to CalPERS and transfers from the General Fund and Capital Improvement Fund. This new fiscal policy added a new funding source for Trust contributions starting in FY 2023.

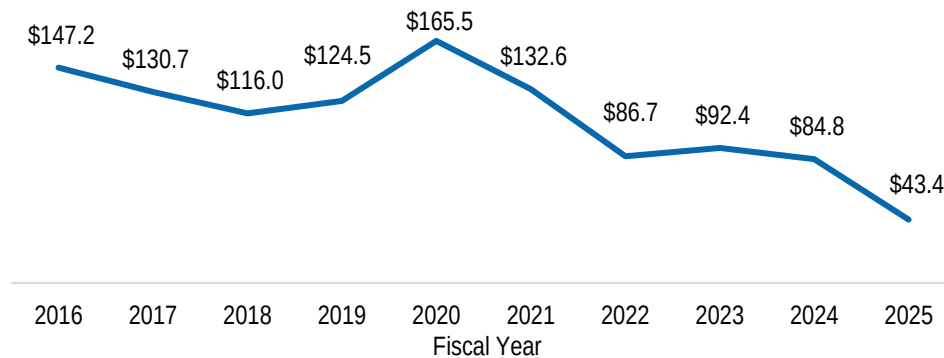
However, City Council's fiscal policies do not explicitly require the City to replenish the Trust after funds are withdrawn. As previously mentioned, in FY 2025, to help balance the General Fund, the City used \$3 million from the Trust to cover CalPERS contributions. This substantially decreased the net contribution made in that year. While the City's contributions to the Trust are important, the City also needs to balance its contribution goals with operational needs.

## Net Retiree Healthcare Liability

### Net retiree healthcare liability decreased.

Overall, net retiree healthcare liability decreased by \$103.8 million between FY 2016 and FY 2025 (Figure 22). The City's net retiree healthcare liability decreased because retiree healthcare assets increased while the liabilities decreased from FY 2016 to FY 2025. Notably, the City's net investment income for retiree healthcare substantially increased within the audit period. If the City does not pay its retiree healthcare obligations, this could negatively impact the retirees receiving these benefits and the City's bond rating, according to the Finance Director.

**Figure 22. Net Retiree Healthcare Liability (in millions, in 2025 dollars)**



Source: Finance Department data

## Recommendation

- 3.1 To continue to strengthen the Section 115 Trust, we recommend City management propose an amendment to the current Council fiscal policies to explicitly require the City to replenish the Trust after funds are withdrawn, as long as contributions to the Trust are needed to address increased pension costs and the City's operational needs are taken into consideration. The policy may be modeled off the City's General Fund Reserve Policy, which requires repayment to begin no more than five years from the date of withdrawal and to be completed within ten years from the date of withdrawal.

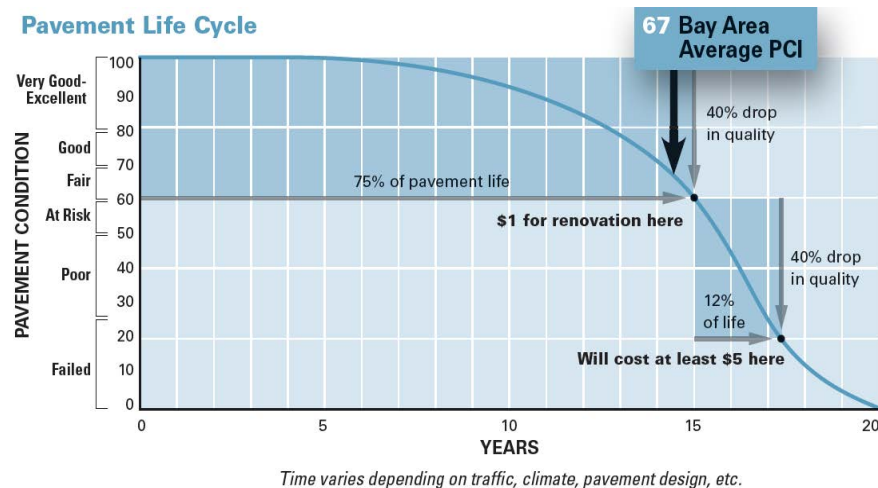
## Capital Assets: Unfunded capital needs have grown despite some increased investment.

### How do the City's capital assets impact its financial condition?

Capital assets are used in city operations and have a life that extends beyond a single financial reporting period. Berkeley owns a wide range of capital assets, including public buildings, streets, sidewalks, sewers and storm drains, traffic signals, and parking infrastructure. The City's responsibility for managing capital assets requires considerable resources and ongoing attention, which impacts the City's financial condition. As a relatively older city, Berkeley faces the added challenges of aging infrastructure.

If a city does not regularly maintain its capital assets, it can face deferred maintenance costs down the line. Addressing capital assets once their condition has severely deteriorated is often more expensive than regular preventative care or maintenance. According to the Metropolitan Transportation Commission, regular maintenance of roads is five to ten times cheaper than allowing roads to fail and then paying for the necessary rehabilitation (Figure 23).

**Figure 23. Pavement Maintenance Costs**



Source: Metropolitan Transportation Commission, Pothole Report III 2018

As we reported in our 2020 audit of Berkeley's streets, Berkeley needs significant additional funding to address the growing backlog of deteriorating streets.<sup>9</sup> Since this finding, in November 2024, voters approved Measure FF, a parcel tax expected to generate \$15 million annually for 14 years, with about 45 percent dedicated to street paving. According to Public Works' analysis,

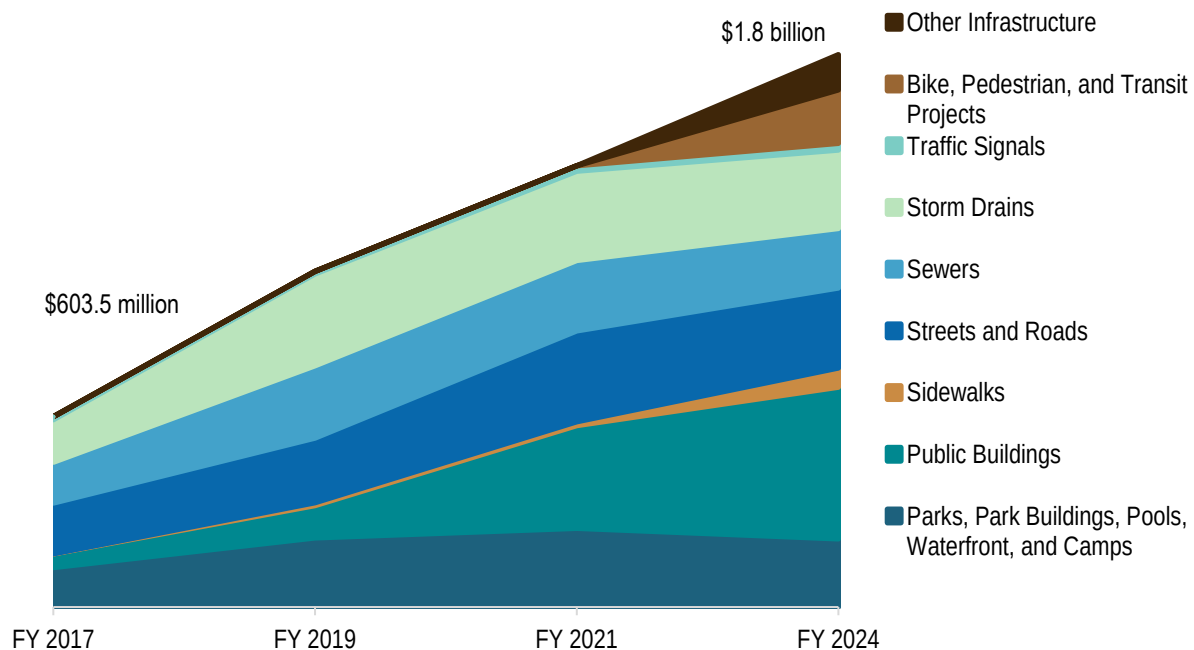
<sup>9</sup> [Rocky Road: Berkeley Streets at Risk and Significantly Underfunded](#)

Measure FF would not generate sufficient revenue to help the City achieve the pavement condition index rating of 70 out of 100, which falls within the good condition range.<sup>10</sup>

## Berkeley's unfunded capital and deferred maintenance needs have grown to \$1.8 billion.

Unfunded capital and deferred maintenance needs have grown since our 2022 audit.<sup>11</sup> In FY 2024, the City reported about \$1.8 billion in unfunded capital and deferred maintenance needs in the FY 2025-FY 2029 Capital Improvement Program (Figure 24). Without sufficient investment, these unfunded capital needs will continue to grow.

**Figure 24. Unfunded Capital and Deferred Maintenance Needs, FY 2017 to FY 2024 (in 2025 dollars)**



Source: City of Berkeley's Unfunded Liability Reports (FY 2017-FY 2021); FY 2025-FY 2029 Capital Improvement Program (FY 2024)

Note: We did not include IT-related assets due to incomplete data, and these costs would not significantly change the total amount of unfunded capital and deferred maintenance needs. Unfunded needs for sidewalks were reported starting in FY 2019. Similarly, unfunded needs for bike, pedestrian, and transit projects and other infrastructure were reported starting in FY 2024. Unfunded needs for public buildings included fire station rehabilitation projects but did not include full fire station renovations. Library facilities and facilities leased to other entities at the time of analysis were not included.

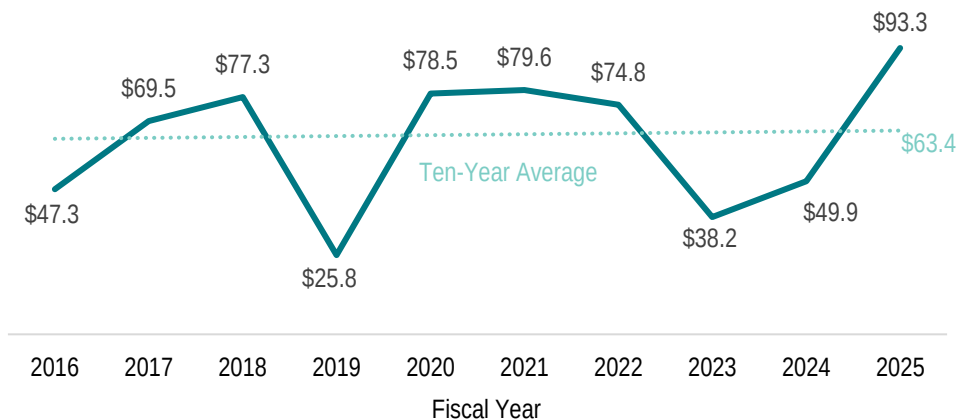
<sup>10</sup> The pavement condition index is a measure that rates segments of paved roadways on a scale of 0 to 100 with condition categories ranging from a low of "failed" to a high of "excellent." The "good" condition category is the third highest out of seven categories.

<sup>11</sup> Capital and deferred maintenance needs refer to a broad range of necessary activities, including investment in new capital assets, improving existing capital assets, replacing existing capital assets, and repairing existing capital assets.

## Berkeley has increased investment in capital infrastructure, but it is not enough to cover all its unfunded capital needs.

Overall, Berkeley has increased investment in capital infrastructure. Over the last ten years, Berkeley spent an average of \$63.4 million each fiscal year on capital assets (Figure 25). In FY 2025, Berkeley spent \$93.3 million on capital assets, which was the highest level of investment in capital assets compared to prior fiscal years in our audit scope (Figure 25). While the City has overall increased its investment in capital assets since FY 2016, it does not cover the \$1.8 billion in unfunded capital needs, according to the current Capital Improvement Program.

**Figure 25. Capital Investments (in millions, in 2025 dollars)**



Source: Berkeley ACFRs

## City management did not release an updated unfunded liability report for FY 2025 due to limited staff time.

An important part of Berkeley's planning process to address its unfunded capital need is City management's presentation of a biennial unfunded liabilities report to City Council. In 2012, City Council adopted a resolution requiring the City Manager to report every other year on the City's current liabilities and projections of future liabilities to provide accurate information to Council and the public ahead of the City's budget deliberations. Due to limited staff time and competing priorities, City management did not release an updated unfunded liability report for FY 2025. As a result, City Council and the public do not have complete information regarding the City's unfunded liabilities in a clear, easily accessible format to inform upcoming budget deliberations.



## The City lacks advanced planning to finance its capital plan in the long term.

To ensure effective management of capital assets, the GFOA recommends that local governments prepare and adopt multi-year capital plans that cover a period of five to twenty-five years. The City has a Capital Improvement Program (CIP) that identifies capital needs and funding sources over five years, which is on the lower end of the recommended period. Given that capital assets have life cycles that can last decades, capital plans that cover longer time periods can help to anticipate and plan for these long-term costs.

The GFOA also recommends that local governments develop multi-year financing plans covering the multi-year period of their capital plan to ensure that their plan is achievable within expected funding sources. According to the most recent CIP, the City's local revenues have not kept pace with the investments needed to maintain or update aging infrastructure. This means the City will likely need to raise new funding, through sources such as bonds, to address its unmet capital needs. However, the CIP does not include advanced planning to determine if and when the City should propose new bond measures to address capital needs.

Other jurisdictions have advanced bond planning. For example, San Francisco has a ten-year capital plan that includes a planned general obligation bond schedule that considers the City's debt capacity, election schedule, and capital needs. Berkeley Unified School District (BUSD) has a ten-year Facilities Master Plan for school building improvements. Historically, BUSD proposes new general obligation bonds to Berkeley taxpayers every ten years, and the Master Plan helps to identify which capital projects will be financed through bond funding.

As mentioned previously, City management submitted staff recommendations in December 2025 regarding a potential \$300 million bond measure in 2026 to help address unfunded capital needs. Beyond this, developing a multi-year capital financing plan that includes advanced bond planning could help the City better anticipate and communicate long-term funding needs and the proposed timing of future bond measures.

## Recommendations

- 4.1 To provide clear and accurate information on City's current liabilities and projections of future liabilities, we recommend City management resume providing the biennial unfunded liability report to City Council and the public ahead of the FY 2029 and FY 2030 budget.

- 4.2 To improve the City's ability to anticipate capital infrastructure needs, we recommend City management extend the Capital Improvement Program (CIP) beyond five years, such as a ten-year CIP.
- 4.3 To address the City's long-term capital infrastructure needs, we recommend City management develop a capital financing plan that covers a period at least as long as the CIP and proposes future funding mechanisms beyond existing sources. We recommend that the City plan the timing and amount of potential general obligation bonds multiple years in advance, taking into consideration the City's existing amount of authorized debt and capacity to borrow. The timing and amount of future bonds should aim to prevent sharp changes in debt service tax rates when possible.

## Management Response

We provided a draft of this report to the City Manager, Finance, Public Works, and the City Attorney for review and comment. City management agreed or partially agreed with our findings, conclusions, and recommendations.

We will conduct our standard recommendation follow-up process after the audit is issued. We generally expect the City to implement audit recommendations within two years of report issuance. We have not yet confirmed to what extent any recommendations may have been implemented prior to the audit release date.

**Recommendation 1.1:** To present clear information regarding the City's investment performance, we recommend the Finance Department provide an investment report to Council that compares the City's investment rate of return for the most recent fiscal year to at least the previous five fiscal years, similar to the City's past annual investment reports.

**Management Response:** Partially Agree

**Implementation Date:** December 31, 2026

**Corrective Action Plan:** The city is required to file quarterly investment reports. For all 4th quarter reports, staff will add a table showing the rate of return for the previous 5 years.

**Recommendation 2.1:** To help the City pass a structurally balanced budget, we recommend City management propose a fiscal policy to City Council to assess whether recurring revenues and recurring expenditures are balanced, and communicate this information to City Council. We recommend this policy also formalize City management's initiative to develop the baseline budget using the prior year's actual expenditures and projected needs.

**Management Response:** Partially Agree

**Implementation Date:** June 30, 2028

**Corrective Action Plan:** As part of developing the budget, City management currently assesses projected revenues and expenditures to determine whether or not the budget is balanced. This information is communicated to the City Council as part of the budget adoption process and per the City Charter, the City must adopt a balanced budget. For this biennial budget, City management implemented a data driven approach by developing the baseline budget using prior year actuals and projected needs. This change in the process was included in the City's Budget Instructions and will remain part of the

budget process going forward. Staff will evaluate whether a formal City Council fiscal policy is necessary or whether the same objectives can be achieved through the Budget Instructions and possibly by adding a dedicated section in the Budget Book.

**Recommendation 2.2:** To ensure sustainable budgetary strategies continue, we recommend the City publicly report in the adopted budget book that departments are required to submit a structural balancing plan to the Budget Office for enterprise funds that project a deficit. As part of this process, we recommend the Budget Office and departments work together to regularly assess the transfers in and out of these enterprise funds.

**Management Response:** Agree

**Implementation Date:** Implemented for the FY 2027 and FY 2028 Biennial Budget Process

**Corrective Action Plan:** For this Biennial Budget, the City required the Departments that manages special funds experiencing structural deficits or projecting a deficit to submit a balancing plan and a five-year fund forecast. This step is also documented in the Budget Instructions. The Budget Book also has a dedicated section highlighting the City's major funds. Other funds that are projecting deficits not currently included can be added for better visibility.

**Recommendation 2.3:** To improve the financial sustainability of enterprise funds, we recommend the City adopt a citywide policy to regularly evaluate enterprise fees and propose adjustments where appropriate to strengthen revenues and help mitigate the future risk of enterprise fund deficits.

**Management Response:** Agree

**Implementation Date:** July 1, 2027

**Corrective Action Plan:** The City can evaluate when it is appropriate for each enterprise fund to adjust its fees by working closely with the relevant departments and fund managers. Because each enterprise fund is unique, establishing a single, coordinated adjustment schedule may not be feasible. However, the City can develop a set of criteria that would trigger a review and potential adjustments of fees.

**Recommendation 2.4:** To further improve the financial sustainability of enterprise funds, we recommend the City adopt a policy to establish a reserve for each enterprise fund as appropriate and legally permitted. We recommend the Budget Office and departments work together to determine the appropriate reserve goal for each enterprise fund.

**Management Response:** Agree

**Implementation Date:** June 30, 2028

**Corrective Action Plan:** The City can establish a Special Fund Reserve Study Working Group to evaluate and research best practices and industry standards. This group can apply those practices to the City's needs, fund specific needs and requirements to develop appropriate reserve targets and policies. Since each enterprise fund is unique, establishing a single reserve target for all funds is not feasible.

**Recommendation 3.1:** To continue to strengthen the Section 115 Trust, we recommend City management propose an amendment to the current Council fiscal policies to explicitly require the City to replenish the Trust after funds are withdrawn, as long as contributions to the Trust are needed to address increased pension costs and the City's operational needs are taken into consideration. The policy may be modeled off the City's General Fund Reserve Policy, which requires repayment to begin no more than five years from the date of withdrawal and to be completed within ten years from the date of withdrawal.

**Management Response:** Agree

**Implementation Date:** To be determined

**Corrective Action Plan:** Council Approval Needed

**Recommendation 4.1:** To provide clear and accurate information on City's current liabilities and projections of future liabilities, we recommend City management resume providing the biennial unfunded liability report to City Council and the public ahead of the FY 2029 and FY 2030 budget.

**Management Response:** Agree

**Implementation Date:** June 30, 2028

**Corrective Action Plan:** The City will resume providing the biennial Unfunded Liability and Unfunded Capital Needs report to the City Council in the second half of FY 2028 and return to a regular biennial schedule thereafter.

**Recommendation 4.2:** To improve the City's ability to anticipate capital infrastructure needs, we recommend City management extend the Capital Improvement Program (CIP) beyond five years, such as a ten-year CIP.

**Management Response:** Partially Agree

**Implementation Date:** To be determined, will consider implementation of this recommendation as part of the FY 29 – FY 30 Biennial Budget.

**Corrective Action Plan:** Developing long-term projections is necessary to plan. For this reason, every two years the City develops a 5 Year Capital Improvement Program. Projections beyond five years can be unreliable. With that being said, as part of the FY 29 – FY 30 Biennial Budget, staff will evaluate the potential to extend the Capital Improvement Program beyond five years.

**Recommendation 4.3:** To address the City's long-term capital infrastructure needs, we recommend City management develop a capital financing plan that covers a period at least as long as the CIP and proposes future funding mechanisms beyond existing sources. We recommend that the City plan the timing and amount of potential general obligation bonds multiple years in advance, taking into consideration the City's existing amount of authorized debt and capacity to borrow. The timing and amount of future bonds should aim to prevent sharp changes in debt service tax rates when possible.

**Management Response:** Agree

**Implementation Date:** June 30, 2028

**Corrective Action Plan:** There is an existing City Council referral that is similar for the current budget cycle that will be implemented.

# Methodology and Compliance

## Methodology

We used financial indicators included in the International City/County Management Association's (ICMA) *Evaluating Financial Condition* handbook designed for local governments. Additionally, for a few indicators, we adapted methodology from the California State Auditor's Office used for their Fiscal Health of California Cities dashboard that is no longer available. We also included some indicators used by peer cities in their financial condition audits.

To better understand how some of Berkeley's financial indicators compared to peer cities, we benchmarked Berkeley to other California cities which were selected during our previous financial condition audit. Specifically, we benchmarked Berkeley against Long Beach, Oakland, Pasadena, Santa Clara, Santa Monica, and Palo Alto because they were similar to Berkeley across one or more criteria, such as population, general fund expenditures per resident, services provided, and presence of a large university. We included Palo Alto and did not include Davis in this audit, unlike our previous financial condition audit, because Davis did not publish a FY 2024 ACFR during the audit period. Due to variation in the availability of comparison cities' FY 2025 ACFRs, we used FY 2024 data for the comparisons where possible.

To meet our objective, we reviewed the following:

- Berkeley's Annual Comprehensive Financial Reports (ACFRs),
- Budget Office reports (Unfunded Liability Obligations and Unfunded Infrastructure Needs reports, city budgets),
- City Auditor reports on financial condition, leases, streets, and police overtime,
- City policies on reserves, debt management, and investments,
- Council reports and presentations related to the City's finances, and
- The City's bond rating in the Moody's 2025 Annual Comment Report.

We also conducted interviews with:

- The Director of Finance,
- Staff from the Office of Budget and Fiscal Management (Budget Office) responsible for overseeing the City's budget and spending,
- The Director of Public Works and Public Works staff responsible for overseeing city spending on capital assets and financial management of the Public Works enterprise funds, including the Off-Street Parking Fund and Parking Meter Fund,

- The Director of Parks, Recreation and Waterfront responsible for overseeing the financial management of the Marina Fund, and
- Staff at the City's external financial auditing firm, Badawi and Associates.

We analyzed financial data from the sources below. For all indicators where we adjusted for inflation, we used the inflation factor as of June 2025 from the Consumer Price Index: San Francisco-Oakland-Hayward Table, 2016-2025, U.S. Department of Labor, Bureau of Labor Statistics.

| Report Sources                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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| <b>Revenues and Expenses</b><br><b>Revenues and Expenses (trends)</b> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2016 – FY 2025 ACFRs, Government-Wide Financial Statements: Statement of Activities</li> </ul> <b>Revenue per Resident (benchmark)</b> <ul style="list-style-type: none"> <li>• City of Berkeley, Oakland, Long Beach, Pasadena, Santa Clara, Santa Monica, and Palo Alto FY 2024 ACFRs, Government-Wide Financial Statements: Statement of Activities; Statistical Section: Demographic and Economic Statistics</li> </ul> <b>Revenues by Source</b> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2025 ACFR, Government-wide Financial Statements: Statement of Activities</li> </ul> <b>Revenues by Source (trends)</b> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2016 – FY 2025 ACFRs, Government-wide Financial Statements: Statement of Activities</li> </ul> <b>Investment Reporting</b> <ul style="list-style-type: none"> <li>• City of Berkeley Quarterly Investment Reports FY 2025</li> <li>• City of Berkeley Annual Investment Reports</li> <li>• City of Palo Alto and San Jose Investment Reports</li> </ul> <b>Revenues from Leases</b> <ul style="list-style-type: none"> <li>• City of Berkeley Finance Department data FY 2016 – FY 2025</li> </ul> <b>Berkeley's Countywide 1 Percent Ad Valorem Property Tax Distribution</b> <ul style="list-style-type: none"> <li>• Alameda County Auditor-Controller/Clerk-Recorder's Office data FY 2025</li> </ul> <b>What are your property taxes levied for?</b> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2025 ACFR, Government-wide Financial Statements, Statement of Activities</li> </ul> <b>Expenses by Function</b> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2016 and FY 2025 ACFRs, Government-wide Financial Statements: Statement of Activities</li> </ul> <b>Personnel Expenditures by Category</b> <ul style="list-style-type: none"> <li>• City of Berkeley City Manager, Budget Office data FY 2016 and FY 2025</li> <li>• City of Berkeley FY 2025 ACFR, Statistical Section: Full-time Equivalent City Governmental Employees by Function/Program</li> </ul> <b>General Fund Expenditure Growth</b> <ul style="list-style-type: none"> <li>• City of Berkeley City Manager, Budget Office's presentation to the Budget and Finance Committee (1/22/2026)</li> </ul> |
| <b>Budgetary Practices</b><br><b>General Fund Deficit</b> <ul style="list-style-type: none"> <li>• City of Berkeley Budgets: FY 2020 and FY 2021, FY 2022, FY 2023 and FY 2024, FY 2024, FY 2025 and FY 2026</li> <li>• City Council Resolutions to Adopt Budgets</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |



| Report Sources                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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| <ul style="list-style-type: none"> <li>City of Berkeley City Manager, Budget Office: FY 2027 and FY 2028 Budget Development Instructions</li> <li>Government Finance Officers Association Report: "A Risk-Based Analysis and Stress Test of Long-Term Debt Affordability for the City of Berkeley, California," 2022</li> </ul> <p><b>Enterprise Fund Deficits</b></p> <ul style="list-style-type: none"> <li>City of Berkeley Budgets: FY 2020 and FY 2021, FY 2022, FY 2023 and FY 2024, FY 2024, FY 2025 and FY 2026</li> <li>City of Berkeley Departments' presentations to the Budget and Finance Committee</li> <li>City of Berkeley City Manager, Budget Office: FY 2027 and FY 2028 Budget Development Instructions</li> <li>City of Berkeley FY 2025 ACFR, Financial Section: Notes to Basic Financial Statements, Interfund Transactions</li> </ul>                                                                                                                                                                                                                                                       |
| <u>Demographic and Economic Indicators</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <p><b>Population</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2025 ACFR, Statistical Section: Demographic and Economic Statistics</li> </ul> <p><b>UC Berkeley Presence</b></p> <ul style="list-style-type: none"> <li>University of California website</li> <li>University of California Berkeley: Office of the Vice Chancellor website</li> <li>City of Berkeley Office of Economic Development 2024 Dashboard</li> </ul> <p><b>Unemployment</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2025 ACFR, Statistical Section: Demographic and Economic Statistics</li> </ul> <p><b>Assessed Property Value</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2025 ACFR, Statistical Section: Assessed Value and Estimated Values of Taxable Property</li> </ul> <p><b>Median Household Income (benchmark)</b></p> <ul style="list-style-type: none"> <li>2016 American Community Survey, City of Berkeley</li> <li>2024 American Community Survey, City of Berkeley, Oakland, Long Beach, Pasadena, Santa Clara, Santa Monica, and Palo Alto</li> </ul> |
| <u>Net Position, Liquidity, and Reserves</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <p><b>Net Position</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2018 – FY 2025 ACFRs, Government-Wide Financial Statements: Statement of Net Position</li> </ul> <p><b>Liquidity Ratio</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2016 – FY 2025 ACFRs Government-Wide Financial Statements: Statement of Net Position</li> </ul> <p><b>General Fund Reserves</b></p> <ul style="list-style-type: none"> <li>City of Berkeley City Manager, Budget Office data, FY 2017 – FY 2025</li> <li>City of Berkeley City Manager, Budget Office, First Amendment to the FY 2026 Annual Appropriations Ordinance Presentation to Budget and Finance Committee</li> <li>City Council Resolution Amending the General Fund Reserve Policy (7/29/2025)</li> </ul>                                                                                                                                                                                                                                                                                                                 |
| <u>Long-Term Debt and Liabilities</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <p><b>Governmental Activities Long-Term Liabilities</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2016 – FY 2025 ACFRs, Notes to Basic Financial Statements: Governmental Activities Long-Term Liabilities Summary</li> </ul> <p><b>Governmental Activities Long-Term Liabilities per Resident (benchmark)</b></p> <ul style="list-style-type: none"> <li>City of Berkeley, Oakland, Long Beach, Pasadena, Santa Clara, Santa Monica, and Palo Alto FY 2024 ACFRs, Government-Wide Financial Statements: Statement of Net Position</li> </ul> <p><b>Debt by Type</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2025 ACFR, Notes to Basic Financial Statements: Governmental Activities Long-Term Liabilities Summary</li> </ul> <p><b>Bond Ratings</b></p> <ul style="list-style-type: none"> <li>City of Berkeley FY 2016 – FY 2025 ACFRs, Introductory Section</li> </ul>                                                                                                                                                                                               |

| <b>Report Sources</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
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| <ul style="list-style-type: none"> <li>• Standard and Poor's Ratings Guide</li> <li>• Moody's Rating Definitions</li> </ul> <p><b>General Obligation Bond Debt as a Proportion of Assessed Property Value</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2025 ACFR, Statistical Section: Ratios of General Bonded Debt Outstanding</li> <li>• City of Berkeley FY 2025 ACFR, Statistical Section: Assessed Value and Estimated Values of Taxable Property</li> <li>• City of Berkeley Debt Management and Disclosure Policy</li> </ul> <p><b>General Obligation Bond Debt per Resident</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2021 and FY 2025 ACFR, Statistical Section: Ratios of General Bonded Debt Outstanding</li> <li>• City of Berkeley FY 2021 and FY 2025 ACFR, Statistical Section: Demographic and Economic Statistics</li> </ul> <p><b>General Obligation Debt Service</b></p> <ul style="list-style-type: none"> <li>• City Council Special Meeting Item (12/02/2025), "Discussion Regarding Potential Ballot Measures for the November 3, 2026, General Municipal Election"</li> </ul> |
| <p><b><u>Net Pension and Retiree Healthcare Liabilities</u></b></p> <p><b>Net Pension Liability by Plan</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley Finance Department data FY 2016 – FY 2025</li> </ul> <p><b>Funded Ratio Risk Level (benchmark)</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley, Oakland, Long Beach, Pasadena, Santa Clara, Santa Monica, and Palo Alto FY 2024 ACFRs, Required Supplementary Information: Schedule of Changes in the Net Pension Liability and Related Ratios</li> </ul> <p><b>Section 115 Trust Fund</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2016 – FY 2025 ACFRs, Combining Financial Statements and Schedules: Schedule of Revenue, Expenditures, and Changes in Fund Balances – Budget and Actual PERS Savings Fund – Budgetary Basis</li> <li>• City of Berkeley, May 14, 2019 staff report to City Council</li> </ul> <p><b>Net Retiree Healthcare Liability</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley Finance Department data FY 2016 – FY 2025</li> </ul>                                                       |
| <p><b><u>Capital Assets</u></b></p> <p><b>Pavement Maintenance Costs</b></p> <ul style="list-style-type: none"> <li>• Metropolitan Transportation Commission, The Pothole Report: Bay Area Roads at Risk, September 2018</li> </ul> <p><b>Unfunded Capital and Deferred Maintenance Needs</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley Unfunded Liability Reports (FY 2017, FY 2019, FY 2021)</li> <li>• City of Berkeley FY 2025 – FY 2029 Capital Improvement Program</li> </ul> <p><b>Capital Investments</b></p> <ul style="list-style-type: none"> <li>• City of Berkeley FY 2016 – FY 2025 ACFRs, Notes to the Basic Financial Statements: Capital Assets</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

Throughout the report, we use the terms *expenses* and *expenditures*. Government-wide financial statements (including governmental and business-type activities) use the accrual basis of accounting and refer to expenses. The accrual basis of accounting reports revenues and expenses in the period in which the underlying event occurs, regardless of the timing of cash flows. This means that revenues are recorded when earned and expenses are recorded when the liability is incurred, instead of when cash is actually received or disbursed. Governmental fund financial statements (including the General Fund) use the modified accrual basis of accounting and refer to expenditures. Under the modified accrual basis of accounting, revenues are recorded when

measurable and available, and expenditures are recorded when the liability is incurred, except for interest on long-term debt, judgments and claims, workers' compensation, and compensated absences, which are recorded when paid.

### Data Reliability

We reviewed information for reasonableness and consistency, and we researched data that needed additional explanation. We did not, however, audit the accuracy of all source documents or the reliability of the data in computer-based systems. As nearly all financial information presented is from the City's ACFRs, we relied on the work performed by the City's external financial auditors.

### Statement of Compliance

We conducted this performance audit in accordance with Generally Accepted Government Auditing Standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

### **Mission Statement**

Promoting transparency and accountability in Berkeley government.

### **Contributors**

Erin Mullin, Audit Manager  
Caitlin Palmer, Audit Manager  
Kendle Kuechle, Auditor II  
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[Copies of our audit reports are available on our website.](#)

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BERKELEY CITY AUDITOR



BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLIN**  
 DISTRICT 2

CONSENT CALENDAR  
 April 28<sup>th</sup>, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin

Subject: Luna Dance Creativity: Relinquishment of Council Office Budget Funds from General Funds 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 Taplin, to support Luna's May Day Gathering and Bazaar event.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impacts. Up to \$500 is available from contributing Councilmember's Council Office Budget discretionary accounts.

CURRENT SITUATION AND ITS EFFECTS

In the past year, Luna Dance served 130 families; 1,894 teachers, artists, and caregivers; and nearly 29,000 students, including more than 4,000 young people with disabilities. Programs reached twelve public school districts, six independent schools, and three institutions of higher education, across eleven counties nationwide, reflecting both the depth and growing national reach of Luna's work.

Luna's mission is to bring creativity, equity, and community to every child's life through dance. Grounded in its Theory of Change—*children embody the future, dance cultivates creativity, and policy centers equity*—Luna asks: what becomes possible when we commit to advancing children's freedom?

At the heart of their work is collective action. Through partnerships with artists, educators, caregivers, schools, and social service networks, Luna expands access to high-quality dance education, especially for communities historically and systemically excluded from the arts.

Luna's creativity-based pedagogy continues to integrate research and practice in play theory, neuroscience, child development, and anti-bias, culturally responsive teaching.

BACKGROUND

April 28th, 2026

Luna Dance & Creative was founded in Oakland, California, on International Women's Day, March 8th, 1992. Since then, they have grown from a local community dance center with a strong children's program, to a nationally recognized organization that ignites the field of dance education with expectations of increased creativity, equity, and inclusion. Luna Dance's programs bring dance to more than 30,000 children and 400 artists, teachers, and social service providers each year. They work together to develop future choreographers, leaders, and visionaries.

Studio Lab-Kids was their first program, and it remains the only choreography-centered children's dance program in California. Since purchasing and renovating their Berkeley space in 2022, Studio Lab has expanded to serve artists (Studio Lab-Artists) by providing rehearsal space and piloting residency programs. Studio Lab-Community offers public education through showcasing artistic research and scholarship in dynamic ways that challenge the limitations of academia.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### CONTACT PERSON

Councilmember Terry Taplin, Council District 2 - 510-981-7120

Attachments:

1: Resolution

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

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

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a private 501(c)(3) non-profit tax-exempt corporation Luna Dance Creativity seeks funds in the amount of \$500 to support their continued fundraising; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: continuing the education of Berkeley residents in acts of self-expression and the continue teaching observation, inquiry, accessibility, and interconnectivity;

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 amount per office shall be granted to Luna Dance Creativity to support Luna's May Day Gathering and Bazaar event.







Brent Blackaby  
Councilmember District 6

11

CONSENT CALENDAR  
April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)

Subject: Resolution Supporting Megafire Prevention Package

RECOMMENDATION

Adopt a Resolution supporting the 2026 Joint Megafire Prevention Package in the California Legislature supported by Megafire Action, FireWERX, California Fire Safe Council, and the Karuk Tribe, among others. Send a copy of the Resolution to the six authors, Senator Jesse Arreguín, Assemblymember Buffy Wicks, and Governor Gavin Newsom.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

The legislative package includes 13 bills from California State Senators Allen, Becker and Stern, alongside California Assemblymembers Bennett, Connolly and Rogers. The bills include resilience loan financing, home hardening, expansion of existing fire mitigation programs, reducing barriers to beneficial fire and more. They are as follows:

1. [SB 894 \(Allen\)](#): Wildfire Mitigation Affordability Act
2. [SB 973 \(Becker\)](#): Wildfire County Coordinator Program
3. [SB 911 \(Becker\)](#): Transfer of real property: compliance documentation
4. [SB 1079 \(Stern\)](#): Fire Innovation Unit Act
5. [SB 1404 \(Stern\)](#): Wildfire and Forest Resilience Action Plan: Implementation Strategy
6. [AB 1699 \(Rogers\)](#): Good Fire Act
7. [AB 1891 \(Connolly\)](#): Beneficial Fire Capacity Program
8. [AB 1934 \(Bennett\)](#): Home Hardening Certification Program
9. [AB 1960 \(Bennett\)](#): Wildfire Prevention Grants Program
10. [AB 1964 \(Bennett\)](#): County Recorder: Home Hardening
11. [AB 1971 \(Bennett\)](#): Home Hardening Retrofitting Improvements
12. [AB 1986 \(Bennett\)](#): Residential Property Insurance – Home Hardening
13. [AB 2013 \(Bennett\)](#): Water Suppliers – Emergency Preparedness Program

### BACKGROUND

Wildfire mitigation is becoming increasingly critical as climate change intensifies fire risk. Fire seasons are growing longer, and wildfires are becoming more frequent and destructive. As a result, many homeowners have lost access to traditional home insurance due to wildfire risk. Many are left with California's FAIR Plan—the insurer of last resort—which often costs significantly more while providing far less coverage.

A wildfire in the Berkeley Hills would have devastating consequences not only for the surrounding neighborhoods but for all of Berkeley and the broader region. The environmental damage, economic disruption, and potential loss of human life would be profound.

For these reasons, it is prudent for government to implement effective strategies to reduce the risk of destructive megafires. Berkeley has long been committed to wildfire mitigation through decades of programs supporting residents, including the Chipper Program and property inspections, as well as newer initiatives such as Firewise Communities, Effective Mitigations for Berkeley's Ember Resilience (EMBER), and the Residential Assistance Program (RAP).

By supporting the Joint Megafire Prevention Package of legislative bills, Berkeley affirms its commitment to comprehensive wildfire mitigation and homeowner assistance for defensible space and home hardening efforts. This package will help restore resilience to our landscapes, provide homeowners with clear guidance and resources to reduce wildfire risk, and accelerate the adoption of new technologies that give firefighters and communities better tools to protect lives and property—here in Berkeley and statewide.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Wildfire has detrimental effects on air, water and the environment. Passage of legislation to reduce the chances of a wildfire align with the City's goals in environmental sustainability and reducing climate impacts.

### CONTACT PERSON

Councilmember Brent Blackaby   Council District 6   510-981-7160

Attachments:

1: Resolution

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

RESOLUTION SUPPORTING MEGAFIRE PREVENTION PACKAGE

WHEREAS, the City of Berkeley is no stranger to destructive wildfire, including the 1923 wind-driven fire that burned from the eastern slope of the Berkeley Hills down to the corner of Shattuck and Hearst, destroying 640 structures on the northside of the UC campus, leaving thousands homeless, as well as the 1991 Oakland Hills Firestorm, which included the Berkeley Hills, and killed 25 people; and

WHEREAS, the City of Berkeley is steadfast in its wildfire prevention actions including programs for vegetation management, home hardening, and financial assistance; and

WHEREAS, the 2026 Joint Megafire Prevention Package represents one of the most comprehensive wildfire mitigation efforts in recent years—providing homeowners with clear guidance and resources to reduce risk, restoring resilience to our landscapes, and accelerating the adoption of new technologies that equip firefighters and communities to better protect lives and property -- here in Berkeley and statewide; and

WHEREAS, California State Senators Allen, Becker and Stern, and California Assemblymembers Bennett, Connolly and Rogers introduced a comprehensive package of 13 bills, aimed at mitigating destructive megafires; and

WHEREAS, Senator Allen introduced SB 894: Wildfire Mitigation Affordability Act; and

WHEREAS, Senator Becker introduced SB 973: Wildfire County Coordinator Program and SB 911: Transfer of real property: compliance documentation; and

WHEREAS, Senator Stern introduced SB 1079: Fire Innovation Unit Act and SB 1404: Wildfire and Forest Resilience Action Plan: Implementation Strategy; and

WHEREAS, Assemblymember Rogers introduced AB 1699: Good Fire Act; and

WHEREAS, Assemblymember Connolly introduced AB 1891: Beneficial Fire Capacity Program; and

WHEREAS, Assemblymember Bennett introduced AB 1934: Home Hardening Certification Program, AB 1960: Wildfire Prevention Grants Program, AB 1964: County Recorder: Home Hardening, AB 1971: Home Hardening Retrofitting Improvements , AB 1986: Residential Property Insurance – Home Hardening, and AB 2013: Water Suppliers – Emergency Preparedness Program.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council strongly supports all of these bills, collectively called the Megafire Prevention Package, urging them to be passed and signed into law this year.

BE IT FURTHER RESOLVED that the Berkeley City Council thanks the six authors, Senators Allen, Becker and Stern, and Assemblymembers Bennett, Connolly and Rogers. The City Council also thanks all who were instrumental in developing the legislation, including Megafire Action, FireWERX, California Fire Safe Council, and the Karuk Tribe.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that this Resolution be sent to the six authors, Senator Jesse Arreguín, Assemblymember Buffy Wicks, and Governor Gavin Newsom.



Office of the City Manager

PUBLIC HEARING

April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: Submission of the Program Year 2026 Annual Action Plan Containing Allocations of Federal Funds

RECOMMENDATION

Conduct a public hearing on the Program Year (PY) 2026<sup>1</sup> Annual Action Plan (AAP) and upon conclusion, adopt a Resolution that authorizes the City Manager or his designee to:

1. Execute any resultant agreements and amendments for agencies receiving funding under the Community Development Block Grant (CDBG), Emergency Solutions Grant (ESG), or Home Investment Partnerships Program (HOME) Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any liability occurring to the City. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and
2. Adjust reporting due dates for Community Agency grantees for all Program Reports and Statement of Expenses for FY 2027 and FY 2028 contracts. Authorize new dates for Program Reports to be due on October 15, January 15, April 15, and July 15 and Statement of Expenses due on October 15, January 15, April 15, July 31; and
3. Allocate 20% of the PY 2026 (FY 2027) CDBG funds to Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation differ than the amount currently allocated; and
4. Allocate the allowable 7.5% of the PY 2026 (FY 2027) ESG to Administration, \$6,676 to the Homeless Management Information System (HMIS), and the

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<sup>1</sup> PY 2026 is the federal program year coinciding with the City's Fiscal Year 2027.

remaining amount to Rapid Re-housing, and shelter activities (not to exceed 60% of PY 2026 ESG entitlement); and

5. Allocate the allowable 10% of PY 2026 (FY 2027) HOME funds for program administration, up to the allowable 5% for Community Housing Development Organization (CHDO) operating support, and allocate the remainder to the Housing Trust Fund; and
6. Finalize the PY 2026 Annual Action Plan, including responses to public comments received until May 1, 2026, adding required U.S. Department of Housing and Urban Development (HUD) application forms and certifications, and including other HUD required information, submit it to HUD, and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

### SUMMARY

The City is required to submit an AAP to HUD by mid-May to receive its annual allocation of CDBG, ESG, and HOME funds. The AAP contains the funding allocations (estimates) for the second year of the City's five-year Consolidated Plan and the City's plan to implement its housing and community development programs.

For the PY 2026 AAP, the Health, Housing, and Community Services Department (HHCS), recommends allocating entitlement funds as follows:

- \$2,608,121 in CDBG entitlement funds, \$694,424 in prior year funds (estimated), and \$600,000 in program income (estimated), \$1,597,776.25 of which would be used for housing services activities, \$453,921 for public services, and \$1,329,223.55 for public and community facility improvements program; and
- \$227,900 in ESG funds, to be used to support people who are literally homeless; and
- \$571,566.31 in HOME funds, \$485,831.36 of which would be allocated to the Housing Trust Fund.

This report includes authorization for the required submission of the AAP (Attachment 2), which details the City's plans for implementing the CDBG, ESG, and HOME programs in PY 2026.

### FISCAL IMPACTS OF RECOMMENDATION

Approval of the PY 2026 AAP does not have an impact on the General Fund as it is solely committing the City's entitlement grant allocations under the Federal Department of Housing and Urban Development's CDBG, ESG, and HOME programs. General funds, including required leveraged funds for HUD programs, are awarded separately. Federal funding allocations for PY 2026 were released by HUD on April 3, 2026.

The City's CDBG entitlement allocation for PY 2026 is \$2,608,121. CDBG program income from CDBG-funded activities that the City receives, such as loan repayments, is an estimate because the number represented is the number at the time of writing this report and is not the final PY 2026 number. The current estimate of CDBG program income available to use in PY 2026 is \$600,000.

Additionally, staff anticipate having \$694,424 in unexpended funds from prior years available for allocation, which will give the City a total of \$3,902,545 in CDBG funds to allocate for PY 2026. Unexpended prior year funds cannot be used for public services or administration, which are both capped funding categories. These additional funds can be used, however, on housing services, public facility projects, Senior and Disabled Rehabilitation Loan Program (SDRLP), and the Housing Trust Fund.

| <b>Table 1: CDBG<br/>PY 2026 (FY 2027)</b>  | <b>HUD Award</b>   | <b>Program<br/>Income<br/>(estimated)</b> | <b>Prior Year<br/>Funds<br/>(estimated)</b> | <b>Total</b>       |
|---------------------------------------------|--------------------|-------------------------------------------|---------------------------------------------|--------------------|
| <b>Funds Available</b>                      | \$2,608,121        | \$600,000                                 | \$694,424                                   | \$3,902,545        |
|                                             |                    |                                           |                                             |                    |
| <b>Proposed Funding Plan</b>                |                    |                                           |                                             |                    |
| Housing Services                            | \$1,265,776.25     |                                           | \$332,000                                   | \$1,597,776.25     |
| Public Services (17.83% cap)                | \$453,921          |                                           |                                             | \$453,921          |
| Public & Community Facility<br>Improvements | \$366,799.55       | \$600,000                                 | \$362,424                                   | \$1,329,223.55     |
| Planning and Admin (20%<br>cap)             | \$521,624.20       |                                           |                                             | \$521,624.20       |
| <b>Total Expenditures</b>                   | <b>\$2,608,121</b> | <b>\$600,000</b>                          | <b>\$694,424</b>                            | <b>\$3,902,545</b> |

The City's ESG entitlement for PY 2026 is \$227,900. It is recommended that the City utilize the maximum possible for administration (7.5% of the grant), allocate \$6,676 to HMIS support, and allocate the remaining funds for rapid re-housing and shelter operations at the Stair Navigation Center (with shelter not to exceed 60% of the allocation, which is the HUD cap for shelter activities).

| <b>Table 2: ESG<br/>PY 2026 (FY 2027)</b> | <b>HUD Award</b> |
|-------------------------------------------|------------------|
| <b>Funds Available</b>                    | \$227,900        |

|                                        |                  |
|----------------------------------------|------------------|
| <b>Proposed Funding Plan</b>           |                  |
| Rapid Re-housing                       | \$67,391.50      |
| Emergency Shelter Operations (60% cap) | \$136,740        |
| Homeless Management Information System | \$6,676          |
| Administration (7.5% cap)              | \$17,092.50      |
| <b>Total Expenditures</b>              | <b>\$227,900</b> |

The City will receive \$571,566.31 in HOME funds and \$115,000 in unexpended funds from prior years, for a total of \$686,566.31 in HOME funds available for allocation for PY 2026. Staff recommend that the City utilize up to the maximum possible for administration (10%) and CHDO operations (up to 5%) and place the remainder into the Housing Trust Fund. Up to 10% of Program Income received within the program year may be used for program administration.

| <b>Table 3: HOME<br/>PY 2026 (FY 2027)</b> | <b>HUD Award</b>    | <b>Prior Year<br/>Funds</b> | <b>Total</b>        |
|--------------------------------------------|---------------------|-----------------------------|---------------------|
| <b>Funds Available<br/>(estimated)</b>     | \$571,566.31        | \$115,000                   | \$686,566.31        |
| <b>Proposed Funding Plan</b>               |                     |                             |                     |
| CHDO Operations (5% cap)                   | \$28,578.32         |                             | \$28,578.32         |
| HTF Projects                               | \$485,831.36        |                             | \$485,831.36        |
| HTF Project Delivery                       |                     | \$115,000                   | \$115,000           |
| Administration (10% cap)                   | \$57,156.63         |                             | \$57,156.63         |
| <b>Total Expenditures</b>                  | <b>\$571,566.31</b> | <b>\$115,000</b>            | <b>\$686,566.31</b> |

Proposed expenditures of CDBG, ESG, and HOME Funds are detailed in Exhibit A.

#### CURRENT SITUATION AND ITS EFFECTS

The City is required to submit an Annual Action Plan to HUD by mid-May to receive its annual allocation of CDBG, ESG, and HOME funds. The AAP contains the anticipated funding allocations for the second year of the City's five-year Consolidated Plan and the plan to implement housing and community development programs.



The proposed PY 2026 AAP includes the following estimated funding sources and proposed activities:

***PY 2026 AAP - Community Development Block Grant (CDBG)***

The City's CDBG entitlement allocation for PY 2026 is \$2,608,121. Projected program income is \$600,000 and it is anticipated to have \$694,424 in unexpended prior year funds. CDBG funds are proposed to be used for Public Services, Housing Services, and Public & Community Facilities Improvements. Of the funds available, the City will allocate an estimated \$521,624.20, a capped amount at 20%, to Planning and Administration, \$453,921, also a capped amount at no more than 17.83% to public services, \$1,597,776.25 to Housing Services and \$1,329,223.55 to Public & Community Facility Improvements.

Detailed CDBG proposed allocations are summarized in Exhibit A.

***PY 2026 AAP - Emergency Solutions Grant (ESG)***

ESG funds can be used for homeless emergency shelter renovations, operations and services, homeless street outreach, the operation and development of a Homeless Management Information System, rapid re-housing, homeless prevention, and administration. The City's ESG entitlement allocation for PY 2026 is \$227,900, and should Council approve this recommendation the majority of the ESG funds will be used to continue to fund rapid re-housing and emergency shelter activities (capped at 60% of entitlement award). The Stair Navigation Center operator, BACS, will administer the rapid re-housing program to eligible shelter participants.

ESG funds in the amount of \$6,676 will continue to support the County-wide HMIS, and 7.5% of the overall allocation will be allocated to HHCS to administer the funds (see Exhibit A).

***PY 2026 AAP - Home Investment Partnerships Program (HOME)***

HUD allocated \$571,566.31 in HOME funds to the City of Berkeley for PY 2026. Unexpended prior years' funds are estimated for PY2026 at \$115,000. Of the funds available, approximately 85% is recommended for the Housing Trust Fund, up to 5% for CHDO operating and 10% for program administration (Exhibit A).

Failure to approve the PY 2026 AAP for submission to HUD by mid-May could result in delays or loss of this funding.

Lastly, the Annual Action Plan is a Strategic Plan Priority Project, advancing our goal to create affordable housing and housing support service for our most vulnerable community members.

**BACKGROUND**

The City of Berkeley is an entitlement jurisdiction which receives HUD funds. HUD regulations governing CDBG, ESG, and HOME funds require that the City of Berkeley

submit a five-year Consolidated Plan including an AAP for each of the five-years. The Consolidated Plan examines housing needs and establishes funding priorities in the areas of affordable housing and services for a wide range of low-income populations over the next five-year period. The Annual Action Plans are submitted on an annual basis and detail specific activities the City will take to address the goals outlined in the Consolidated Plan.

The PY 2026 AAP, covering the period July 1, 2026 through June 30, 2027, describes the City's strategy for developing and maintaining a viable urban community through the provision of decent housing and a suitable living environment, while expanding economic, health and educational opportunities principally for households with incomes at or below 80% of Area Median Income. The PY 2026 AAP is based on goals contained in the City's Five Year (2025 – 2030) Consolidated Plan<sup>2</sup>. HUD requires the involvement of the public in the creation of the Consolidated Plan and each of the five AAP under the Consolidated Plan period. Berkeley's public participation process for the PY 2026 AAP began on September 4, 2025, with a public hearing convened by the Housing Advisory Commission (HAC), and culminates in the April 28, 2026 public hearing/Council Meeting and closure of public comment period on May 1, 2026.

At its March 5, 2026, meeting, the HAC voted unanimously to recommend that City Council adopt the Draft PY 2026 Annual Action Plan (as outlined below and in Attachment 2), (M/S/C: Potter/Mirvish. Vote: Ayes: Bell, Chupina (alternate for Twu), Micael, Mirvish, Potter, Shere, and Simon-Weisberg. Noes: None. Abstain: None. Absent: Haycox [excused]).

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Projects funded with CDBG, ESG, and HOME are required to follow state and local regulations, including those related to building and energy. CDBG funding for community facility projects place a priority on projects that promote efficiency and improve accessibility. Additionally, each program funded by HUD funds undergoes an Environmental Review to understand and mitigate possible environmental impacts.

#### RATIONALE FOR RECOMMENDATION

Submission of the PY 2026 AAP is required to continue to receive CDBG, ESG, and HOME funds.

#### *Community Development Block Grant (CDBG) Allocations*

Staff recommend that Council approve the HUD allocations for PY 2026. In 2024, Council made recommendations for four-year (FY 2025-FY2028) funding for community agencies funded by CDBG funds, under the Housing and Community Services

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<sup>2</sup> The Consolidated Plan can be found at: <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

Community Agency RFP. PY 2026 will be the third year of the four-year period, and funding to community agencies will continue at levels FY 2026 (PY 2025).

#### *Emergency Solutions Grant (ESG) Allocations*

Staff continue to propose allocating the vast majority of the PY 2026 ESG funds to the Stair Navigation Center operated by BACS to support the rapid re-housing placement of literally homeless people living in Berkeley.

#### *HOME Allocations*

Staff propose to use the maximum amount of HOME funds for program administration, maintain CHDO operating support at the PY 2025 funded amount, and place the remainder in the City's Housing Trust Fund.

#### ALTERNATIVE ACTIONS CONSIDERED

The PY 2026 AAP includes public and Housing Advisory Commission input and comments. Comments are considered throughout the processes and are reflected in the plan. No other alternative actions are currently being considered.

Failure to approve the PY 2026 AAP for submission to HUD by the due date could result in delays or loss of this funding.

#### CONTACT PERSON

Kat Larrowe, Community Service Specialist III, HHCS, (510) 981-7555.

#### Attachments:

##### 1: Resolution

Exhibit A: PY 2026 (FY 2027) CDBG/ESG/HOME Allocation Recommendations

##### 2: City of Berkeley PY 2026 Annual Action Plan

##### 3: Public Hearing Notice

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

SUBMISSION OF THE PROGRAM YEAR (PY) 2026 ANNUAL ACTION PLAN,  
INCLUDING ALLOCATIONS OF FEDERAL COMMUNITY DEVELOPMENT BLOCK  
GRANT (CDBG), EMERGENCY SOLUTIONS GRANT (ESG), AND HOME  
INVESTMENT PARTNERSHIPS PROGRAM (HOME) FUNDS

WHEREAS, the submission of the PY 2026 Annual Action Plan is a requirement the City must meet to receive its allocation of CDBG, ESG, and HOME funds, available for the period July 1, 2026, through June 30, 2027; and

WHEREAS, on May 7, 2024, the City Council made funding recommendations on the CDBG, ESG, and HOME Programs for the FY25-FY28 Community Agency RFP as contained in Exhibit A attached to this resolution; and

WHEREAS, on March 5, 2026, the Housing Advisory Commission voted to recommend that Council adopt the draft Annual Action Plan; and

WHEREAS, the City has established the following ERMA budget codes CDBG: 128 - various, ESG: 311 - various, HOME: 310 – various; and

WHEREAS, the City will continue to 1) utilize the full allowable (20%) portion of CDBG funds for program administration; 2) allocate up to 17.83% for public services; and 3) allocate the remainder of the CDBG allocation and any program income into housing services and community/public facility improvements; and

WHEREAS, the City will continue to 1) utilize the full allowable (7.5%) portion of ESG funds for program administration; 2) allocate \$6,676 to the Homeless Management Information System (HMIS); 3) allocate up to 60% to shelter activities; and 4) allocate the remainder of the ESG entitlement allocation to rapid re-housing; and

WHEREAS, the City will continue to 1) utilize the full allowable (10%) portion of the HOME funds for program administration; 2) allocate up to 5% for Community Housing Development Organization (CHDO) operating support; and 3) allocate the remainder of the HOME entitlement allocation, any program income into the Housing Trust Fund, and prior years unexpended funds to Housing Trust Fund project delivery.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager or designee is authorized to:

1. Execute any resultant agreements and amendments for agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposal approved hereunder. If the federal government does not allocate sufficient funds to cover the allocations attached to this resolution in this year or subsequent years, the City may either terminate the resultant agreements with agencies without any liability occurring to the City. A record copy of said contracts and any amendments are on file in the Office of the City Clerk; and

2. Adjust reporting due dates for Community Agency grantees for all Program Reports and Statement of Expenses for FY 2027 and FY 2028 contracts. Authorize new dates for Program Reports to be due on October 15, January 15, April 15, and July 15 and Statement of Expenses due on October 15, January 15, April 15, July 31.
3. Allocate 20% of the PY 2026, (FY 2027) CDBG funds to the Planning and Administration, up to 17.83% for public services, and the remaining to be distributed to Housing Services and Community Facility Improvements as outlined in Exhibit A with the Public Facility Improvements being a flexible line item should the HUD allocation differ than the amount currently allocated; and
4. Allocate the allowable 10% of PY 2026 (FY 2027) HOME funds for program administration, up to the allowable 5% for CHDO operating support, allocate the remainder to the Housing Trust Fund; and prior years unexpended funds to Housing Trust Fund project delivery.
5. Allocate the allowable 7.5% of the PY 2026 (FY 2027) ESG to Administration, \$6,676 to the HMIS system and the remaining amount to Rapid Re-housing, and shelter activities (with shelter not to exceed 60% of PY 2026 ESG entitlement); and
6. Finalize the PY 2026 Annual Action Plan, including responses to public comments received until May 1, 2026, adding required HUD application forms and certifications, and including other HUD required information, submit it to the federal Department of Housing and Urban Development (HUD), and execute all documents necessary to receive the City's entitlement grants under the CDBG, ESG, and HOME Programs.

BE IT FURTHER RESOLVED that the City manager or designee is authorized to execute or amend contracts with agencies receiving funding under the CDBG, ESG, or HOME Program in accordance with the proposals approved hereunder. A record copy of said contracts and any amendments are on file in the Office of the City Clerk.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to use the following invoicing/reporting system in contract administration, but maintains the discretion of requiring more frequent invoices and reports from new grantees or in contracts deemed to require closer scrutiny, and also maintains the discretion to terminate contracts based on factors outlined in the contract boilerplate, including, but not limited to, the contractor's failure to fulfill obligations:

Fiscal Reports:

All agencies, regardless of funding level, are required to submit quarterly statements of expense and quarterly requests for advance payment. The final statement of expense for each fiscal year must be accompanied by a copy of the agency's General Ledger and a Statement of Revenues and Expenditures for each program.

- October 15, for the 3-month period ending September 30
- January 15, for the 3-month period ending December 31
- April 15, for the 3-month period ending March 31
- July 31, for the 3-month period ending June 30. The final statement of expense for each fiscal year must be accompanied by a copy of the agency's General Ledger and a Statement of Revenues and Expenditures for each program.

Program Reports:

- Agencies funded with non-federal funding: End-of-year narrative summary of accomplishments for the following types of programs, due by July 31: 1) Drop-In Services only with no intensive case management attached, 2) Meal Programs, and 3) Recreation Services.
- All other agencies with non-federal funding: Two program reports, due by January 15 and July 15.
- Agencies with federal funding (any amount): Four program reports, due by October 15, January 15, April 15, and July 15.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to refuse to execute a contract with any agency that has not provided required contract exhibits and documentation within 90 days of award of funding.

BE IT FURTHER RESOLVED that the City Manager or designee is authorized to recapture any unspent CDBG, ESG, HOME, or HOME Investment Partnerships American Rescue Plan Program (HOME-ARP) funds awarded to an agency if the funds are not spent by June 30, 2026. Any unused PY 2025 HOME-ARP funds not expended in PY 2025 will also be carried forward to the PY 2026 allocation or subsequent procurement.

Exhibits

A: PY 2026 (FY 2027) CDBG/ESG/HOME Allocation Recommendations

**Exhibit A: PY 2026 (FY 2027) CDBG/ESG/HOME Allocation Recommendations –  
Listed in the Annual Action Plan as Attachment 1**

**Annual Action Plan for PY2026 - City of Berkeley CDBG, ESG and HOME Projects  
for 07/01/2026 – 06/30/2027 (Estimated allocations)**

**Recommended Allocation for CDBG – Housing Projects**

| <b>Project.<br/>#</b> | <b>Agency</b>                 | <b>Project Name</b>                | <b>PY26 Allocation</b> |
|-----------------------|-------------------------------|------------------------------------|------------------------|
| 1                     | Center for Independent Living | Residential Access                 | \$211,600.00           |
| 2                     | HHCSO*                        | Loan Services                      | \$70,848.28            |
| 3                     | HHCSO                         | Senior and Disabled Rehab Program  | \$389,126.97           |
| 4                     | HHCSO                         | Rehab Loans                        | \$432,000.00           |
| 5                     | HHCSO                         | Housing Development: M/F Rehab     | \$494,201.00           |
|                       |                               | <b>**Subtotal Housing Projects</b> | <b>\$1,597,776.25</b>  |

**Recommended Allocation for CDBG – Public Services Projects**

| <b>Project.<br/>#</b> | <b>Agency</b>                    | <b>Project Name</b>                      | <b>PY26 Allocation</b> |
|-----------------------|----------------------------------|------------------------------------------|------------------------|
| 6                     | Bay Area Community Services      | Coordinated Entry System                 | \$418,921.00           |
| 7                     | Eden Housing for Hope and Oppor. | Fair Housing                             | \$35,000.00            |
|                       |                                  | <b>Subtotal Public Services Projects</b> | <b>\$453,921.00</b>    |

**Recommended Allocation for CDBG – Public Facilities Projects**

| <b>Project.<br/>#</b> | <b>Agency</b>                      | <b>Project Name</b>                             | <b>PY26 Allocation</b> |
|-----------------------|------------------------------------|-------------------------------------------------|------------------------|
| 8                     | Rebuilding Together East Bay North | Community Facilities                            | \$93,780.00            |
| 9                     | HHCSO                              | Community Facility Improvements                 | \$181,525.10           |
| 10                    | HHCSO                              | PY25 (FY26) Community Facility Improvement NOFA | \$1,053,918.45         |
|                       |                                    | <b>**Subtotal Public Facilities Projects</b>    | <b>\$1,329,223.55</b>  |

**Recommended Allocation for CDBG – Planning & Admin. Projects**

| <b>Project.<br/>#</b> | <b>Agency</b> | <b>Project Name</b>                           | <b>PY26 Allocation</b> |
|-----------------------|---------------|-----------------------------------------------|------------------------|
| 11                    | HHCSO         | CDBG Planning and Administration              | \$521,624.20           |
|                       |               | <b>Subtotal Planning &amp; Admin Projects</b> | <b>\$521,624.20</b>    |

**The grand total for recommended allocations for all CDBG Projects is \$3,902,545.**

**Recommended Allocation for ESG Projects**

| <b>Project.<br/>#</b> | <b>Agency</b>                | <b>Project Name</b>                    | <b>PY26 Allocation</b> |
|-----------------------|------------------------------|----------------------------------------|------------------------|
| 12                    | Berkeley CES Provider - BACS | Rapid Re-Housing Project               | \$67,391.50            |
| 13                    | Berkeley CES Provider - BACS | Emergency Shelter/Street Outreach      | \$136,740.00           |
| 14                    | HHCSO                        | Homeless Management Information System | \$6,676.00             |
| 15                    | HHCSO                        | Program Planning and Administration    | \$17,092.50            |
|                       |                              | <b>GRAND TOTAL ALL ESG PROJECTS</b>    | <b>\$227,900.00</b>    |

**Recommended Allocation for HOME Projects**

| <b>Project.<br/>#</b> | <b>Agency</b>        | <b>Project Name</b>                     | <b>PY26 Allocation</b> |
|-----------------------|----------------------|-----------------------------------------|------------------------|
| 16                    | HHCSO                | HOME Administration                     | \$57,156.63            |
| 17                    | CHDO Operating Funds | CHDO Operating Funds                    | \$28,578.32            |
| 18                    | HHCSO                | Housing Trust Fund                      | \$485,831.36           |
| 19                    | HHCSO                | Project Delivery                        | \$115,000.00           |
|                       |                      | <b>***GRAND TOTAL ALL HOME PROJECTS</b> | <b>\$686,566.31</b>    |

**Notes:**

\*HHCSO = City of Berkeley Health, Housing & Community Services Department

\*\*Assumes estimated amounts for Program Income (\$600,000) and \$694,424 in prior year funds.  
Estimated prior year funds applied to Rehab Loans (\$332,000) and Community Facility NOFA (\$362,424).

\*\*\*Assumes estimated \$115,000 in prior year funds.



**CITY OF BERKELEY**  
**ANNUAL ACTION PLAN**  
**FOR HOUSING AND COMMUNITY**  
**DEVELOPMENT**

**JULY 1, 2026 – JUNE 30, 2027 (PY 2026)**

**For the U.S. Department of Housing and Urban  
Development**

**San Francisco Field Office of Community  
Planning and Development**

**May 2026**

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**Attachment 1:** Allocations City of Berkeley CDBG, ESG, and HOME Projects

**Attachment 2:** Public Notice and Community Participation Summary

**Attachment 3:** City of Berkeley Emergency Solutions Grant Rapid Rehousing Policies and Procedures Manual; and Systemwide Performance Targets for Rapid Re-Housing Services and Emergency Shelters.

## Executive Summary

### AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

#### 1. Introduction

This Annual Action Plan is the 2nd Annual Action Plan for the current Consolidated Planning period.

#### 2. Summarize the objectives and outcomes identified in the Plan

*This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.*

The City of Berkeley has ambitious objectives for spending its federal entitlement grant funding. Berkeley allocates these and other state and local funds to maximize assistance for its low and moderate-income households through:

- Housing acquisition, rehabilitation, repair, and accessibility improvements;
- Assisting homeless adults and families including those with disabilities and other special needs, through emergency shelter, transitional housing, and service-enriched affordable, supportive housing; and
- Funding public facilities improvements to protect and sustain the infrastructure critical to community services and economic vitality in Berkeley.

The City of Berkeley has long placed a high priority on affordable housing and community services. The City is committed to maintaining high-quality programs for those in need but faces challenges due to limited resources to meet those needs. The City of Berkeley has been able to backfill some of the ongoing reductions in federal funding for affordable housing and critical community services with local investments. Local investments, however, do not begin to meet the need for more affordable housing and resources to prevent and end homelessness. At the same time, the Emergency Solutions Grant (ESG), HOME Investment Partnerships (HOME), and Community Development Block Grant (CDBG) programs come with considerable administrative requirements, all of which impact the City's ability to address all the many needs identified.

**Approved Allocations.** As summarized in **AP-38** and detailed in **Attachment 1**, the City of Berkeley plans to allocate \$2,608,121 in CDBG funds together with \$600,000 (estimated) in CDBG program income and \$694,424 (estimated) prior year carryover to fund. Any program income received will be applied as follows: 1) up to 15% of the program income received in PY25 for public services, 2) up to 20% of the program income received in PY26 for program administration, and 3) all remaining program income will be applied to the City of Berkeley public facility improvement program.

Further, any earlier unused funding from the Public Facility Improvement program will remain in the program and up to \$332,000 of earlier unused funds Program will be allocated to Senior Disabled Loan Rehabilitation Program for the PY 2026 year.

The PY2026 CDBG entitlement allocation, including estimated program income and earlier unused funds, will be distributed for the following program areas:

- \$1,597,776.25 in housing projects and programs;
- \$453,921.00 in public services (provided this does not exceed the cap. Amount of community agency contract will be adjusted accordingly);
- \$1,329,223.55 for community and public facilities activities; and
- \$521,624.20 to administer all facets of the City's CDBG program.

The City will utilize its PY26 ESG allocation of \$227,900 to serve literally homeless people through the City's Pathways STAIR Program (\$204,131.50), support the countywide Homeless Management Information System (HMIS) (\$6,676.00), and support planning and administration activities at 7.5% (\$17,092.50). The City ensures the shelter and outreach activities do not exceed 60% of our annual ESG grant. For PY26, the City's ESG program allocation has been split with \$67,391.50 allocated to Rapid Re-Housing and \$136,740.00 allocated to Shelter and Outreach. This is evidenced in Attachment 1.

The City will utilize its PY26 HOME allocation of \$571,566.31 and \$115,000 (projected) in prior year funds for program administration at 10% (\$57,156.63), Community Housing Development Organization (CHDO) operations (\$28,578.32), project delivery (\$115,000.00), and will allocate the remaining balance to its Housing Trust Fund (\$485,831.36 estimate). Up to 10% of Program Income received within the program year may be used for program administration.

### **3. Evaluation of past performance**

***This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.***

The City reviews and evaluates its performance through its annual submission of the Consolidated Annual Performance and Evaluation Report (CAPER).

The City tracks single family and multi-family housing rehabilitation efforts and housing development efforts. The City's Single-Family Rehabilitation (SFR) program comprised of the City's Senior and Disabled Rehabilitation Loan Program (SDRLP) and community agency Center for Independent Living, which are evaluated on an ongoing basis to ensure that the most significant health and safety improvements are prioritized and that sufficient outreach is occurring to increase the number of unduplicated households served overtime.

The City currently operates the public facility improvement program as a Request For Proposal (RFP)/Notice of Funding Availability (NOFA) as funds become available.

Earlier unused funds are awarded to non-profits or City agencies that serve low-income communities. At present, there are three active public facility projects that are focused on rehabilitating shelters, recovery centers, or local community centers. Improvements are focused on health, safety, and efficiency. In addition, the City funds Rebuilding Together East Bay Network's (RETN) Community Facility Improvement Program, recognizing its critical role in delivering essential health and safety improvements to community-serving facilities that primarily serve low-income clientele.

The City funds two community agencies to provide public services through housing retention and fair housing counseling. Outcomes for all public services community agency programs funded with federal funds are tracked, and prior outcomes are used to inform funding decisions.

The City uses countywide Homeless Count and program outcome data to inform its goals on homelessness.

#### **4. Summary of Citizen Participation Process and consultation process**

##### ***Summary from citizen participation section of plan.***

The City typically completes a fall public hearing with one or more commissions to obtain input on community needs. In preparation for the PY26 Annual Action Plan, the City satisfied the Citizen Participation Plan public hearing requirement by conducting two public hearings (September 2025 and April 2026).

The draft Annual Action Plan was posted on the City's website and shared with the Housing Advisory Commission (HAC) March 5, 2026 meeting. At its March meeting, the HAC recommended that Council adopt the PY26 Draft Annual Action Plan for submission to HUD. A Public Hearing on the PY26 Draft Annual Action Plan was held on April 28, 2026, before the Berkeley City Council. Outreach was accomplished via electronic flyer mailings to interested parties, including Alameda County-wide Homeless Continuum of Care, community agencies serving low-income people, and public buildings such as recreation centers, senior centers, libraries and other government buildings.

#### **5. Summary of public comments**

##### ***This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.***

At the September 2025 public hearing meeting at the Housing Advisory Commission, the commissioners and public commented on the positive impact of the streamlining in the Senior and Disabled Rehabilitation Loan Program (SDRLP), which was implemented in PY25.

There was one public comment and a discussion among commissioners at the Housing Advisory Commission (HAC) meeting on March 5, 2026. The comment highlighted the need for more funding for emergency shelters. Following the public comment, a

discussion by members of the HAC ensued to finalize the recommendations on the PY26 Annual Action Plan, including questions on details of the proposed projects and how allocations are estimated. The HAC commented on the importance of coordination with Berkeley Housing Authority to increase affordable housing supply and quality.

Public comment at the [April 28, 2026](#) City Council Public Hearing included testimony from [XX](#) individual(s). The public and Council discussion included:

- [\[add summary of public comments\]](#)
- Members of the City Council discussed [\[add summary of Council discussion\]](#).

**6. Summary of comments or views not accepted and the reasons for not accepting them**

All comments were accepted and/or addressed and will remain recorded in this report should additional HUD funds become available for public services and housing. None of the comments received resulted in changes to the Plan.

**7. Summary**

None.

**PR-05 Lead & Responsible Agencies – 91.200(b)****1. Agency/entity responsible for preparing/administering the Consolidated Plan**

Describe the agency/entity responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

| Agency Role        | Name     | Department/Agency                                  |
|--------------------|----------|----------------------------------------------------|
| CDBG Administrator | Berkeley | Health, Housing, and Community Services Department |
| HOME Administrator | Berkeley | Health, Housing, and Community Services Department |
| ESG Administrator  | Berkeley | Health, Housing, and Community Services Department |

**Table 1 – Responsible Agencies**

**Narrative (optional)**

The Health, Housing, and Community Services (HHCS) Department is the lead agency for overseeing the development of the plan. The Housing and Community Services (HCS) Division coordinates the City's funding allocation process and monitoring for community-based organizations, administration of the Housing Trust Fund, and operation of other housing and community services programs such as the Shelter Plus Care Program and Senior and Disabled Rehabilitation Loan Program. The Department also includes the Environmental Health, Mental Health, Public Health, and Aging Services divisions, all of which provide direct services to the community.

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**AP-10 Consultation – 91.100, 91.200(b), 91.215(l)****1. Introduction**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings, such as regular Housing and Homeless Services Team meetings, emergency services for vulnerable and low-income populations meetings, and will continue to coordinate with other City Departments on specific topics such as, but not limited to, affordable housing and homelessness. It will also consult with EveryOne Home, the countywide coordinating body and plan to end homelessness, and its partners at Alameda County Behavioral Health Care Services and Social Services Agency as well as community stakeholders in Berkeley.

**Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))**

The City of Berkeley coordinates the housing and community services activities within the HHCS department through regular senior staff meetings and coordination on specific topics. City staff also participate in the implementation of EveryOne Home, the countywide plan to end homelessness. EveryOne Home spearheads Alameda County's Continuum of Care. Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community-based organizations. Leadership Board membership helps to coordinate efforts across the county. Staff also participate in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community-based organizations.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness**

The City of Berkeley works closely with the Alameda County Continuum of Care (CoC) in numerous ways including as members of various CoC committees that meet to review and provide recommendations for system improvements. The City also works closely with Alameda County Behavioral Health Care Services, Social Service Agency, Office of Housing and Homelessness (OHH). In PY21, the City endorsed the Alameda County Home Together 2026 Community Plan, a five-year strategic initiative. The City will participate in preparing the Home Together Update this year. The City continues to work closely with OHH to implement the North County Coordinated Entry System (CES), which includes Berkeley, Emeryville, and Albany. The redesigned screening process implementing housing problem-solving and crisis and housing assessments is now utilized across the County, including at the new transition age youth (TAY) Housing Resource Center (HRC). The addition of the crisis queue, which asks if someone is



interested in shelter, has increased the number of successful matches to shelter resources in Berkeley. Additionally, the City attends and participates in the CoC's Housing Stability and Homelessness Prevention and System Impact Committee meetings. The City also funds the Eviction Defense Center (EDC) to deliver targeted housing retention assistance to Berkeley households at imminent risk of homelessness, including rental assistance and eviction defense services. Through strategic prioritization and flexible funding tools, the City and EDC focus resources on households with the highest need to prevent housing loss and reduce entries into the homeless services system.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

Consultation with the Alameda-Countywide CoC, the City of Oakland, and the Alameda County Housing and Community Services Department was initiated in 2012 to discuss the use of ESG funds. The discussion focused on how to implement the new ESG requirements in a way that would be consistent countywide and would continue the collaboration launched in 2009 with American Recovery and Reinvestment Act (ARRA) Homelessness Prevention and Rapid Re-housing (HPRP) funds. The group held several meetings in PY12, resulting in the development of a policies and procedures manual that was used to implement the Priority Home Partnership Program. In PY25, the City updated its ESG Policies and Procedures Manual and provided training to Bay Area Community Services, the community agency that administers ESG Rapid Re-housing assistance. The City continues to use the CoC's results-based accountability (RBA) system performance measures and targets to evaluate emergency shelter, outreach and rental assistance programs funded by ESG.

**2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities**

**1. City of Berkeley Housing Advisory Commission**

| Item                                                    | Description                                                                                                                                                                                                                                                                                 |
|---------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Agency/Group/Organization Type                          | Other government - Local                                                                                                                                                                                                                                                                    |
| What section of the Plan was addressed by Consultation? | Housing Need Assessment<br>Homelessness Strategy<br>Homeless Needs - Chronically homeless<br>Homeless Needs - Families with children<br>Homelessness Needs - Veterans<br>Homelessness Needs - Unaccompanied youth<br>Non-Homeless Special Needs<br>Market Analysis<br>Anti-poverty Strategy |

| Item                                                                                                                                                 | Description                                                                                                               |
|------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|
| <b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b> | Draft copies of the plan were presented to the Housing Advisory Commission (HAC) at its March 2026 meetings for comments. |

## 2. City of Berkeley Homeless Services Panel of Experts (HSPOE)

| Item                                                                                                                                                 | Description                                                                                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Agency/Group/Organization Type</b>                                                                                                                | Other government - Local                                                                                                                                                               |
| <b>What section of the Plan was addressed by Consultation?</b>                                                                                       | Homelessness Strategy<br>Homeless Needs - Chronically homeless<br>Homeless Needs - Families with children<br>Homelessness Needs - Veterans<br>Homelessness Needs - Unaccompanied youth |
| <b>How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?</b> | The HSPOE provides their expertise and recommendations for funding for community agencies including the portion of CDBG public services funding that supports the homeless population. |

Table 2 – Agencies, groups, organizations who participated

### Identify any Agency Types not consulted and provide rationale for not consulting

No Agency Types were knowingly excluded.

### Other local/regional/state/federal planning efforts considered when preparing the Plan

| Name of Plan                      | Lead Organization                                               | How do the goals of your Strategic Plan overlap with the goals of each plan?                                                                                                                                                                                                                                                                                   |
|-----------------------------------|-----------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Home Together 2026 Community Plan | Alameda County's Continuum of Care                              | The Alameda County Home Together 2026 Community Plan, the countywide plan to end homelessness, was endorsed by the City in PY2021. Berkeley activities to end homelessness, including those supported by federal monies as articulated in this plan, align with the Home Together 2026 Community Plan.                                                         |
| Housing Element 2023-2031         | City of Berkeley                                                | The Housing Element addresses housing production and preservation in the City of Berkeley and includes issues related to affordable housing that overlap with this report goal to increase affordable housing supply and quality.                                                                                                                              |
| Health Report of 2018             | Health, Housing, and Community Services; Public Health Division | The goal of the Health Status Report is to provide a picture of the health status of people living in Berkeley. The report helps define goals and objectives for improving Berkeley resident health outcomes. The Health Status Report highlights overlapping health and housing needs for low-income individuals that are addressed in the Consolidated Plan. |

| Name of Plan                                                    | Lead Organization                                       | How do the goals of your Strategic Plan overlap with the goals of each plan?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| YEP                                                             | Collaboration between various local agencies            | Formerly Berkeley 2020 Vision, now known as YEP, is a citywide partnership that seeks to close Berkeley educational opportunity gap through a shared community commitment to this goal: that all young people in Berkeley grow up with opportunities to achieve high outcomes and realize their full potential. Public agency, education, nonprofit, and other partners lend content expertise, shape the direction of this initiative, and represent the students and families they serve. This is consistent with goals of increasing economic opportunities for Berkeley residents. The Consolidated Plan works toward these shared goals by supporting housing and public services for low-income residents.                                     |
| Age-Friendly Berkeley Action Plan                               | Health, Housing, and Community Services; Aging Division | This report focuses on the aging population in Berkeley and the fact that the vast majority of older adults want to age in their homes and local Berkeley community. The Age-Friendly Berkeley initiative helps prepare Berkeley for its rapidly aging population by gathering input from the community and pulling together public and private leaders, resources, ideas, and strategies to address the issues raised. Age-Friendly Berkeley is a collective effort whose goal is to ensure that all Berkeley residents are connected, healthy, and engaged in their environments. The Consolidated Plan speaks directly to affordable housing goals that support low-income persons, specifically including seniors and persons with disabilities. |
| City of Berkeley Strategic Plan                                 | City of Berkeley                                        | The strategic plan identifies the City governments long-term goals on behalf of the Berkeley community. The plan was approved in 2018, and included numerous priorities, which are short-term projects or programs that support a specific goal. Goals include creating affordable housing and housing supportive services for low-income community members.                                                                                                                                                                                                                                                                                                                                                                                         |
| Alameda County Regional Analysis of Impediments to Fair Housing | Alameda County                                          | This report summarizes the impediments to fair housing across Alameda County. The report was approved for 2025-2029.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| California All Home Regional Action Plan (RAP), 2024            | All Home                                                | The City's strategic plans for addressing homelessness align with the priorities in the RAP.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Alameda County Point-in-Time Report, 2024                       | Alameda County EveryOne Home                            | The Point-in-Time (PIT) Count is a biennial census of people experiencing homelessness on a single night. This report includes additional information about the experiences of people who are homeless in the Berkeley community which assist in developing our programmatic activities to end homelessness. The 2026 PIT Count was completed in January 2026, and results will be available later in the year.                                                                                                                                                                                                                                                                                                                                      |

Table 3 – Other local / regional / federal planning efforts

**Narrative (optional)**

**AP-12 Participation – 91.105, 91.200(c)**

**1. Summary of citizen participation process/Efforts made to broaden citizen participation**

**Summarize citizen participation process and how it impacted goal-setting**

The City's Housing Advisory Commission (HAC) reviewed the PY24 Consolidated Annual Performance and Evaluation Report (CAPER) at their September 2025 public hearing. The HAC and members of the public had the opportunity to comment on the City's impact and make recommendations about how federal funds are spent in the City.

The City's Housing Advisory Commission (HAC) reviewed the draft plan during a public meeting on March 5, 2026, that was advertised on the City's website and calendar.

The City published a public hearing notice on **March 27, 2026**, in the Berkeley Voice in accordance with its citizen participation plan for an **April 28, 2026**, Public Hearing at the Berkeley City Council meeting. It also sent the notification to public and assisted housing, users of community and senior centers, libraries, and residents being served by over 50 community-based agencies funded by the City of Berkeley.

**Citizen Participation Outreach**

| Sort Order | Mode of Outreach | Target of Outreach            | Summary of response/ attendance                                                                                                                                                                                                                                                     | Summary of comments received                                                                                                                                                                                              | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                                                                       |
|------------|------------------|-------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Public Hearing   | Non-targeted, broad community | September 4, 2025<br><br>7 members of the public attended the public hearing, including commissioners.                                                                                                                                                                              | There were no comments from community members. A commissioner commented that the streamlining in SDRLP seems to be working based on PY24 CAPER.                                                                           | All comments were accepted.                  | <a href="https://berkeleyca.gov/your-government/boards-commissions/housing-advisory-commission">https://berkeleyca.gov/your-government/boards-commissions/housing-advisory-commission</a> |
| 2          | Public Meeting   | Non-targeted, broad community | March 5, 2026<br><br>Seven members of the HAC discussed the Draft Annual Action Plan, and one member of the public made public comment. Over 11 persons, including commissioners, were present.<br><br>The members of HAC voted to approve the Draft AAP for Council consideration. | HAC members reviewed and discussed the Draft of the AAP at its March 5, 2026, meeting. Comments and questions pertaining to the AAP focused on the planned projects and coordination with the Berkeley Housing Authority. | All comments were accepted.                  | <a href="https://berkeleyca.gov/your-government/boards-commissions/housing-advisory-commission">https://berkeleyca.gov/your-government/boards-commissions/housing-advisory-commission</a> |

| Sort Order | Mode of Outreach | Target of Outreach            | Summary of response/ attendance                                                                       | Summary of comments received                                                                                                                                                                                                                                                                                                                                                             | Summary of comments not accepted and reasons | URL (If applicable)                                                                                                                                             |
|------------|------------------|-------------------------------|-------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3          | Public Hearing   | Non-targeted, broad community | This hybrid Public Hearing was held on <u>April 28, 2026</u> , at a City of Berkeley Council Meeting. | <p><u>XX</u> comments received via email.</p> <p>More than <u>XX</u> persons in attendance at the <u>April 28</u>, 2026 meeting.</p> <p><u>XX</u> member(s) of the public spoke at the <u>April 28, 2026</u> public hearing on the PY26 Annual Action Plan in front of the City Council. Comments from the public and Council discussion included: <u>[add summary of comments]</u>.</p> | All comments were accepted.                  | <a href="https://berkeleyca.gov/your-government/city-council/city-council-agendas">https://berkeleyca.gov/your-government/city-council/city-council-agendas</a> |

Table 4 – Citizen Participation Outreach

## Expected Resources

### AP-15 Expected Resources – 91.220(c)(1,2)

#### Introduction

Berkeley is an entitlement jurisdiction.

#### Anticipated Resources

| Program | Source of Funds  | Uses of Funds                                                                                                                                                       | Year 2 Estimated Annual Allocation : \$ | Year 2 Estimated Program Income: \$ | Year 2 Estimated Prior Year Resources: \$ | Year 2 Estimated Total: \$ | Expected Amount Available Remainder of ConPlan: \$ | Narrative Description |
|---------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------|-------------------------------------------|----------------------------|----------------------------------------------------|-----------------------|
| CDBG    | public - federal | Acquisition<br>Admin and Planning<br>Economic Development<br>Housing<br>Public Improvements<br>Public Services                                                      | 2,608,121                               | 600,000<br>(estimated)              | 694,424<br>(anticipated)                  | 3,902,545<br>(estimated)   | 11,726,908<br>(estimated)                          | See below             |
| HOM E   | public - federal | Acquisition<br>Homebuyer assistance<br>Homeowner rehab<br>Multifamily rental new construction<br>Multifamily rental rehab<br>New construction for ownership<br>TBRA | 571,566.31                              | 0<br>(estimated)                    | 115,000<br>(anticipated)                  | 686,566.31<br>(estimated)  | 2,401,265.24<br>(estimated)                        | See below             |

| Program | Source of Funds  | Uses of Funds                                                                                                                                                                               | Year 2 Estimated Annual Allocation : \$ | Year 2 Estimated Program Income: \$ | Year 2 Estimated Prior Year Resources: \$ | Year 2 Estimated Total: \$ | Expected Amount Available Remainder of ConPlan: \$ | Narrative Description |
|---------|------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|-------------------------------------|-------------------------------------------|----------------------------|----------------------------------------------------|-----------------------|
| ESG     | public - federal | Conversion and rehab for transitional housing<br>Financial Assistance<br>Overnight shelter<br>Rapid re-housing (rental assistance)<br>Rental Assistance<br>Services<br>Transitional housing | 227,900                                 | 0                                   | 0 (anticipated)                           | 227,900 (estimated)        | 911,600 (estimated)                                | See below             |

Table 5 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

Many of the housing and community services programs described in the Consolidated Plan will continue to be delivered by nonprofit community-based organizations. The City contracts with a wide range of housing and service providers using CDBG, HOME, ESG, Community Services Block Grant (CSBG), General Fund, and other sources of funding. These organizations leverage significant financial and in-kind support from individual community members, foundations, and private organizations that help meet the needs identified in this plan.

In addition to leveraging at the individual agency level, the City has historically matched the investment of CDBG, HOME, and ESG dollars with the investment of General Funds. In PY25 over three quarters of the funding for community agency programs came from General Funds. The City anticipates using all of its HOME funds for multifamily residential new construction and rehabilitation. These types of projects virtually always require multiple sources of federal, state, and other funding, which project sponsors leverage with a commitment of local funds, including HOME. The City will use local funds, such as those from the City's Measure O housing bond and mitigation fee revenue in the Housing Trust Fund to ensure continued compliance with the HOME match requirements. The City meets the dollar-for-dollar match requirements for the ESG program by allocating General Funds to various homeless services



providers. Shelter programs alone receive over \$348,489 in City General Funds each year.

**If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

The City has long-term leases of City-owned property with non-profit organizations that address the needs identified. Programs operating in leased City-owned properties include:

- Dorothy Day House – a year-round and two emergency winter shelters and a daytime Community Resource Center;
- BOSS' Harrison House Shelter for unhoused men, women and families;
- BOSS' Sankofa House – emergency shelter for unhoused families;
- Women's Daytime Drop-In Center's Bridget House – transitional housing for homeless families;
- Women's Daytime Drop-in Center - a daytime center for unhoused women and children;
- Bay Area Community Services Pathways Stair Center – a year-round shelter for unhoused adults;
- Options Recovery Services – substance use treatment services; and
- LifeLong Medical Care/Berkeley Free Clinic – healthcare services for unhoused Berkeley residents.

The City also has long-term ground leases for affordable permanent housing at:

- Ocean View Gardens;
- UA Cooperative Housing;
- William Byron Rumford Senior Plaza; and
- The Hope Center and Berkeley Way.

The City is working closely with Bay Area Rapid Transit (BART) on the redevelopment of the Ashby and North Berkeley BART sites, which are projected to include affordable housing equivalent to at least 35-50% of the total units at each site. For the North Berkeley BART site, the City and BART selected a team of developers through a competitive process; three of which are nonprofit affordable housing developers. The first of the four proposed North Berkeley BART affordable housing projects are expected to start construction in 2027. The City and BART selected a development team for the Ashby west lot site in PY25 that includes one nonprofit affordable housing developer and are in the early planning stages for the Ashby east lot site. The City will own the east lot property and expects to select a development team in early PY26. In total the North Berkeley and Ashby BART sites are expected to create at least 1,500 new market rate and affordable housing units in Berkeley. Ocean View Gardens, an existing 63-unit multifamily affordable housing development, has undergone substantial rehabilitation. In 2024, Orbach Affordable Housing Strategies (OAHS) acquired the property and secured tax credit and bond financing for the rehabilitation. OAHS

assumed the City's ground lease, extending the affordability period until June 2089. No City funds were required to complete the rehabilitation. The rehabilitation at Ocean View Gardens is scheduled to be completed before the end of PY2025, and the project will be monitored according to the City's compliance monitoring procedures, including annual reporting and routine on-site monitoring visits which are completed after the first year of operations under the new owner and every three years over the life of the project until the end of the compliance period.

**Discussion**

N/A

DRAFT

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives

#### Goals Summary Information

| Sort Order | Goal Name                                                 | Start Year | End Year | Category                          | Geographic Area | Needs Addressed                   | Funding                                    | Goal Outcome Indicator                                                                                                                                                                                                          |
|------------|-----------------------------------------------------------|------------|----------|-----------------------------------|-----------------|-----------------------------------|--------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1          | Increase Affordable Housing Supply and Quality            | 2025       | 2029     | Affordable Housing                | BERKELEY        | Affordable Housing                | CDBG: \$1,597,776.25<br>HOME: \$629,409.68 | Rental units constructed: 0 Household Housing Unit<br>Rental units rehabilitated: 13 Units<br>Homeowner Housing Rehabilitated: 13 Household Housing Unit                                                                        |
| 2          | Improve Public & Community Facilities and Public Services | 2025       | 2029     | Non-Housing Community Development | BERKELEY        | Non-Housing Community Development | CDBG: \$1,783,144.55                       | Public & Community Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted<br>Public service activities other than Low/Moderate Income Housing Benefit: 370 Persons Assisted |
| 3          | Provide Homeless Prev., Shelter, and RRH                  | 2025       | 2029     | Homeless                          | BERKELEY        | Homeless                          | ESG: \$204,131.50                          | Tenant-based rental assistance / Rapid Rehousing: 28 Households Assisted (plus additional served with earlier unused funds)<br>Homeless Person Overnight Shelter: 96 Persons Assisted                                           |

Table 6 – Goals Summary

### Goal Descriptions

Goal 1: Increase Affordable Housing Supply and Quality.

Description: CDBG and HOME funds will be used for affordable housing acquisition and rehabilitation, and single-family rehabilitation programs.

Goal 2: Improve Public Facilities and Public Services.

Description: CDBG funds will be used to rehabilitate public facilities and homeless and fair housing public services.

Goal 3: Provide Homeless Prev., Shelter, Outreach and RRH.

Description: ESG funds will be used to provide outreach, services emergency shelter and/or rapid re-housing to literally homeless households.

DRAFT

## Projects

### AP-35 Projects – 91.220(d)

#### Introduction

With its CDBG, HOME, and ESG funds, the City of Berkeley will fund eligible projects in the following categories: housing development, rehabilitation and services projects, public services, public/community facility improvement projects, emergency shelter grant programs, program planning and administration, and the Housing Trust Fund.

#### Projects

| # | Project Name                                                          |
|---|-----------------------------------------------------------------------|
| 1 | City of Berkeley Planning and Administration                          |
| 2 | Housing Loan Services                                                 |
| 3 | Single Family Rehabilitation Programs                                 |
| 4 | Housing Trust Fund                                                    |
| 5 | Public Services                                                       |
| 6 | Community Facility Rehabilitation                                     |
| 7 | ESG26-Berkeley-Emergency Shelter, Rapid Rehousing and HMIS Activities |

Table 7 - Project Information

#### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

The City continues to fund activities that have been identified as a need in the Consolidated Plan.

## AP-38 Project Summary

## Project Summary Information

Commented [KL1]: Include (estimate) next to all the funding amounts

## 1. City of Berkeley Planning and Administration

| Item                                                                                    | Description                                                                                                                                          |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| Target Area                                                                             | BERKELEY                                                                                                                                             |
| Goals Supported                                                                         | Increase Affordable Housing Supply and Quality<br>Improve Public Facilities and Public Services<br>Provide Homeless Prev., Shelter, Outreach and RRH |
| Needs Addressed                                                                         | Affordable Housing<br>Homelessness<br>Non-Housing Community Development                                                                              |
| Funding                                                                                 | CDBG: \$521,624.20<br>HOME: \$57,156.63                                                                                                              |
| Description                                                                             | The project will fund City staff to plan and administer CDBG and HOME projects. HOME Admin based on projected entitlement is 10%.                    |
| Target Date                                                                             | 6/30/2027                                                                                                                                            |
| Estimate the number and type of families that will benefit from the proposed activities |                                                                                                                                                      |
| Location Description                                                                    | Citywide.                                                                                                                                            |
| Planned Activities                                                                      | Information about the planned activities is included in Section AP-38 Project Summaries.                                                             |

## 2. Housing Loan Services

| Item                                                                                    | Description                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Target Area                                                                             | BERKELEY                                                                                                                                                                                                                                                                           |
| Goals Supported                                                                         | Increase Affordable Housing Supply and Quality                                                                                                                                                                                                                                     |
| Needs Addressed                                                                         | Affordable Housing                                                                                                                                                                                                                                                                 |
| Funding                                                                                 | CDBG: \$70,848.28 (estimate)                                                                                                                                                                                                                                                       |
| Description                                                                             | City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities.                                                                                                                      |
| Target Date                                                                             | 6/30/2027                                                                                                                                                                                                                                                                          |
| Estimate the number and type of families that will benefit from the proposed activities | City staff provide loan services to support single family rehabilitation, housing trust fund projects, and other federally funded housing related activities. The project will serve approximately 68 active loans.                                                                |
| Location Description                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                     |
| Planned Activities                                                                      | Services provided under this project will include accounting, processing loan payments and loan payoff demands, deeds of reconveyance, lien releases and loan subordination requests, collections, personal financial analysis, and structuring of temporary repayment agreements. |

## 3. Single Family Rehabilitation Programs

| Item                                                                                    | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Target Area                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Goals Supported                                                                         | Increase Affordable Housing Supply and Quality                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Needs Addressed                                                                         | Affordable Housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Funding                                                                                 | CDBG: \$1,032,726.97 (estimate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Description                                                                             | This project will fund activities related to single-family home rehabilitation. Eligible rehabilitation work will include health and safety repairs as well as ADA accessibility improvements, such as the installation of ramps and lifts, for low-income residents.                                                                                                                                                                                                                                                                                                                                                                                          |
| Target Date                                                                             | 6/30/2027                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Estimate the number and type of families that will benefit from the proposed activities | The project will benefit an estimated 13 low-income households annually.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Location Description                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Planned Activities                                                                      | Activities include health and safety upgrades, ADA-compliant improvements, and efficiency enhancements. The Center for Independent Living's program reduces barriers to housing for 9 low-income homeowners with disabilities by installing ramps, lifts, and other interior and exterior modifications to ensure safe and accessible entry to their homes. City staff collaborate with senior and/or homeowners with a disability to provide an estimated four to six deferred, interest-free loans annually through the Senior & Disabled Home Rehabilitation Loan Program and to complete approximately four homeowners' rehabilitation projects each year. |

## 4. Housing Trust Fund

| Item            | Description                                                                                                                                                                            |
|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Target Area     | BERKELEY                                                                                                                                                                               |
| Goals Supported | Increase Affordable Housing Supply and Quality                                                                                                                                         |
| Needs Addressed | Affordable Housing                                                                                                                                                                     |
| Funding         | CDBG: \$494,201.00 (estimate)<br>HOME: \$600,831.36 (estimate)                                                                                                                         |
| Description     | Activities that provide funding for City staff in support of projects funded with City of Berkeley Housing Trust Fund dollars, includes funding for projects and CHDO operating funds. |
| Target Date     | 6/30/2027                                                                                                                                                                              |

| Item                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Estimate the number and type of families that will benefit from the proposed activities</b> | <p>10 units (households) will be directly supported with federal funding during the 5-year Consolidated Plan period, for an average of 2 per year. During the same time period, staff will also support the development of an additional 1,168 units with local funding. The proposed new construction housing includes units for seniors and formerly homeless households.</p> <p>A total of 112 low-income housing units and rooms will be rehabilitated under the City's Housing Trust Fund (HTF) program, including four existing housing projects (92 units/rooms) and two new rehabilitation projects which would add 20 units to the City's existing affordable housing portfolio.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Location Description</b>                                                                    | Citywide.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Planned Activities</b>                                                                      | <p>City staff actively facilitate development, rehabilitation and/or preservation of affordable housing through working with developers, other city staff, lenders and other public agencies for the acquisition and rehabilitation of multi-family housing.</p> <p>This is the City of Berkeley's Housing Trust Fund, and the funds support Housing Development staff. 570.201 (k) "provides that CDBG funds may be used to pay costs in support of activities eligible for funding under the HOME program. This includes services such as housing counseling in connection with tenant-based rental assistance and affordable housing projects, energy auditing, preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and other services related to assisting owners, tenants, contractors, and other entities participating or seeking to participate in the HOME program."</p> <p>Funded activities include working with funded projects throughout predevelopment, supporting public participation in project selection and development, preparing and executing loan agreements, and conducting federally required environmental review. Staff are currently working with 10 affordable housing developments in varying stages of predevelopment with reservations totaling over \$72M in City funds, including HOME funds.</p> <p>In PY26, the City will continue to work with nonprofit housing developers on the rehabilitation of the following properties: MLK House (11 rooms), 2207 Haste Street (8 rooms), Ashby Lofts (54 units), Adeline Street Apartments (19 units), 2321 Tenth Street (8 units), and California Street Apartments (12 units). Adeline Street Apartments is partially funded with HOME funds.</p> |

#### 5. Public Services

| Item                   | Description                                       |
|------------------------|---------------------------------------------------|
| <b>Target Area</b>     | BERKELEY                                          |
| <b>Goals Supported</b> | Improve Public Facilities and Public Services     |
| <b>Needs Addressed</b> | Homelessness<br>Non-Housing Community Development |
| <b>Funding</b>         | CDBG: \$453,921.00 (estimate)                     |



| Item                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Description</b>                                                                             | Services including the North County Coordinated Entry System (CES) and fair housing services are funded under this project.                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Target Date</b>                                                                             | 6/30/2027                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 300 low-income and homeless households are expected to be served through these activities annually through coordinated entry. 70 households will be supported with fair housing services.                                                                                                                                                                                                                                                                                                                |
| <b>Location Description</b>                                                                    | Citywide.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>Planned Activities</b>                                                                      | Bay Area Community Services operates Berkeley's Coordinated Entry System which will screen, conduct intakes, and provide housing navigation services to approximately 300 people. Eden Council for Hope and Opportunity will provide outreach, training, fair housing counseling services to up to 70 households, investigation of an estimated 25 fair housing complaints, 10 tenant/landlord mediations, and 10 fair housing testing/audits with follow-up training for non-compliant property owners. |

#### 6. Public & Community Facility Rehabilitation

| Item                                                                                           | Description                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Target Area</b>                                                                             | BERKELEY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| <b>Goals Supported</b>                                                                         | Improve Public & Community Facilities and Public Services                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Needs Addressed</b>                                                                         | Non-Housing Community Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>Funding</b>                                                                                 | CDBG: \$1,329,223.55 (estimate)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Description</b>                                                                             | Activities that fund the rehabilitation of public and community facilities are funded under this project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Target Date</b>                                                                             | 6/30/2027                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Estimate the number and type of families that will benefit from the proposed activities</b> | It is projected that public facility improvements provided by the City of Berkeley's administered program and Rebuilding Together East Bay Network will benefit an estimated 500 people. The number of beneficiaries may increase as new public facility projects are identified through the acceptance of new applications.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Location Description</b>                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Planned Activities</b>                                                                      | Activities include improving public facilities by funding substantial rehabilitation to applicants of the City-administered Public Facility Improvement Program and the Rebuilding Together East Bay Network program. In PY26 the City is anticipating having a minimum of \$91,494 in entitlement, estimated \$600,000 in program income, and \$362,424 in prior year funds available for the public facility notice of funding availability (NOFA). The three current projects, Ala Costa Centers, BOSS's Ursula Sherman Village, and Options Recovery Center, are anticipated to serve 100 persons. Additional projects throughout the year may increase the numbers served. The Rebuilding Together East Bay Network program will use \$93,780 to support four projects throughout the community serving an estimated total of 400 persons. |

## 7. ESG26-Berkeley-Emergency Shelter, Rapid Rehousing, and HMIS Activities

| Item                                                                                    | Description                                                                                                                                                                                                              |
|-----------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Target Area                                                                             | BERKELEY                                                                                                                                                                                                                 |
| Goals Supported                                                                         | Provide Shelter, and RRH                                                                                                                                                                                                 |
| Needs Addressed                                                                         | Homelessness                                                                                                                                                                                                             |
| Funding                                                                                 | ESG: \$227,900                                                                                                                                                                                                           |
| Description                                                                             | ESG funds will be used for Emergency Shelter, and Rapid Re-Housing, HMIS and administrative costs.                                                                                                                       |
| Target Date                                                                             | 6/30/2027                                                                                                                                                                                                                |
| Estimate the number and type of families that will benefit from the proposed activities | ESG:<br>28 households will be served with rapid rehousing financial assistance.<br>96 persons will be with Emergency Shelter. Additional households will be served using earlier unused funds.                           |
| Location Description                                                                    | Various locations within the City of Berkeley.                                                                                                                                                                           |
| Planned Activities                                                                      | ESG funds will be used to provide financial assistance and housing relocation and stabilization services to rapidly re-house approximately 28 households, and support approximately 96 people through emergency shelter. |

Table 8 - Project Summary

## AP-50 Geographic Distribution – 91.220(f)

**Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

As discussed in MA-50 of the Consolidated Plan, the City does not have areas of low income or minority concentration and therefore does not allocate federal funds geographically.

**Geographic Distribution**

| Target Area | Percentage of Funds |
|-------------|---------------------|
| BERKELEY    | 100                 |

Table 9 - Geographic Distribution

**Rationale for the priorities for allocating investments geographically**

N/A

**Discussion**

N/A

## Affordable Housing

### AP-55 Affordable Housing – 91.220(g)

#### Introduction

This section includes HOME-funded units only. The City has one HOME-funded project that was completed during PY24. The Grinnell project (formerly called Blake Apartments) has 63 units in total, ten of which are HOME-assisted units. As of this writing in January 2026, the City has a robust housing development pipeline that includes at least one HOME-funded project in this Consolidated Plan period. The pipeline consists of 13 new construction projects either under way or in predevelopment, two acquisition/rehabilitation projects, and four portfolio rehabilitation projects (rehab of existing affordable housing projects). The City's pipeline represents 1,188 newly created or newly restricted affordable housing units, plus 92 units in existing affordable housing projects. The City has committed over \$140M to the pipeline projects. Because the City has an aging portfolio of occupied affordable housing projects, HOME funds will be used to support the renovation of an existing affordable housing project – Adeline Street Apartments (19 units total).

#### One Year Goals for the Number of Households to be Supported

|                |   |
|----------------|---|
| Homeless:      | 0 |
| Non-Homeless:  | 9 |
| Special-Needs: | 0 |
| Total:         | 9 |

#### One Year Goals for the Number of Households Supported Through

|                                |   |
|--------------------------------|---|
| Rental Assistance:             | 0 |
| The Production of New Units:   | 0 |
| Rehab of Existing Units:       | 9 |
| Acquisition of Existing Units: | 0 |
| Total:                         | 9 |

#### Discussion

N/A

## **AP-60 Public Housing – 91.220(h)**

### **Introduction**

The Berkeley Housing Authority (BHA) is not a department of the City of Berkeley. BHA Board members are appointed by the Mayor and confirmed by the City Council.

### **Actions planned during the next year to address the needs of public housing**

N/A. The BHA no longer owns any public housing.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

N/A

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance**

N/A

### **Discussion**

N/A

## **AP-65 Homeless and Other Special Needs Activities – 91.220(i)**

### **Introduction**

The City uses a variety of approaches to support homeless and other populations.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The City has received three State of California Encampment Resolution Fund (ERF) grants, the latest grant being received in November 2024. This new ERF funding will support a non-congregate shelter. Additionally, Berkeley will complete the conversion of an existing congregate interim shelter into non-congregate units and will continue a contract and lease to support the 39 units of modular housing for unhoused residents of Berkeley. The City is funding a newly created Berkeley Trust Clinic, a clinic that provides both primary and behavioral health services to people who are unhoused or previously unhoused in Berkeley.

The City will continue to fund and otherwise support the North County Berkeley/Albany/Emeryville Housing Resource Center (HRC) – the front door to the homeless Coordinated Entry System (CES) which provides outreach, assessments, housing problem-solving, housing navigation and tenancy sustaining services to unhoused residents; congregate and non-congregate shelter and interim housing programs to move unhoused residents into permanent housing; housing retention grants to reduce the number of households becoming homeless in Berkeley, and incorporate the 2026 Berkeley Point In Time Count data into program planning and implementation strategies. HRC staff will continue to implement the updated assessment process.

The CES continues to include three phases: housing problem solving (HPS), crisis assessment, and housing assessment. This phased approach coupled with HPS flex funds will result in more varied households having proximity to needed supports. Staff will provide these assessments through 211 referrals, during HRC drop-in and by phone, and at street-based locations throughout Berkeley. Street-based outreach staff will continue to engage people and provide basic necessities, such as water and hygiene kits.

The HRC will provide housing navigation services tied to rapid-rehousing and flexible financial assistance to support additional people in moving to permanent housing. Housing navigators support participants in a variety of ways from housing problem solving to assisting with identification documents and housing search activities. Once permanently housed, HRC staff will work with participants to maintain housing.

### **Addressing the emergency shelter and transitional housing needs of homeless persons**

Over the past couple of years, the City of Berkeley has leveraged State funding to increase the number of non-congregate shelter beds. The City will continue to provide funding for shelter and transitional housing. Additionally, the City has worked with shelter providers to reduce some barriers to shelter, such as curfews and allowing pets and is partnering with Alameda County's Age Friendly Council and Alameda County Healthy Brain Initiative to support older (50+) shelter participants. This partnership will provide ongoing trainings and resources to support staff with working with participants who may be experiencing cognitive decline.

The City currently funds multiple agencies to provide 324 year-round shelter beds, 65 seasonal shelter beds and 27 transitional housing beds/units.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The North County HRC, operated by Bay Area Community Services (BACS), conducts Coordinated Entry System (CES) intakes and assessments, which prioritize people who are homeless for resources that best meet their needs, including rapid re-housing placements and placement on the County's Permanent Supportive Housing (PSH) Housing Queue. In both cases, the goal is to rapidly re-house households and support them for as long as retention services are needed and allowed.

The HRC's Housing Navigation resources will be allocated to people across the new CES housing queue, with focus on households that can be rapidly rehoused with little to no services support. Housing Navigators will help collect documents needed to apply for housing opportunities, housing searches and linking participants to services that will help to retain housing.

The North County HRC and the BACS Stair Program have flexible and rapid rehousing funds, which assist in reducing people's length of homelessness. The City will allocate ESG and local funds to support these efforts. While funding is available, there continues to be a lack of available units, within HUD's Fair Market Rent (FMR) to support households with extremely low incomes making it difficult to rapidly re-house households in the County. Often, households are being housed in neighboring cities and counties making it challenging to provide ongoing housing retention services. This has resulted in some delays in spending City of Berkeley ESG funds for rapid re-housing. The HRC has incorporated more shared housing opportunities through the use of larger units. This has provided people with limited income and a willingness to share housing more opportunities to be permanently housed.

The City's Shelter Plus Care (S+C) program is funded through two Continuum of Care grants, Supportive Housing Collaborative (SHC) and a contract with Alameda County, Alameda County Collaborative (ACC). The S+C Program serves approximately 280 households. The program combines federal housing subsidies with Tenancy Sustaining Services (TSS) provided by Berkeley Mental Health, Berkeley Aging Services and Adult Case Management. The City also funds community agencies to provide TSS to assigned participants.

The Shelter Plus Care portfolio also includes Square One, a locally funded permanent housing subsidy that serves vulnerable households that are literally homeless. Potential participants to this program would still demonstrate their need by establishing eligibility to the program by tracking of lengths of homelessness history and demonstrated needs. Once qualifications are established, the Square One program connects these participants to housing navigators to help support their application to housing placement, as units become available.

Other than the Square One Program, the S+C Program fills all of its openings through Home Stretch and prioritizes moving people into housing as quickly as possible. When an opening occurs, Home Stretch prioritizes unhoused people based on chronicity, need and date of referral, and provides participant information to the City of Berkeley to be matched with a partner service agency that will provide case management and housing stabilization support. The case manager will support the participant to obtain and retain their housing, although services are not required to qualify for the rental assistance. Along the way, case managers work with participants to address issues that may have contributed to their housing instability or present obstacles to obtaining rental housing (such as poor credit, a lack of income, missing documents like a picture ID, outstanding legal issues, etc.).

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs**

The City uses General Funds to fund services that prevent people who are not literally homeless but are at imminent risk of homelessness per the HUD Homeless definition (Category 2) from becoming homeless. Prevention assistance may include support to a household to retain its current housing or to move to other housing without having to become literally homeless. While the ESG regulations allow for federal funds to be provided to those categorized as "at-risk" but not necessarily at "imminent risk", the City uses its ESG funds for rapidly re-housing people who are literally homeless.

The City funds prevention assistance for people who meet "immediate risk" criteria defined as:

“An individual or family who will imminently lose their primary nighttime residence, provided that:

- The primary night-time residences will be lost within 14 days of the day of application for homeless assistance;
- No subsequent residence has been identified; and,
- The individual or family lacks the resources of support networks, e.g., family, friends, faith-based or other social networks, needed to obtain other permanent housing.”

Alameda County has mental health, foster youth, health care, and corrections discharge policies intended to prevent discharges of individuals from these systems into homelessness, described in detail in the Consolidated Plan.

The City is working with local hospitals to share information about the North County HRC and available homeless services in Berkeley to reduce discharges to local daytime drop-in centers and shelters that cannot support the needs of medically fragile people with severe disabling conditions. The City will continue to participate in countywide and regional efforts to reduce discharges into homelessness.

### **Discussion**

The City of Berkeley supports a wide range of homeless programs, including emergency/crisis drop-in centers and shelters, transitional housing, permanent supportive housing, prevention and rapid re-housing services. All contracted service providers report outcomes based on the countywide outcome standards developed by EveryOne Home, to inform future adjustments to the service system.



## **AP-75 Barriers to affordable housing – 91.220(j)**

### **Introduction**

N/A

**Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

The City took significant steps over the past year to remove and/or ameliorate affordable housing constraints in Berkeley, including:

- Adopting amendments to the zoning code to facilitate “middle housing” development in neighborhoods formerly zoned exclusively for single-family development;
- Adopting objective design standards for middle housing developments;
- Adopting objective design standards for mixed-income development at North Berkeley BART transit station; and
- Conducting a study and adopting an updated inclusionary housing in-lieu fee to facilitate middle housing and mitigate any negative impacts on potential development, while continuing to promote local affordable housing.

Additionally, the work to up zone Priority Development Areas (PDAs), Commercial and Transit Corridors is in progress and is scheduled to be complete in PY26.

### **Discussion**

N/A

### **Introduction**

N/A

**AP-85 Other Actions – 91.220(k)****Introduction:**

The City of Berkeley uses a range of strategies to address the housing, homeless, and community development goals identified in the Consolidated Plan. This section discusses actions planned to foster and maintain affordable housing, to reduce lead-based paint hazards, to reduce the number of poverty-level families in Berkeley, and to coordinate activities in these areas with other entities.

**Actions planned to address obstacles to meeting underserved needs**

One of Berkeley's major obstacles to meeting underserved needs is the limited amount of federal, state, and local resources available given the needs in the community and high cost of housing in the Bay Area. The City of Berkeley will continue to pursue new State, Federal, and local resources as available to meet the needs.

**Actions planned to foster and maintain affordable housing**

The City has several on-going programs which foster and maintain affordable housing in Berkeley:

- Rent Stabilization Program. The Rent Stabilization and Eviction for Good Cause Ordinance regulates a portion of residential rents in Berkeley, provides tenants with increased protection against unwarranted evictions and is intended to maintain affordable housing and preserve community diversity.
- Inclusionary Housing Ordinance. This ordinance requires developers of new market rate housing to provide up to 20% of new construction units as on-site Below Market Rate (BMR) units. BMR units serve Very Low Income (50% Area Median Income) and Low Income (80% Area Median Income) households. Applicants may opt to pay an in-lieu fee into the Housing Trust Fund instead of providing on-site units. The fee adjusts every two years to reflect the California Construction Cost Index.
- Condominium Conversion Ordinance (CCO). The CCO regulates the conversion of rental apartments and tenancy-in-common buildings to condominiums, and other types of mutual or cooperative housing. A mitigation fee for the production of permanently affordable housing is collected for each unit converted.
- Commercial Linkage Fee. This ordinance requires an affordable housing mitigation fee on new commercial construction for gross floor area over 7,500 square feet. This fee is deposited in the Housing Trust Fund.
- Housing Trust Fund (HTF). The City of Berkeley maintains an HTF to facilitate the construction and preservation of affordable housing. The HTF program pools funds from a variety of sources with different requirements, makes them available through one single application process to local developers, and monitors the development and operation of the funded housing.
- Senior and Disabled Rehabilitation Loan Program. HHCS administers the program as an effort in 1.) assisting low-income households living in Berkeley

with completing home repairs and ADA access improvements so residents can safely age in place without causing financial strains; 2) preserving the City's aging housing stock, thereby reducing the risk of further deterioration of property and the surrounding neighborhood; and 3) assisting low-income households with building generational wealth, which is funded by CDBG and CalHOME. The applicants receive a zero-interest deferred loan, secured by a deed of trust on their home, which is repaid at the loan maturity or when a repayment clause(s) is met, whichever occurs first.

#### **Actions planned to reduce lead-based paint hazards**

The City will continue to comply with the Environmental Protection Agency's *The Lead-Safe Certified Guide To Renovate Right* in its Senior and Disabled Rehabilitation Loan Program. Similarly, organizations working with the City of Berkeley on single family rehabilitation will work with the City and Alameda County Lead Poisoning Prevention Programs to increase awareness of lead issues among their clients and incorporate lead safe work practices into their activities.

The City of Berkeley Public Health Division and the Alameda County Lead Poisoning Prevention Program will work together to increase awareness and knowledge about lead poisoning prevention in Berkeley. The City of Berkeley Childhood Lead Poisoning Prevention Program collaborates with the Berkeley Health, Housing & Community Services Department's Registered Environmental Health Specialist on responding to resident inquiries on housing lead concerns. Berkeley's program provides education, information, and resources through community outreach events and presentations to parenting/family groups, community organizations, and health education and resource fairs.

The Alameda County Healthy Homes Department (ACHHD) works collaboratively with the City to promote comprehensive lead safety, provide technical consultations, training and education to the public, property owners and renovators by working in community and stakeholders' collaborations to leverage existing resources, develop infrastructures and promote system change to provide coordinated, cost-effective support for healthy housing.

ACHHD's proactive healthy homes strategy is the incorporation of a lead visual assessment on all homes where staff is conducting a site visit (in person), regardless of reason for the initial port of entry. This strategy is a proactive primary prevention approach that increases the number of homes where a lead assessment is done. These services are funded by the local County Service Area (CSA) service charge for owners of pre-1978 properties in Berkeley.

Additionally, ACCHD is increasing outreach throughout Alameda County through social media platforms, newspapers, radio, TV, e-mails, literature distribution to include program services brochures in permit offices, hardware stores, paint stores, and venues visited by homeowners and rental housing providers. ACCHD also provides and continuously updates video library on multiple lead safety and healthy housing topics on

the ACHHD website and provide RRP training slots to property owners/rental property owners or their designees in Berkeley. ACHHD has the capacity, knowledge and expertise to conduct healthy housing assessments and provide technical assistance to residents living in Berkeley Housing Authority housing units. ACCHD responds to complaints related to lead and moisture conditions as requested by Berkeley Housing Authority and Rental Housing Safety Program with a contracted MOU as well as conduct healthy housing assessments in Berkeley Housing Authority housing units and Rental Housing Safety Inspection programs. ACCHD provides technical assistance to the local jurisdictions on proactive rental inspections for lead hazards and reactive inspection programs under new state mandate (AB 838) as well as provide training opportunities to code enforcement officers in regard to State and EPA lead safety rules.

#### **Actions planned to reduce the number of poverty-level families**

The City funds a wide variety of social service programs designed to assist households with poverty level incomes. These programs include childcare and a range of services for special needs populations, which are outlined in other sections of this Plan. This section will highlight the City's strategies to increase livable wage employment opportunities by supporting related community services and working with public and private regional partners. Strategies include:

- Funding and refinement of anti-poverty programs provided by community-based organizations and by the City. Federally funded community agency contracts are outlined in the Annual Action Plan.
- Continuing to enforce the City of Berkeley's Living Wage Ordinance.
- Coordinating job placement to benefit Berkeley residents in the construction trades.
- Supporting community agencies that provide employment training and placement opportunities to low-income people and people experiencing homelessness.

The City has contracted with workforce development programs to provide training, education, and job placement for low income, under-employed, and unemployed residents in addition to administering local hire policies and a youth employment program. The following programs are funded with General Funds from the City:

- Inter-City Services (ICS) provides employment, training, and education to residents in Berkeley. ICS workforce development program prepares participants for high-tech careers through digital courses.
- Biotech Partners operates the Biotech Academy at Berkeley High School for students interested in exploring a career in biotechnology. Students complete a six to eight-week paid internship at a biotech company and learn job skills.
- The Bread Project provides job training and placement assistance for low/no-income individuals with multiple barriers to employment. They operate a social enterprise (wholesale bakery) that creates opportunities for trainees to obtain crucial on-the-job experience.

- BANANAS operates the Berkeley LaunchPad program which provides support for new and launching Family Child Care home businesses in Berkeley, specifically targeting new business owners.
- The Multicultural Institute provides education and assistance to laborers within the City of Berkeley through its Life Skills Program.

The City's anti-poverty strategy continues to be closely tied to the funding of approximately 50 community agencies to provide services as described above to enable people in poverty to attain self-sufficiency, support at-risk youth to succeed in school and graduate, and protect the health and safety of low-income people. The City also funds anti-poverty programs with general funds for job training and creation/job placement agencies.

#### **Actions planned to develop institutional structure**

During the next year, the City of Berkeley will continue to coordinate the housing and community services activities within the department through regular senior staff meetings and coordination on specific topics. The City's Health & Human Services and its Housing Departments merged in Program Year (PY) 2012. Since that time, senior leadership of all Divisions meets weekly to share information on Division activities, which promotes closer coordination. For example, in PY2019, the Housing & Community Services Division and the Aging Services Division collaborated to hire two new staff who will provide supportive services to house homeless residents who are assisted through Continuum of Care Rental Assistance administered by the Housing & Community Services Division. Housing and Community Services has also grown in staff in large part due to a staffing study that was prepared and finalized in PY23. Positions assist all programs across the division, including the HUD programs. Additionally, in PY24, HCS began engaging in a results-based accountability (RBA) as part of a department-wide initiative. Results of the RBA work will support HCS in showcasing administered programs and community impact. The Division leadership will continue to seek opportunities to increase coordination and impact understanding during PY26 and beyond.

#### **Actions planned to enhance coordination between public and private housing and social service agencies**

City staff will also continue to participate in Alameda County's Continuum of Care (CoC). Staff will continue to participate in the initiative's Leadership Board, which includes most public funders of housing and homeless services in the county, as well as leadership from key community-based organizations. Leadership Board membership helps coordination efforts across the county. Staff also participate in other committees composed of other funders (such as Alameda County Behavioral Health Care Services and the Social Services Agency) as well as many community-based organizations.

Countywide collaboration efforts include regular meetings regarding the Coordinated Entry System, endorsement of the Alameda County Home Together 2026 Community

Plan, and coordination and approval of countywide performance measures aligned with HUD priorities.

**Discussion:**

The majority of Berkeley's activities furthering the goals of the Consolidated Plan are provided by community agency partners. This will continue to be the case in PY26.

DRAFT

## Program Specific Requirements

### AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

#### Introduction:

N/A

#### Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

| Description of CDBG Expected Funds                                                                                                                                                             | Amount Expected  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| 1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed                                            | \$600,000        |
| 2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan. | 0                |
| 3. The amount of surplus funds from urban renewal settlements                                                                                                                                  | 0                |
| 4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan                                                   | 0                |
| 5. The amount of income from float-funded activities                                                                                                                                           | 0                |
| <b>Total Program Income:</b>                                                                                                                                                                   | <b>\$600,000</b> |

| Other CDBG Requirements                                                                                                                                                                                                                                                                                                                                                                           | Percentage |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|
| 1. The amount of urgent need activities                                                                                                                                                                                                                                                                                                                                                           | 0          |
| 2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan. | 87%        |

**HOME Investment Partnership Program (HOME)  
Reference 24 CFR 91.220(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

The City of Berkeley uses no forms of investment other than ones described in §92.205(b).

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

No homeownership or tenant-based rental assistance activities are anticipated.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

No homeownership activities are anticipated.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

The City of Berkeley's HTF Guidelines apply to any project using HOME funds to refinance existing debt. Per the Guidelines, Project owners submit funding requests to the City, or reply to the City's Requests for Proposals for funding, with the following information, among other things:

- a. As a condition precedent to funding, Owners must demonstrate an extension of affordability term. For new HOME funds invested in the Project, the minimum affordability term is the term required by 24 CFR 92 et seq., but, typically, the required extension of affordability is 55 years.
- b. As a condition precedent to funding, Owners must demonstrate that the refinancing preserves the affordable Project through rehabilitation.
  1. Minimum rehab costs/unit must correspond to at least the value identified in a current physical needs assessment to ensure that the long-term needs of the Project can be met.
  2. Typical rehab/unit costs are no less than \$15,000/unit, the minimum rehab value required by the California Debt Limit Allocation Committee Regulations.
- c. Owners indicate if their refinancing request includes new construction that adds net new units to the Project



- d. Owners provide extensive Project data, including audited financial statements, cash flows, rent rolls, services plans, PNAs, and rehabilitation proformas to demonstrate that:
1. The project is sound financially and disinvestment has not occurred
  2. The long-term needs of the Project and residents will be met by the rehab
  3. The proposed rehab is financially feasible, includes no barriers to refinancing existing mortgage loans, does not include the refinancing of any existing federal or federally-insured loans, and leverages other non-federal funds to the greatest extent possible

5. If applicable to a planned HOME TBRA activity, a description of the preference for persons with special needs or disabilities. (See 24 CFR 92.209(c)(2)(i) and CFR 91.220(l)(2)(vii)).

N/A

6. If applicable to a planned HOME TBRA activity, a description of how the preference for a specific category of individuals with disabilities (e.g. persons with HIV/AIDS or chronic mental illness) will narrow the gap in benefits and the preference is needed to narrow the gap in benefits and services received by such persons. (See 24 CFR 92.209(c)(2)(ii) and 91.220(l)(2)(vii)).

N/A

7. If applicable, a description of any preference or limitation for rental housing projects. (See 24 CFR 92.253(d)(3) and CFR 91.220(l)(2)(vii)). Note: Preferences cannot be administered in a manner that limits the opportunities of persons on any basis prohibited by the laws listed under 24 CFR 5.105(a).

The City may consider leasing preferences for new construction pending any requirements are consistent with Fair Housing law.

**Emergency Solutions Grant (ESG)  
Reference 91.220(l)(4)**

1. Include written standards for providing ESG assistance (may include as attachment)

The City's standards for providing ESG assistance are attached as Attachment 3: City of Berkeley ESG Manual.

2. If the Continuum of Care has established centralized or coordinated assessment system that meets HUD requirements, describe that centralized or coordinated assessment system.

The Alameda County Continuum of Care has established its coordinated entry system (CES). The CES has regional Housing Resource Centers that provide a range of services and resources. Each HRC conducts assessments using a standardized tool that prioritizes individuals and families based on need. The people with the highest needs are matched to appropriate and available services and resources including housing navigation, emergency shelter, transitional housing, rapid rehousing and permanent supportive housing.

3. Identify the process for making sub-awards and describe how the ESG allocation available to private nonprofit organizations (including community and faith-based organizations) will be allocated.

The City of Berkeley was allocated in ESG funding. Funds will be used primarily for rapid re-housing and emergency shelter. The City of Berkeley will utilize the maximum amount possible for administration (Seven and a half percent of the grant) and allocate funds to support the countywide Homeless Management Information System.

ESG funds were allocated to the Bay Area Community Services through the FY25-28 Community Agency Request for Proposals (RFP) allocation process. Bay Area Community Services will continue to operate the Stair Navigation Shelter and will provide rapid rehousing resources to shelter participants using ESG funding.

4. If the jurisdiction is unable to meet the homeless participation requirement in 24 CFR 576.405(a), the jurisdiction must specify its plan for reaching out to and consulting with homeless or formerly homeless individuals in considering policies and funding decisions regarding facilities and services funded under ESG.

The policy-making entity for the City of Berkeley which makes decisions regarding the facilities, services, and other programs to receive funding under the Emergency Solutions Grant (ESG) is the Berkeley City Council. The Berkeley City Council is elected by the citizens of Berkeley. The City cannot mandate that a homeless or formerly homeless individual be on the City Council. Therefore, the City must develop and implement a plan to consult with homeless or formerly homeless individuals in making policies and decisions regarding programs that receiving funding under ESG.

5. Describe performance standards for evaluating ESG.

The performance standards to be applied to ESG activities is attached as an image labeled Outcome Measures. Berkeley participated in the development and approval of the service performance goals and targets through EveryOne Home (the Continuum of Care) Committee membership. This matrix presents outcome standards for each type of program in the Continuum of Care. Most were established as a percentage of the average outcomes achieved by all County programs (for example, the average permanent housing placement rate of all emergency shelters) and will be adjusted over time to ensure continued improvement.

| Outcomes                                                                                                     | Alameda County System-wide / Berkeley Outcome Target |
|--------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| Average length of time from enrollment to move in                                                            | 60% within 2 months                                  |
| % of participants gained or increased income from start                                                      | 50%                                                  |
| % of participants accessing mainstream benefits                                                              | 85%                                                  |
| % of participants enrolled in health insurance                                                               | 85%                                                  |
| % of participants successfully moving into permanent                                                         | 80%                                                  |
| % of people exiting to homeless destinations?                                                                | <5%                                                  |
| Data entry within 3 days of enrollment                                                                       | 100%                                                 |
| % of adult participants with income information recorded in HUD Element at entry and annual/exit assessments | 90%                                                  |

**Table 10 – Outcome Measures**

**Systemwide Performance Targets for Rapid Re-Housing Services**

Together Priority Home Partnership and the Housing Retention program make up the housing retention and rapid re-housing segment of the City's continuum of services. The City will continue to work with EveryOne Home and community agencies to ensure that prevention and rapid re-housing funds are fully utilized and play an important role in ending homelessness in Berkeley.

## Attachments

### Attachment 1:

**Annual Action Plan for PY2026  
City of Berkeley CDBG, ESG and HOME Projects for 07/01/2026 – 06/30/2027  
(Estimated allocations)**

#### Recommended Allocation for CDBG – Housing Projects

| Project.<br># | Agency                        | Project Name                       | PY26 Allocation       |
|---------------|-------------------------------|------------------------------------|-----------------------|
| 1             | Center for Independent Living | Residential Access                 | \$211,600.00          |
| 2             | HHCS*                         | Loan Services                      | \$70,848.28           |
| 3             | HHCS                          | Senior and Disabled Rehab Program  | \$389,126.97          |
| 4             | HHCS                          | Rehab Loans                        | \$432,000.00          |
| 5             | HHCS                          | Housing Development: M/F Rehab     | \$494,201.00          |
|               |                               | <b>**Subtotal Housing Projects</b> | <b>\$1,597,776.25</b> |

#### Recommended Allocation for CDBG – Public Services Projects

| Project.<br># | Agency                           | Project Name                             | PY26 Allocation     |
|---------------|----------------------------------|------------------------------------------|---------------------|
| 6             | Bay Area Community Services      | Coordinated Entry System                 | \$418,921.00        |
| 7             | Eden Housing for Hope and Oppor. | Fair Housing                             | \$35,000.00         |
|               |                                  | <b>Subtotal Public Services Projects</b> | <b>\$453,921.00</b> |

#### Recommended Allocation for CDBG – Public Facilities Projects

| Project.<br># | Agency                             | Project Name                                    | PY26 Allocation       |
|---------------|------------------------------------|-------------------------------------------------|-----------------------|
| 8             | Rebuilding Together East Bay North | Community Facilities                            | \$93,780.00           |
| 9             | HHCS                               | Community Facility Improvements                 | \$181,525.10          |
| 10            | HHCS                               | PY25 (FY26) Community Facility Improvement NOFA | \$1,053,918.45        |
|               |                                    | <b>**Subtotal Public Facilities Projects</b>    | <b>\$1,329,223.55</b> |

#### Recommended Allocation for CDBG – Planning & Admin. Projects

| Project.<br># | Agency | Project Name                                  | PY26 Allocation     |
|---------------|--------|-----------------------------------------------|---------------------|
| 11            | HHCS   | CDBG Planning and Administration              | \$521,624.20        |
|               |        | <b>Subtotal Planning &amp; Admin Projects</b> | <b>\$521,624.20</b> |

**The grand total for recommended allocations for all CDBG Projects is  
\$3,902,545.00.**

Attachment 1  
 City of Berkeley – CDBG, ESG and HOME Projects  
 Page 2

#### Recommended Allocation for ESG Projects

| Project.<br># | Agency                       | Project Name                           | PY26 Allocation     |
|---------------|------------------------------|----------------------------------------|---------------------|
| 12            | Berkeley CES Provider - BACS | Rapid Re-Housing Project               | \$67,391.50         |
| 13            | Berkeley CES Provider - BACS | Emergency Shelter/Street Outreach      | \$136,740.00        |
| 14            | HHCS                         | Homeless Management Information System | \$6,676.00          |
| 15            | HHCS                         | Program Planning and Administration    | \$17,092.50         |
|               |                              | <b>GRAND TOTAL ALL ESG PROJECTS</b>    | <b>\$227,900.00</b> |

#### Recommended Allocation for HOME Projects

| Project.<br># | Agency               | Project Name                            | PY26 Allocation     |
|---------------|----------------------|-----------------------------------------|---------------------|
| 16            | HHCS                 | HOME Administration                     | \$57,156.63         |
| 17            | CHDO Operating Funds | CHDO Operating Funds                    | \$28,578.32         |
| 18            | HHCS                 | Housing Trust Fund                      | \$485,831.36        |
| 19            | HHCS                 | Project Delivery                        | \$115,000.00        |
|               |                      | <b>***GRAND TOTAL ALL HOME PROJECTS</b> | <b>\$686,566.31</b> |

#### Notes:

\*HHCS = City of Berkeley Health, Housing & Community Services Department

\*\*Assumes estimated amounts for Program Income (\$600,000) and \$694,424 in prior year funds. Estimated prior year funds applied to Rehab Loans (\$332,000) and Community Facility NOFA (\$362,424).

\*\*\*Assumes estimated \$115,000 in prior year funds.

**CITY OF BERKELEY  
NOTICE OF PUBLIC HEARING  
and  
REQUEST FOR COMMENTS ON ITS  
PROGRAM YEAR 2026 ANNUAL ACTION PLAN (JULY 1, 2026 - JUNE 30, 2027)**

The Health, Housing, and Community Services Department is requesting public comments on its Program Year (PY) 2026 Annual Action Plan.

Beginning March 27, 2026, the public is invited to review and comment on the City of Berkeley's PY 2026 Annual Action Plan, which covers the period July 1, 2026, through June 30, 2027.

The City of Berkeley, and all jurisdictions receiving certain types of federal funds, are required to submit an Annual Action Plan to the U.S. Department of Housing and Urban Development (HUD). The City of Berkeley's Annual Action Plan is based on the needs and goals contained in the City's five-year Consolidated Plan and presents the City's plan for funding housing and community services. In PY 2026, the Annual Action Plan contemplates funding entitlements of approximately \$2,541,165 in Community Development Block Grant (CDBG) funds, approximately \$227,452 in Emergency Solutions Grant (ESG) funds; and approximately \$566,445.30 in HOME Investment Partnerships Program (HOME) funds. **The period for public comment on this plan closes May 1, 2026, at 5:00 p.m.** The City must complete the plan and submit it to HUD, including City responses to all written public comments, by mid-May.

A **public hearing** will be held on the PY 2026 Annual Action Plan with the proposed CDBG, ESG, and HOME allocations for funding, on **April 28, 2026, 6 p.m. in the School District Board Room, 1231 Addison Street, Berkeley, CA 94702. The public may participate in this hearing virtually or in-person.** Starting April 16, 2026, a copy of the agenda material for this public hearing will be posted on the City's [Council Agendas](#)<sup>1</sup> web page.

The draft PY 2026 Annual Action Plan will be available for public review and written comment at the Health, Housing, and Community Services Department on the second floor at 2180 Milvia Street and at the Berkeley Public Library Reference Desk at 2090 Kittredge Street, 2<sup>nd</sup> floor, during normal business hours, and on the City's [HUD Planning and Performance Reports](#)<sup>2</sup> web page beginning March 27, 2026.

For more information or to submit written comments, contact Jiro Arase (email: [jarase@berkeleyca.gov](mailto:jarase@berkeleyca.gov)) at the Health, Housing and Community Services Department 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, 94704. **Written comments must be received by no later than May 1, 2026, at 5:00pm.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services,

<sup>1</sup> <https://berkeleyca.gov/your-government/city-council/city-council-agendas>

<sup>2</sup> <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

Attachment 2  
Page 2

please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

**Published:** March 27, 2026  
**Public noticing requirements set by the** [Citizen Participation Plan](#)<sup>3</sup>

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on [Enter Date].

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Mark Numainville, City Clerk

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<sup>3</sup> [https://berkeleyca.gov/sites/default/files/documents/FINAL\\_CitizenParticipationPlan\\_2020.pdf](https://berkeleyca.gov/sites/default/files/documents/FINAL_CitizenParticipationPlan_2020.pdf)

**PY26 City of Berkeley Annual Action Plan  
Summary of Citizen Participation Outreach & Comments  
Including the **April 28, 2026**, Hybrid Public Hearing**

| Meeting Type                                                             | Mode of Outreach                                                                                         | Target of Outreach                                | Summary of Response/ Attendance                                                                                                                                                                                                                        | Summary of Comments Received                                                                                                                                                                                             | Summary of Comments Not Accepted and Reasons |
|--------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------|---------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>September 4, 2025 Public Hearing</b>                                  | Commission Members<br><br>City of Berkeley Community Calendar<br><br>Housing Advisory Commission webpage | Community Members                                 | 7 members of the public attended the public hearing, including commissioners.                                                                                                                                                                          | There were no comments from community members. A commissioner commented that the streamlining in SDRLP seems to be working based on PY24 CAPER.                                                                          | All comments were accepted.                  |
| <b>March 5, 2026 Public Meeting<br/><br/>Housing Advisory Commission</b> | Commission Members<br><br>City of Berkeley Community Calendar<br><br>Housing Advisory Commission webpage | Housing Advisory Commission (HAC) representatives | Seven members of the HAC discussed the Draft Annual Action Plan, and one member of the public made public comment. Over 11 people, including commissioners, were present. The members of HAC voted to approve the Draft AAP for Council consideration. | HAC members reviewed and discussed the Draft of the AAP at its March 5, 2026 meeting. Comments and questions pertaining to the AAP focused on the planned projects and coordination with the Berkeley Housing Authority. | All comments were accepted.                  |



Attachment 3

| Meeting Type                                                                | Mode of Outreach                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Target of Outreach                                                                                                                                                                                                                               | Summary of Response/ Attendance                                                                                                                                                               | Summary of Comments Received                                                                                                                                                                                                                                 | Summary of Comments Not Accepted and Reasons |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| <b>April 28, 2026</b><br><b>Hybrid Public Hearing &amp; Public Noticing</b> | Newspaper posting in Berkeley Voice on <u>March 27, 2026</u> .<br>City of Berkeley Community Calendar.<br>Electronic flyer email distribution on <u>April XX, 2026</u> .<br>Electronic flyer email distribution on <u>April XX, 2026</u> .<br>Electronic flyer email distribution on <u>April XX, 2026</u> .<br>Electronic flyer email distribution on <u>April XX, 2026</u> .<br>Electronic flyer email distribution on <u>April XX, 2026</u> .<br>Electronic flyer email distribution on <u>April XX, 2026</u> . | General Public<br>General Public<br>City of Berkeley Libraries<br>City of Berkeley Commissions<br>EveryOne Home – Alameda County Homeless Continuum of Care Local Businesses<br>Local Affordable Housing Developers<br>Faith-based Organizations | <u>XX</u> comments received via email.<br>Over <u>XX</u> members of the public attended the public hearing, and <u>XX</u> of them spoke on a variety of topic areas related to the Draft AAP. | Emailed comments included: <u>[add summary]</u> .<br><u>XX</u> members of the public spoke at the <u>April 28, 2026</u> , Annual Action Plan in front of the City Council. Comments from the public and Council discussion included:<br><u>[add summary]</u> | <u>All comments were accepted.</u>           |

Attachment 3

| Meeting Type                                                                | Mode of Outreach                                                                                                                                                                                                                                                                                                                                                                     | Target of Outreach                                                                                                                                        | Summary of Response/ Attendance | Summary of Comments Received | Summary of Comments Not Accepted and Reasons |
|-----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------|----------------------------------------------|
| <b>April 28, 2026</b><br><b>Hybrid Public Hearing &amp; Public Noticing</b> | Electronic flyers distributed to Recreation Centers on <u>April XX, 2026</u><br>Electronic flyers distributed to Affordable Housing Development on <u>April XX, 2026</u><br>Electronic flyers distributed to over 50 non-profit agencies serving low-income people on <u>April XX, 2026</u><br>Electronic flyers distributed to two Berkeley Senior Centers on <u>April XX, 2026</u> | South & West Berkeley<br><br>Residents of Affordable Housing<br><br>Low-income Population, including seniors and persons with disabilities<br><br>Seniors |                                 |                              |                                              |

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The draft PY 2026 Annual Action Plan will be available for public review and written comment at the Health, Housing, and Community Services Department on the second floor at 2180 Milvia Street and at the Berkeley Public Library Reference Desk at 2090 Kittredge Street, 2<sup>nd</sup> floor, during normal business hours, and on the City's [HUD Planning and Performance Reports](#)<sup>2</sup> web page beginning March 27, 2026.

For more information or to submit written comments, contact Jiro Arase (email: [jarase@berkeleyca.gov](mailto:jarase@berkeleyca.gov)) at the Health, Housing and Community Services Department 2180 Milvia Street, 2<sup>nd</sup> Floor, Berkeley, 94704. **Written comments must be received by no later than May 1, 2026, at 5:00pm.**

**Accommodations Provided Upon Request.** To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services,

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<sup>1</sup> <https://berkeleyca.gov/your-government/city-council/city-council-agendas>

<sup>2</sup> <https://berkeleyca.gov/community-recreation/community-services/hud-planning-performance-reports>

please contact the Disability Services specialist at (510) 981-6418 (V) or (510) 981-6347 (TDD) at least three business days before the meeting date.

**Published:** March 27, 2026

**Public noticing requirements set by the [Citizen Participation Plan](#)<sup>3</sup>**

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on [Enter Date].

\_\_\_\_\_  
Mark Numainville, City Clerk

\_\_\_\_\_  
<sup>3</sup> [https://berkeleyca.gov/sites/default/files/documents/FINAL\\_CitizenParticipationPlan\\_2020.pdf](https://berkeleyca.gov/sites/default/files/documents/FINAL_CitizenParticipationPlan_2020.pdf)



Office of the City Manager

PUBLIC HEARING  
April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

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

Subject: California Municipal Finance Authority Bond Financing for Ephesian Legacy Court Apartments Project

### RECOMMENDATION

Conduct the public hearing on April 28, 2026, under the requirements of Tax and Equity Fiscal Responsibility Act ("TEFRA") and the Internal Revenue Code of 1986, as amended (the "Code"), and upon conclusion:

Adopt a Resolution approving the issuance of the Bonds by the California Municipal Finance Authority ("CMFA") for the benefit of Ephesian Legacy Court Limited Partnership, a California limited partnership (the "Borrower"), to provide for the financing of Ephesian Legacy Court (the "Project"). The adoption is intended to solely satisfy the requirements of TEFRA, the Code and the California Government Code Section 6500 (and following).

### FISCAL IMPACTS OF RECOMMENDATION

The Bonds to be issued by the CMFA for the Project will be the sole responsibility of the Borrower, and the City will have no financial, legal, moral obligation, liability or responsibility for the Project or the repayment of the Bonds for the financing of the Project. All financing documents with respect to the issuance of the Bonds will contain clear disclaimers that the Bonds are not obligations of the City or the State of California but are to be paid for solely from funds provided by the Borrower.

The Board of Directors of the California Foundation for Stronger Communities, a California non-profit public benefit corporation (the "Foundation"), acts as the Board of Directors for the CMFA. Through its conduit issuance activities, the CMFA shares a portion of the issuance fees it receives with its member communities and donates a portion of these issuance fees to the Foundation for the support of local charities. With respect to the City of Berkeley, it is expected that a portion of the issuance fee attributable to the City will be granted by the CMFA and while such grant may be used for any lawful purpose of the City, Staff recommend this funding be applied to the HTF program.

CURRENT SITUATION AND ITS EFFECTS

Community Housing Development Corporation of North Richmond (CHDC) is the sponsor of an 80-unit rental housing project for low-income and very low-income senior tenants, to be located at 1708 Harmon St. This project received a \$3,556,400 Housing Trust Fund (HTF) predevelopment loan from the City, which was authorized on April 20, 2021, in resolution 69,795-N.S., and on December 14, 2021, in resolution 70,135-N.S. Additionally, on February 10<sup>th</sup>, 2026, with resolution 72,124-N.S., the City Council extended the approval of a \$14,531,301 HTF loan to support the development financing of this project. The Borrower requested that the CMFA serve as the municipal issuer of tax-exempt revenue bonds in an aggregate principal amount not to exceed \$30,000,000 (the "Bonds"). The proceeds of the Bonds will be used to finance and refinance the acquisition, construction, development and equipping of the Project, to be owned and operated by the Borrower.

For the bonds to qualify as tax-exempt bonds, the City must conduct a public hearing (the "TEFRA Hearing") to provide members of the community an opportunity to speak in favor of or against the use of tax-exempt bonds for the Project's financing. Prior to the TEFRA Hearing, reasonable notice must be provided to the members of the community. Following the close of the TEFRA hearing, an "applicable elected representative" of the government hosting the Project must provide its approval of the issuance of bonds for its financing. This adoption is intended to solely satisfy the requirements of TEFRA, the Internal Revenue Code, and the California Government Code Section 6500.

BACKGROUND

The CMFA was created on January 1, 2004, pursuant to a joint exercise of powers agreement to promote economic, cultural, and community development through the financing of economic development and charitable activities throughout California. To date, over 330 municipalities, including the City of Berkeley, have become members of CMFA.

The CMFA was formed to assist local governments, non-profit organizations and businesses with the issuance of taxable and tax-exempt financing aimed at improving the standard of living in California. The CMFA's representatives and its Board of Directors have considerable experience in bond financings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Developing infill, affordable housing is widely accepted as a best practice for reducing greenhouse gas emissions associated with vehicle miles traveled.

RATIONALE FOR RECOMMENDATION

The proposed project is eligible for tax-exempt bonds. The Council's approval of the CMFA's issuance will help the Project access tax-exempt financing to support the City's supply of low- and very-low income units in accordance with the City's Regional Housing Needs Allocation and Strategic Plan goals. The City has previously invested

HTF funds to support this project's financing, which will be leveraged in conjunction with these tax-exempt bonds to support the Project's completion.

ALTERNATIVE ACTIONS CONSIDERED

The City may decline to hold a TEFRA hearing at all, or to hold the hearing but not approve the bonds. While it is preferable for the City to hold the TEFRA hearing and approve the use of bonds, CMFA could approach Alameda County to fill this role if the City declined. Alternatively, the project would need to identify a new funding plan that does not include bond funds if the City Council does not approve the issuance. The resulting delays and/or additional expenses would negatively impact the Project's feasibility.

CONTACT PERSON

Kelly deWolfe, Community Development Project Coordinator, HHCS, (510) 981-5424

Attachments:

- 1: Resolution
- 2: Public Hearing Notice

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

APPROVING A PLAN OF FINANCE OF THE CALIFORNIA MUNICIPAL FINANCE  
AUTHORITY TO ISSUE AND REISSUE REVENUE BONDS FOR A QUALIFIED  
RESIDENTIAL RENTAL PROJECT FOR THE BENEFIT OF EPHESIAN LEGACY  
COURT LIMITED PARTNERSHIP

WHEREAS, Community Housing Development Corporation of North Richmond, a California nonprofit public benefit corporation (the “Developer”), on behalf of Ephesian Legacy Court Limited Partnership, a California limited partnership, or another ownership entity created by its general partners CHDC Ephesian Legacy Court Berkeley LLC, a California limited liability company, and Ephesian Legacy Court Berkeley LLC, a California limited liability company (the “General Partners”), or by another affiliate of the Developer (such limited partnership or other ownership entity, the “Borrower”), has requested that the California Municipal Finance Authority (the “Authority”) undertake a proposed plan of finance to issue and reissue from time to time one or more series of revenue bonds in an outstanding principal amount not to exceed \$30,000,000 (the “Bonds”) to finance and refinance the acquisition, construction, development and equipping of an 80-unit qualified residential rental project (the “Project”) to be owned and operated by the Borrower and located at 1708 Harmon Street within the City of Berkeley, California (the “City”); and

WHEREAS, an “applicable elected representative” of the jurisdiction in which the Project is to be located is required to approve the proposed plan of finance for the Project under Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”); and

WHEREAS, the City Council of Berkeley (the “City Council”) is the elected legislative body of the City and is an “applicable elected representative” for purposes of Section 147(f) of the Code; and

WHEREAS, the Authority has advised that the Bonds may be issued pursuant to a “plan of finance” to issue an original issue of Bonds and to issue or reissue one or more additional series of Bonds from time to time after the original issue of Bonds, if necessary or desirable to comply with applicable legal requirements, all in an aggregate principal amount not to exceed \$30,000,000 to finance the Project, and all within the three-year period commencing on the date of the issuance of the first series of Bonds pursuant to this resolution; and

WHEREAS, the Authority has requested that the City Council approve the proposed plan of finance in order to satisfy the public approval requirement of Section 147(f) of the Code and the requirements of Section 4 of the Joint Exercise of Powers Agreement Relating to the California Municipal Finance Authority, dated as of January 1, 2004 (the “Agreement”), among certain local agencies, including the City; and

WHEREAS, pursuant to Section 147(f) of the Code, the City Council has, following notice duly given, held a public hearing regarding the issuance of the Bonds, and now desires to approve the proposed plan of finance for the Project.



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

Section 1. The foregoing recitals are true and correct.

Section 2. The City Council hereby approves the proposed plan of finance of the Authority to issue and reissue from time to time of one or more series of revenue bonds in an outstanding principal amount not to exceed \$30,000,000. It is the purpose and intent of the City Council that this resolution constitute approval of the proposed plan of finance for the Project for the purposes of (a) Section 147(f) of the Code by the applicable elected representative of a governmental unit having jurisdiction over the area in which the Project is to be located, in accordance with said Section 147(f) and (b) Section 4 of the Agreement.

Section 3. The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they deem necessary or advisable in order to carry out, give effect to and comply with the terms and intent of this resolution and the financing transaction approved hereby.

Section 4. The City Clerk shall forward a certified copy of this Resolution to the Authority in care of its counsel:

Ronald E. Lee, Esq.  
Jones Hall LLP  
4 West 4th Avenue, Suite 406  
San Mateo, CA 94402

Section 5. This resolution shall take effect immediately upon its adoption.

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL**

**CALIFORNIA MUNICIPAL FINANCE AUTHORITY MULTIFAMILY  
HOUSING REVENUE BONDS FOR 1708 HARMON STREET**

**The public may participate in this hearing by remote video or in-person.**

The Department of Health, Housing, and Community Services is proposing a public hearing as required by Section 147(f) of the Internal Revenue Code of 1986, which will be held with respect to a proposed plan of finance of the California Municipal Finance Authority (the “Authority”) to issue and reissue from time to time, one or more **series of revenue bonds in an outstanding principal amount not to exceed \$30,000,000** (the “Bonds”), to **finance and refinance the acquisition, construction, development and equipping of an 80-unit qualified low-income residential rental project** located at **1708 Harmon Street (the “Project”)** in the City of Berkeley, California (the “City”). The Project is to be owned and operated by **Ephesian Legacy Court Limited Partnership**, a California limited partnership, or by another ownership entity to be created by its general partners, CHDC Ephesian Legacy Court Berkeley LLC, a California limited liability company, and Ephesian Legacy Court Berkeley LLC, or by another affiliate of **Community Housing Development Corporation of North Richmond**, a California nonprofit public benefit corporation (such limited partnership or other ownership entity, the “Borrower”).

The Bonds and the obligation to pay principal thereof and interest thereon and any redemption premium with respect thereto **do not constitute indebtedness or an obligation of the City, the Authority, the State of California** or any political subdivision thereof, within the meaning of any constitutional or statutory debt limitation, or a charge against the general credit or taxing powers of any of them. The Bonds shall be limited obligations of the Authority, payable solely from certain revenues duly pledged therefore and generally representing amounts paid by the Borrower.

The hearing will be held on **APRIL 28, 2026, at 6:00 pm or as soon thereafter as the matter can be heard** in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City’s website at <https://berkeleyca.gov/> as of April 16, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Kelly deWolfe, Community Development Project Coordinator at (510) 981-5424.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov) for further information.

**Published:** April 17, 2026 - The Berkeley Voice

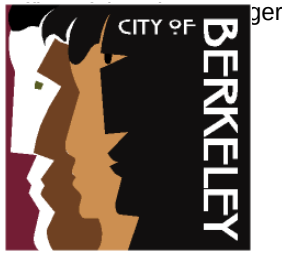
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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 16, 2026.

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Mark Numainville, City Clerk





PUBLIC HEARING  
April 28, 2026

To: Honorable Mayor and Members of the Planning Commission

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Amendments to Berkeley Municipal Code Title 23 (Zoning) for Consistency with State Law and Technical Edits (SLTE 2026)

RECOMMENDATION

Conduct a public hearing, and upon conclusion adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Title 23 (**Attachment 1**). The proposed changes apply to the sections of the BMC listed below:

- Section 23.202.020 (Residential Districts – Allowed Land Uses)
- Section 23.202.050 (Residential Districts – R-1 Residential Multi-Unit 1 District)
- Section 23.202.080 (Residential Districts – R-2 Residential Multi-Unit 2 District)
- Section 23.202.090 (Residential Districts – R-2A Residential Multi-Unit 2A District)
- Section 23.206.030 (Manufacturing Districts – Additional Permit Requirements)
- Section 23.206.060 (Manufacturing Districts – M Manufacturing District)
- Section 23.206.070 (Manufacturing Districts – MM Mixed Manufacturing District)
- Section 23.206.080 (Manufacturing Districts – MU-LI Mixed Use-Light Industrial District)
- Section 23.206.090 (Manufacturing Districts – MU-R Mixed Use Residential District)
- Section 23.304.100 (General Development Standards – Site Features in Residential)
- Section 23.306.030 (Accessory Dwelling Units – Development Standards)
- Section 23.306.040 (Accessory Dwelling Units – Permit Procedures)
- Section 23.322.040 (Parking and Loading – General Requirements)

- Section 23.322.050 (Parking and Loading – Parking Reductions)
- Section 23.322.100 (Parking and Loading – On-site Loading Spaces)
- Section 23.326.070 (Demolition of Non-Residential Buildings)
- Section 23.330.030 (Density Bonus—Application Requirements)
- Section 23.330.080 (Density Bonus – Regulatory Agreements)
- Section 23.410.020 (Appeals and Certifications – Appeal Subjects and Jurisdiction)
- Section 23.502.020 (Glossary – Defined Terms)

### SUMMARY

As part of regular and routine updates, staff have prepared non-substantive Zoning Ordinance amendments to maintain consistency and accuracy throughout the Zoning Ordinance.

### FISCAL IMPACTS OF RECOMMENDATION

The proposed ordinance is expected to be cost-neutral, as it only consists of non-substantive technical edits to the BMC.

### CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance is regularly reviewed for consistency with state laws related to land use and zoning. While some state laws may require more extensive amendments or require changes to the City's internal procedures to be consistent, the zoning amendments proposed here constitute only minor technical amendments to maintain consistency.

### BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., which adopted a new Title 23 to make the City's Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

These proposed zoning amendments are part of the regular and routine maintenance of the Zoning Ordinance and include corrections and technical edits to ensure consistency throughout the Zoning Ordinance.

At a Special Meeting on March 18, 2026, the Planning Commission unanimously recommended adoption of the proposed amendments (M/S: Kahn/Vincent; Aye: Marthinsen, Hauser, Vincent, Twu, Owens, Wang, Kahn, Oatfield and Merker. No: None. Abstain: None.).

The proposed zoning amendments are technical, non-substantive changes intended to correct errors, clarify language, reflect new State law requirements and codify existing practices. The following revisions are proposed:

**Table 1 Policy Summary and Zoning Amendment Proposals**

| Ordinance Sections<br>(Attachment 1) | BMC Section                                                                              | Proposed Zoning Change                                                                                                                                                                                                                                |
|--------------------------------------|------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1                                    | Table 23.202-1 (Allowed Land Uses-Residential Districts)                                 | <ul style="list-style-type: none"> <li>Change “Multi-Family” to “Multi-Unit.”</li> </ul>                                                                                                                                                              |
| 2<br>3<br>4                          | Table 23.202-2; Table 23.202-5, Table 23.202-9 (R-1, R-2 and R-2A Development Standards) | <ul style="list-style-type: none"> <li>Correct unintended changes to Middle Housing standards for Maximum Residential Density and Maximum Height.</li> </ul>                                                                                          |
| 5<br>6                               | 23.206.030(A) (Additional Permit Requirements – Manufacturing Districts)                 | <ul style="list-style-type: none"> <li>Removes AUP requirement for new floor area for residential uses in the MU-R, per Middle Housing.</li> </ul>                                                                                                    |
| 7<br>8<br>9<br>10                    | 23.206.060<br>23.206.070<br>23.206.080<br>23.206.090 (Manufacturing Zoning Districts)    | <ul style="list-style-type: none"> <li>Correct inaccurate reference to Findings section</li> </ul>                                                                                                                                                    |
| 11                                   | Table 23.206-14 (MU-R Development Standards)                                             | <ul style="list-style-type: none"> <li>Correct unintended changes to Middle Housing standards for Maximum Residential Density and Maximum Height.</li> </ul>                                                                                          |
| 12                                   | 23.206.090(B)(7) (MU-R Land Use Regulations)                                             | <ul style="list-style-type: none"> <li>Fix typo</li> </ul>                                                                                                                                                                                            |
| 13                                   | 23.304.100(D)(1) (Site Features in Residential Districts)                                | <ul style="list-style-type: none"> <li>Change “Multi-Family” to “Multi-Unit.”</li> </ul>                                                                                                                                                              |
| 14                                   | 23.306.030(A)(2) (ADU Development Standards)                                             | <ul style="list-style-type: none"> <li>Change “Multi-Family” to “Multi-Unit.”</li> </ul>                                                                                                                                                              |
| 15                                   | 23.306.040 (ADU Permit Procedures)                                                       | <ul style="list-style-type: none"> <li>State Law requirement: no short-term rental of JADUs.</li> <li>State Law requirement: owner-occupancy cannot be required if JADU and the single-family dwelling do not share sanitation facilities.</li> </ul> |
| 16                                   | 23.322.040(D)(2) (Parking and Loading – General Requirements)                            | <ul style="list-style-type: none"> <li>Change “Multi-Family use” to “Multi-Unit Residential use.”</li> </ul>                                                                                                                                          |
| 17                                   | 23.322.050(A)(6)(c) (Parking and Loading—Parking Reductions)                             | <ul style="list-style-type: none"> <li>Change “Multi-Family” to “Multi-Unit.”</li> </ul>                                                                                                                                                              |
| 18                                   | Table 23.322-12 (Off Street Loading)                                                     | <ul style="list-style-type: none"> <li>Remove reference to R-1A zoning district, which was removed with Middle Housing.</li> </ul>                                                                                                                    |

| <b>Ordinance Sections<br/>(Attachment 1)</b> | <b>BMC Section</b>                                                             | <b>Proposed Zoning Change</b>                                                                                                                                                                                             |
|----------------------------------------------|--------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 19                                           | 23.326.070(C)<br>(Demolitions of Non-Residential Buildings)                    | <ul style="list-style-type: none"> <li>State law requirement: SB 330 vested projects are exempt from demolition review.</li> </ul>                                                                                        |
| 20                                           | 23.330.030(B)<br>(Density Bonus – Application Requirements)                    | <ul style="list-style-type: none"> <li>Case law: City cannot require documentation for waivers.</li> </ul>                                                                                                                |
| 21                                           | 23.330.080<br>(Density Bonus – Regulatory Agreements)                          | <ul style="list-style-type: none"> <li>Clarify title to include “Density Bonus”</li> </ul>                                                                                                                                |
| 22                                           | 23.410.020<br>(Appeals and Certifications – Appeal Subjects and Jurisdictions) | <ul style="list-style-type: none"> <li>Text correction that Staff-Level Design Review should be appealed to DRC not ZAB</li> </ul>                                                                                        |
| 23<br>24<br>25<br>26                         | 23.502.020<br>(Glossary – Defined Terms)                                       | <ul style="list-style-type: none"> <li>Clarify that Vehicle Parts Sale is a retail use</li> <li>Correct omission of Unenclosed Accessory Structure definition</li> <li>Changing "Multi-Family" to "Multi-Unit"</li> </ul> |

### ENVIRONMENTAL REVIEW

The proposed ordinance corrects errors, clarifies language and codifies existing practice. The proposed Zoning Ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

### RATIONALE FOR RECOMMENDATION

The proposed Zoning Ordinance amendments are required to ensure compliance with all applicable state laws and are necessary to maintain the integrity of the Zoning Ordinance and related BMC Chapters.

### ALTERNATIVE ACTIONS CONSIDERED

The Council could consider taking no action regarding the recommendations proposed by staff. In this scenario, Title 23 would remain unchanged, leaving the BMC inconsistent or outdated. This could lead to uncertainty or potentially lead to challenges in enforcement.



CONTACT PERSON

Justin Horner, Principal Planner, Planning and Development Department, 510-981-7476.

ATTACHMENTS

1. Ordinance
2. Public Hearing Notice

## ORDINANCE NO. -N.S.

AMENDMENTS TO THE RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), GENERAL DEVELOPMENT STANDARDS CHAPTER (23.304), ACCESSORY DWELLING UNIT CHAPTER (23.306), PARKING AND LOADING CHAPTER (23.322), DENSITY BONUS CHAPTER (23.330), APPEALS AND CERTIFICATIONS CHAPTER (23.410), AND GLOSSARY CHAPTER (23.502) TO CONFORM TO STATE LAW, CORRECT ERRORS, CLARIFY LANGUAGE, AND CODIFY EXISTING PRACTICE

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

**Section 1.** That line “Multi-Family” within “Residential Uses” in Table 23.202-1 Allowed Land Uses In Residential Districts within BMC Chapter 23. 202.020 is amended to read as follows:

| ZC = Zoning Certificate<br>AUP = ADMINISTRATIVE USE PERMIT<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>* Use-Specific Regulations Apply<br>**Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150(A) and 23.202.150(D). | RESIDENTIAL DISTRICTS |      |     |      |        |        |        |        |        |         | USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*) |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------|-----|------|--------|--------|--------|--------|--------|---------|--------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                      | R-1                   | ES-R | R-2 | R-2A | R-3    | R-4    | R-5    | R-S    | R-SMU  | R-BMU** |                                                                                                        |
| <b>Residential Uses</b>                                                                                                                                                                                                                                                              |                       |      |     |      |        |        |        |        |        |         |                                                                                                        |
| <del>Multi-Family Residential</del><br><del>Multi-Unit Residential</del>                                                                                                                                                                                                             | ZC                    | NP   | ZC  | ZC   | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | 23.302.070(H)                                                                                          |
|                                                                                                                                                                                                                                                                                      |                       |      |     |      |        |        |        |        |        |         |                                                                                                        |

**Section 2.** That Table 23.202-2 R-1 Development Standards within BMC Chapter 23.202.050 is amended to read as follows:

**Table 23.202-2: R-1 Development Standards**

| BASIC STANDARDS                                                                                                                                                                                                                                                                                                                                                                          |                                          | SUPPLEMENTAL STANDARDS           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------|
| Lot Area for New Lots, Minimum                                                                                                                                                                                                                                                                                                                                                           | 5,000 sq. ft.                            | 23.304.020 – Lot Requirements    |
| Usable Open Space <u>per</u> 1,000 sq. ft. Residential Floor Area Minimum                                                                                                                                                                                                                                                                                                                | 150 sq. ft.                              | 23.304.090 – Usable Open Space   |
| Floor Area Ratio, Maximum                                                                                                                                                                                                                                                                                                                                                                | No Maximum                               |                                  |
| Main Building Height                                                                                                                                                                                                                                                                                                                                                                     |                                          | 23.304.050 – Building Height     |
| New Buildings and Additions                                                                                                                                                                                                                                                                                                                                                              | 35 ft. and 3 stories <a href="#">[1]</a> |                                  |
| Within 15 ft. of Rear Property Line                                                                                                                                                                                                                                                                                                                                                      | 22 ft.                                   |                                  |
| Residential Density (du/acre)                                                                                                                                                                                                                                                                                                                                                            |                                          | 23.106.100 – Residential Density |
| Minimum                                                                                                                                                                                                                                                                                                                                                                                  | 10                                       |                                  |
| Maximum                                                                                                                                                                                                                                                                                                                                                                                  | <del>40</del> 70                         |                                  |
| Lot Line Setbacks, Minimum                                                                                                                                                                                                                                                                                                                                                               |                                          | 23.304.030 -- Setbacks           |
| Front <a href="#">[1]</a>                                                                                                                                                                                                                                                                                                                                                                | 5 ft. <a href="#">[2]</a>                |                                  |
| Rear <a href="#">[1]</a>                                                                                                                                                                                                                                                                                                                                                                 | 5 ft. <a href="#">[2]</a>                |                                  |
| Interior Side                                                                                                                                                                                                                                                                                                                                                                            | 4 ft.                                    |                                  |
| Street Side                                                                                                                                                                                                                                                                                                                                                                              | 4 ft.                                    |                                  |
| Building Separation, Minimum                                                                                                                                                                                                                                                                                                                                                             | 5 ft.                                    |                                  |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                                                    | 60%                                      | 23.304.120 – Lot Coverage        |
| Notes:                                                                                                                                                                                                                                                                                                                                                                                   |                                          |                                  |
| <a href="#">[1]</a> A project that includes a pitched roof is permitted a 35-foot maximum eave height and a maximum roof height of 38 feet. A project with a 35-foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories. |                                          |                                  |
| <a href="#">[2]</a> Front and rear setbacks must add up to at least 20 feet.                                                                                                                                                                                                                                                                                                             |                                          |                                  |

Section 3. That Table 23.202-5 R-2 Development Standards within BMC Chapter 23.202.080 is amended to read as follows:

**Table 23.202-5: R-2 Development Standards**

| BASIC STANDARDS                                                                                                                                                                                                                                                                                                                                                                          |                                          | SUPPLEMENTAL STANDARDS           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------|
| Lot Area for New Lots, Minimum                                                                                                                                                                                                                                                                                                                                                           | 5,000 sq. ft.                            | 23.304.020 – Lot Requirements    |
| Usable Open Space per 1,000 sq. ft. Residential Floor Area Minimum                                                                                                                                                                                                                                                                                                                       | 150 sq. ft.                              | 23.304.090 – Usable Open Space   |
| Floor Area Ratio, Maximum                                                                                                                                                                                                                                                                                                                                                                | No Maximum                               |                                  |
| Main Building Height                                                                                                                                                                                                                                                                                                                                                                     |                                          | 23.304.050 – Building Height     |
| New Buildings and Additions                                                                                                                                                                                                                                                                                                                                                              | 35 ft. and 3 stories <a href="#">[1]</a> |                                  |
| Within 15 ft. of Rear Property Line                                                                                                                                                                                                                                                                                                                                                      | 22 ft.                                   |                                  |
| Residential Density (du/acre)                                                                                                                                                                                                                                                                                                                                                            |                                          | 23.106.100 – Residential Density |
| Minimum                                                                                                                                                                                                                                                                                                                                                                                  | 10                                       |                                  |
| Maximum                                                                                                                                                                                                                                                                                                                                                                                  | <del>50</del> 70                         |                                  |
| Lot Line Setbacks, Minimum                                                                                                                                                                                                                                                                                                                                                               |                                          | 23.304.030- Setbacks             |
| Front <a href="#">[1]</a>                                                                                                                                                                                                                                                                                                                                                                | 5 ft. <a href="#">[2]</a>                |                                  |
| Rear <a href="#">[1]</a>                                                                                                                                                                                                                                                                                                                                                                 | 5 ft. <a href="#">[2]</a>                |                                  |
| Interior Side                                                                                                                                                                                                                                                                                                                                                                            | 4 ft.                                    |                                  |
| Street Side                                                                                                                                                                                                                                                                                                                                                                              | 4 ft.                                    |                                  |
| Building Separation, Minimum                                                                                                                                                                                                                                                                                                                                                             | 5 ft.                                    |                                  |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                                                    | 60%                                      | 23.304.120—Lot Coverage          |
| Notes:                                                                                                                                                                                                                                                                                                                                                                                   |                                          |                                  |
| <a href="#">[1] A project that includes a pitched roof is permitted a 35-foot maximum eave height and a maximum roof height of 38 feet. A project with a 35-foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories.</a> |                                          |                                  |
| <a href="#">[2]</a> Front and rear setbacks must add up to at least 20 feet.                                                                                                                                                                                                                                                                                                             |                                          |                                  |

Section 4. That Table 23.202-9 R-2A Development Standards within BMC Chapter 23.202.090 is amended to read as follows:

**Table 23.202-9: R-2A Development Standards**

| BASIC STANDARDS                                                                                                                                                                                                                                                                                                                                                                          |                                          | SUPPLEMENTAL STANDARDS           |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|----------------------------------|
| Lot Area for New Lots, Minimum                                                                                                                                                                                                                                                                                                                                                           | 5,000 sq. ft.                            | 23.304.020—Lot Requirements      |
| Usable Open Space per 1,000 sq. ft. Residential Floor Area Minimum                                                                                                                                                                                                                                                                                                                       | 150 sq. ft.                              | 23.304.090-Usable Open Space     |
| Floor Area Ratio, Maximum                                                                                                                                                                                                                                                                                                                                                                | No Maximum                               |                                  |
| Main Building Height                                                                                                                                                                                                                                                                                                                                                                     |                                          | 23.304.050—Building Height       |
| New Buildings and Additions                                                                                                                                                                                                                                                                                                                                                              | 35 ft. and 3 stories <a href="#">[1]</a> |                                  |
| Within 15 ft. of Rear Property Line                                                                                                                                                                                                                                                                                                                                                      | 22 ft.                                   |                                  |
| Residential Density (du/acre)                                                                                                                                                                                                                                                                                                                                                            |                                          | 23.106.100 – Residential Density |
| Minimum                                                                                                                                                                                                                                                                                                                                                                                  | 10                                       |                                  |
| Maximum                                                                                                                                                                                                                                                                                                                                                                                  | <del>60</del> <a href="#">70</a>         |                                  |
| Lot Line Setbacks, Minimum                                                                                                                                                                                                                                                                                                                                                               |                                          | 23.304.030--Setbacks             |
| Front <del>[1]</del>                                                                                                                                                                                                                                                                                                                                                                     | 5 ft. <a href="#">[2]</a>                |                                  |
| Rear <del>[1]</del>                                                                                                                                                                                                                                                                                                                                                                      | 5 ft. <a href="#">[2]</a>                |                                  |
| Interior Side                                                                                                                                                                                                                                                                                                                                                                            | 4 ft.                                    |                                  |
| Street Side                                                                                                                                                                                                                                                                                                                                                                              | 4 ft.                                    |                                  |
| Building Separation, Minimum                                                                                                                                                                                                                                                                                                                                                             | 5 ft.                                    |                                  |
| Lot Coverage, Maximum                                                                                                                                                                                                                                                                                                                                                                    | 60%                                      | 23.304.120—Lot Coverage          |
| Notes:                                                                                                                                                                                                                                                                                                                                                                                   |                                          |                                  |
| <a href="#">[1]</a> A project that includes a pitched roof is permitted a 35-foot maximum eave height and a maximum roof height of 38 feet. A project with a 35-foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories. |                                          |                                  |
| <del>[1]</del> <a href="#">[2]</a> Front and rear setbacks must add up to at least 20 feet.                                                                                                                                                                                                                                                                                              |                                          |                                  |

Section 5. That BMC Section 23.206.030(A) is amended to read as follows:

**A. New Floor Area.** A project that creates new floor area for any use requires additional permits as shown in Table 23.206-2. Creation of new floor area includes:

1. Construction of new main buildings or accessory buildings;
2. Additions to existing buildings; or
3. The installation of new floor or mezzanine levels within or onto existing buildings.

~~3.4.~~ New floor area does not include floor area associated with residential uses in the MU-R zoning district.

**Table 23.206-2. NEW FLOOR AREA PERMIT REQUIREMENTS**

| District/New Gross Floor Area       | Permit Required for New Floor Area |
|-------------------------------------|------------------------------------|
| M, MM                               |                                    |
| Less than 20,000 sq. ft.            | ZC                                 |
| 20,000 to less than 40,000 sq. ft.  | AUP                                |
| 40,000 sq. ft. or more              | UP(PH)                             |
| M-RD                                |                                    |
| Less than 60,000 sq. ft.            | ZC                                 |
| 60,000 to less than 100,000 sq. ft. | AUP                                |

| District/New Gross Floor Area      | Permit Required for New Floor Area |
|------------------------------------|------------------------------------|
| 100,000 sq. ft. or more            | UP(PH)                             |
| MU-LI                              |                                    |
| Less than 10,000 sq. ft.           | ZC                                 |
| 10,000 to less than 20,000 sq. ft. | AUP                                |
| 20,000 sq. ft. or more             | UP(PH)                             |
| MU-R                               |                                    |
| Less than 5,000 sq. ft.            | ZC                                 |
| 5,000 to less than 10,000 sq. ft.  | AUP                                |
| 10,000 sq. ft. or more             | UP(PH)                             |

Section 6. That BMC Section 23.206.030(C) is amended to read as follows:

**C. Major Residential Additions.**

1. Where Allowed/Required Permits.

~~(a) Major residential additions in the MU-R district require an AUP.~~

~~(b)~~(a) Major residential additions are not permitted in MU-LI district.

~~(c)~~(b) Major residential additions in the M and MM districts are subject to the requirement in Section 23.324 (Nonconforming Uses, Structures, and Buildings).

~~2. Findings. To deny an AUP for a major residential addition in the MU-R district, the review authority must find that:~~

~~(a) The proposed addition would unreasonably interfere with existing or reasonably foreseeable adjacent land uses in the M or MM district; or~~

~~(b) Existing or reasonably foreseeable adjacent land uses in the M and/or MM district would have a material adverse effect on the use of the proposed addition.~~

**3.2. Recorded Acknowledgement.** For a residential addition in the MU-R district, the residential property owner shall record an acknowledgement on the title that existing or reasonably foreseeable adjacent land uses in the M and/or MM District may create noise, dust, odors, light/glare, and other impacts that shall not be considered a nuisance if they are developed and conducted pursuant to the standards of the district.

Section 7. That BMC Section 23.206.060(E) be amended to read as follows:

E. Permit Findings. See Section 23.206.100110-Permit Findings

Section 8. That BMC Section 23.206.070(E) be amended to read as follows:

E. Permit Findings. See Section 23.206.100110-Permit Findings

Section 9. That BMC Section 23.206.080(F) be amended to read as follows:

F. Permit Findings. See Section 23.206.100110-Permit Findings

Section 10. That BMC Section 23.206.090(E) be amended to read as follows:

E. Permit Findings. See Section 23.206.100110-Permit Findings

Section 11. That Table 23.206-14 MU-R Development Standards within BMC Chapter 23.206.090 is amended to read as follows

**Table 23.206-14: MU-R Development Standards**

| BASIC STANDARDS   |            | SUPPLEMENTAL STANDARDS        |
|-------------------|------------|-------------------------------|
| Lot Area, Minimum |            | 23.304.020 – Lot Requirements |
| New Lot           | No minimum |                               |



|                                                   |                           |                                  |
|---------------------------------------------------|---------------------------|----------------------------------|
| Per Live/Work Unit                                | 1,250 sq. ft.             |                                  |
| Lot Width, Minimum                                | 40 ft.                    |                                  |
| Usable Open Space, Minimum                        |                           | 23.304.090 – Usable Open Space   |
| Per 1,000 sq. ft. of gross residential floor area | 150 sq. ft.               |                                  |
| Per Live/Work Unit                                | 40 sq. ft.                |                                  |
| Floor Area Ratio, Maximum, Non-Residential        | 1.5 [1]                   | 23.106.050 - Floor Area Ratio    |
| Residential Density (DU/acre)                     |                           | 23.106.100 – Residential Density |
| Minimum                                           | 20                        |                                  |
| Maximum                                           | <del>60</del> 70          |                                  |
| Main Building Height, Maximum                     |                           | 23.304.050 - Building Height     |
| Live/work                                         | 28 ft. and 3 stories [2]  |                                  |
| Residential or mixed-use [3]                      | 35 ft. or 3 stories [4]   |                                  |
| Within 15 ft. of rear property line               | 22 ft.                    |                                  |
| All other uses                                    | 35 ft. and 2 stories [45] |                                  |
| Lot Line Setbacks, Minimum                        |                           | 23.304.030 – Setbacks            |
| Front                                             | 5 ft.                     |                                  |
| Rear                                              | No minimum [56]           |                                  |
| Interior Side                                     | No minimum                |                                  |
| Street Side                                       | 5 ft.                     |                                  |
| Building Separation, Minimum                      | 5 ft.                     |                                  |
| Lot Coverage, Maximum                             | No maximum.               |                                  |

## Notes:

[1] Maximum 1.5 for buildings with 50 percent or more live/work floor area

[2] Maximum 35 ft. with a Use Permit.

[3] Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.

[4] A project that includes a pitched roof is permitted a 35-foot maximum eave height and a maximum roof height of 38 feet. A project with a 35-foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories.

[45] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.

[56] Minimum 5 ft. if rear of lot abuts a street.

Section 12. That BMC Section 23.206.090(B)(7) is amended to read as follows:

7. *Mixed-Use Residential.* To approve an AUP or Use Permit to establish or expand ~~of~~ a mixed-use residential building in the MU-R district, the review authority must find that the specific combination of proposed residential and non-residential uses will not be hazardous or detrimental to persons living and/or working on the site or within the project vicinity.

Section 13. That BMC Section 23.304.100(D)(1) is amended to read as follows:

1. All ~~multi-family~~multi-unit dwellings shall have an unobstructed walkway for pedestrian access from the public right-of-way to the building.

Section 14. That BMC Section 23.306.030(A)(2) is amended to read as follows:

2. Duplex or ~~Multi-Family~~ Multi-Unit Dwelling Conversion. Interior ADU(s) must be created entirely through non-habitable residential portions of an existing main building that are not within the living space of a dwelling unit (e.g. basement, attic, garages, storage room).

Section 15. That BMC Section 23.306.040(C)(4) is amended to read as follows:

1. The Junior ADU shall not be sold separately from the main building;

2. The ADU shall not be sold separately from the main building unless the conditions of BMC 23.306.040(D) ADUs Developed by a Qualified Nonprofit Developer are met;
3. The ADU and/or Junior ADU shall not be rented for a term that is shorter than 30 days; and
4. If the property includes a Junior ADU, the Junior ADU or the Single Family Dwelling in which the Junior ADU is located shall be owner-occupied. Owner-occupancy shall not be required if the JADU and the Single Family Dwelling do not share sanitation facilities, or Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

Section 16. That BMC Section 23.322.040(D)(2) is amended to read as follows:

2. **Offices in R-4 and R-5 Districts.** The ZAB may approve a Use Permit to allow offices in the R-4 or R-5 district to share parking spaces with a multi-unit residential use ~~multi-family use~~. To approve the Use Permit, the ZAB must find that:
  - (a) No more than 20 percent of the off-street parking spaces required for the multiple dwelling use will serve as required off-street parking for offices; and
  - (b) The shared off-street parking spaces are located on the same lot as the offices that they serve or are on property under the same ownership within 300 feet from the offices.

Section 17. That BMC Section 23.322.050(A)(6)(c) is amended to read as follows:

- (c) Eligible Uses: Any commercial use portion of a mixed-use building which combines retail products stores and/or personal household services and multi-~~unit~~family residential uses within the same building or located on the same lot (or contiguous lots as part of the same project).

Section 18. That line “R-1, R-1A, R-2” in Table 23.322-12 Land Uses Requiring Off-Street Loading Spaces within BMC Chapter 23.322.100 is amended to read as follows

| District                   | Land Use [1]                   |
|----------------------------|--------------------------------|
| R-1, <del>R-1A</del> , R-2 | Schools 10,000 sq. ft. or more |

Section 19. That BMC Section 23.326.070(C) is amended to read:

*C. Landmarks Preservation Commission Review.*

- Any application for a Use Permit or AUP to demolish a non-residential building or structure that is 40 or more years old shall be forwarded to the Landmarks Preservation Commission (LPC) for review before consideration of the Use Permit or AUP.

*a. Exception. Projects that are vested pursuant to SB 330 shall be exempt from demolition review.*

Section 20. That BMC Section 23.330.030(B) is deleted:

- B. Documentation Supporting Requests.* The City may request reasonable documentation from the applicant to support requested ~~waivers/reductions and~~ incentives/concessions.

Section 21. That title “Regulatory Agreements” for BMC Section 23.330.080 is amended to read as follows:

**23.330.080 Regulatory Agreements (Density Bonus)**

Section 22. That line “Staff-level Design Review” in Table 23.410-2 Appeal Subjects and Review Authority within BMC Chapter 23.410.020 is amended to read as follows

**Table 23.410-1: Appeal Subjects and Review Authority**

| ACTION                    | ORDINANCE SECTION | MAY BE APPEALED BY | IS APPEALED TO    | MUST BE FILED WITHIN                           |
|---------------------------|-------------------|--------------------|-------------------|------------------------------------------------|
| Staff-level Design Review | 23.406.070        | Any person         | <del>DRCZAB</del> | 14 days of posting the Notice of Design Review |

Section 23. That BMC Section 23.502.020(A) be amended to read as follows:

4. *Accessory Dwelling Unit*. An attached or detached secondary dwelling unit that is located on the same lot as a proposed or existing single family dwelling, duplex, multi-family-unit dwelling use, or group living accommodation and provides independent living facilities for one or more persons. An ADU must comply with local building, housing, safety and other code requirements, except as expressly modified in Chapter 23.306, and provide the following features independent of other dwelling units on the lot: Exterior or independent access to the ADU, living and sleeping quarters, a full kitchen, and a full bathroom. An ADU also includes the following: (a) An efficiency unit, as defined in Section 17958.1 of the Health and Safety Code, or (b) A manufactured home, as defined in Section 18007 of the Health and Safety Code.

(a) *Junior Accessory Dwelling Unit (Junior ADU)*. A unit that is contained entirely within the walls of an existing or proposed single family dwelling, or a single family dwelling unit's attached garage. A Junior ADU must include a separate exterior entrance and, at minimum, an efficiency kitchen. A Junior ADU may include separate sanitation facilities or may share sanitary facilities with a single family dwelling.

Section 24. That BMC Section 23.502.020(M)(17) is amended to read as follows:

17. *Multi-Family-Unit Dwelling*. A building, group of buildings, or portion of a building used or designed as two or more dwelling units.

Section 25. That BMC Section 23.502.020(R)(15) is amended to read as follows

15. **Retail, General**. A retail establishment engaged in the sales of personal, consumer, or household items to the customers who will use such items. This use includes antique stores, art galleries, arts and crafts supply stores, bicycle shops, building materials and garden supplies stores, clothing stores, computer stores, cosmetic/personal care items, department stores, drug paraphernalia stores, drug stores, fabric, textile and sewing supply shops, flower and plant stores, food product stores, furniture stores, garden supply stores, nurseries, gift/novelty shops, household hardware and housewares stores, household electronics/electrical stores, jewelry/watch shops, linen shops includes bedding, musical instruments and materials stores, office supply stores, paint stores, photography equipment supply stores, secondhand stores, sporting goods stores, stationery, cards and paper goods stores toy stores, ~~and~~ variety stores ~~and~~ vehicle parts stores. This use excludes video rental stores, service of vehicle parts, and firearm/munition sales.

Section 26. That BMC Section 23.502.020(S)(31) is amended to read as follows

31. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a structure for the purposes of this chapter.

- a. **Accessory Structure.** A detached structure, other than an accessory building, in which non-habitable uses or activities other than the principal use of the property are conducted. Residential accessory structures include, but are not limited to, enclosed structures such as garages, carports, garden or tool sheds, and non-enclosed structures such as, but not limited to, fences, gazebos, ground-mounted satellite dishes, skateboard ramps and wheelchair ramps. Non-residential accessory structures include, but are not limited to, storage buildings, garages, sheds and other outbuildings.
- b. **Subterranean Structure.** A roofed structure constructed underground, with no building stories aboveground, of which the roof does not exceed 3 feet above the pre-existing grade. Such structures are either separated from a building or connected to a building only by a passageway or hallway with no openings to finished grade except for a doorway.
- c. **Temporary Structure.** A tent, tent-house, trailer, mobile office, mobile home or other movable structure or other temporary structure whose construction does not require a building permit.

e.d. **Unenclosed Accessory Structure.** An accessory structure that does not have a roof, and/or does not have walls on more than two sides. Unenclosed accessory structures include, but are not limited to, pergolas, trellises, shade structures, arbors, retaining walls, solar energy equipment, ground or pole-mounted satellite dishes, play structures, skateboard ramps, tree houses and windmills.

Section 27. 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.

## NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL AMENDMENTS TO BMC TITLE 23 ZONING

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, April 28, 2026 at 6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to amend the following sections of the City's Zoning Ordinance (Title 23) in order to maintain consistency and accuracy throughout the Berkeley Municipal Code (BMC). The proposed amendments do not include any substantive policy changes.

- Section 23.202.020 (Residential Districts – Allowed Land Uses)
- Section 23.202.050 (Residential Districts – R-1 Residential Multi-Unit 1 District)
- Section 23.202.080 (Residential Districts – R-2 Residential Multi-Unit 2 District)
- Section 23.202.090 (Residential Districts – R-2A Residential Multi-Unit 2A District)
- Section 23.206.030 (Manufacturing Districts – Additional Permit Requirements)
- Section 23.206.060 (Manufacturing Districts – M Manufacturing District)
- Section 23.206.070 (Manufacturing Districts – MM Mixed Manufacturing District)
- Section 23.206.080 (Manufacturing Districts – MU-LI Mixed Use-Light Industrial District)
- Section 23.206.090 (Manufacturing Districts – MU-R Mixed Use Residential District)
- Section 23.304.100 (General Development Standards – Site Features in Residential)
- Section 23.306.030 (Accessory Dwelling Units – Development Standards)
- Section 23.306.040 (Accessory Dwelling Units – Permit Procedures)
- Section 23.322.040 (Parking and Loading – General Requirements)
- Section 23.322.050 (Parking and Loading – Parking Reductions)
- Section 23.322.100 (Parking and Loading – On-site Loading Spaces)
- Section 23.326.070 (Demolition of Non-Residential Buildings)
- Section 23.330.030 (Density Bonus—Application Requirements)
- Section 23.330.080 (Density Bonus – Regulatory Agreements)
- Section 23.410.020 (Appeals and Certifications – Appeal Subjects and Jurisdiction)
- Section 23.502.020 (Glossary – Defined Terms)

The hearing will be held on April 28, 2026 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Justin Horner, Principal Planner, at (510) 981-7476.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of April 16, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov) for further information.

**Published:** April 17, 2026 – The Berkeley Voice

**Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.**

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 16, 2026.

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Mark Numainville, City Clerk





Office of the City Manager

PUBLIC HEARING

April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development

Subject: 1646 and 1650 Fifth Street Re-Zoning and Associated General Plan Amendments

RECOMMENDATION

Conduct a public hearing and upon conclusion:

1. Adopt a Resolution (***Attachment 1***) to:
  - a. Amend the General Plan Land Use Map to change the existing Manufacturing (M) and Mixed Use (MU) land use designation to solely Mixed Use; and
  - b. Amend the West Berkeley Plan to include conforming land use district map amendments; and
2. Adopt an Ordinance (***Attachment 2***) amending the Zoning Map to rezone portions of 1646 and 1650 Fifth Street from Mixed Use-Light Industrial (MU-LI) to Mixed Use-Residential (MU-R).

SUMMARY

BMC Section 23.412.020(A) permits a property owner to apply for an amendment to the Zoning Map. BMC Section 22.04.020 permits amendments to the General Plan Map. General Plan Map amendments that are not initiated by the City Council or Planning Commission must first be submitted to the Planning Commission for consideration, which then makes a recommendation to the City Council.

On October 20, 2025, the Planning and Development Department received General Plan and Zoning Map amendment applications from the property owner of 1650 Fifth Street to rezone the parcels to entirely MU-R and to change the General Plan land use designation of the two properties to solely Mixed Use. The proposed resolution and ordinance rezone the two parcels and make the concurrent General Plan amendments.

FISCAL IMPACTS OF RECOMMENDATION

The proposed rezoning and associated General Plan map amendments are expected to be cost-neutral, as preparation of materials for the Planning Commission and City Council meetings are covered by application fees. The rezoning may result in increased property tax revenue from future entitlements that propose to add new residential units to the subject properties.

CURRENT SITUATION AND ITS EFFECTS

1646 and 1650 Fifth Street, as shown in Figure 1, are two properties within West Berkeley that feature residential uses and are currently developed with single-family residences. On the City of Berkeley General Plan Land Use Map, the two parcels are split-designated as two separate General Plan land use designations: Manufacturing (M) and Mixed Use (MU). On the Zoning Map, the parcels are split-zoned with two separate zoning districts: Mixed Use-Light Industry (MU-LI) and Mixed Use-Residential (MU-R).

The property owner of 1650 Fifth Street has proposed a residential development project on both parcels. As residential uses are not permitted in the MU-LI zoning district, the owner is not able to utilize the entirety of both parcels for a residential development project, unless the map and plan amendments are adopted.

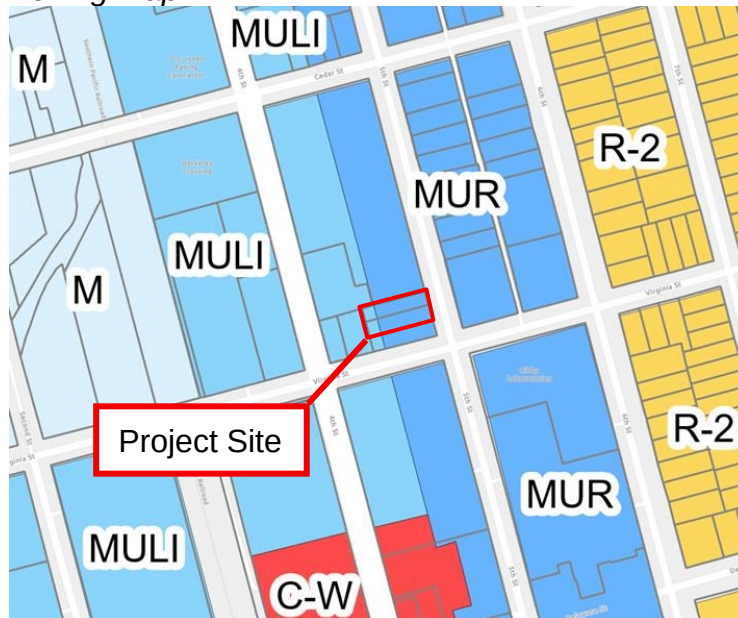
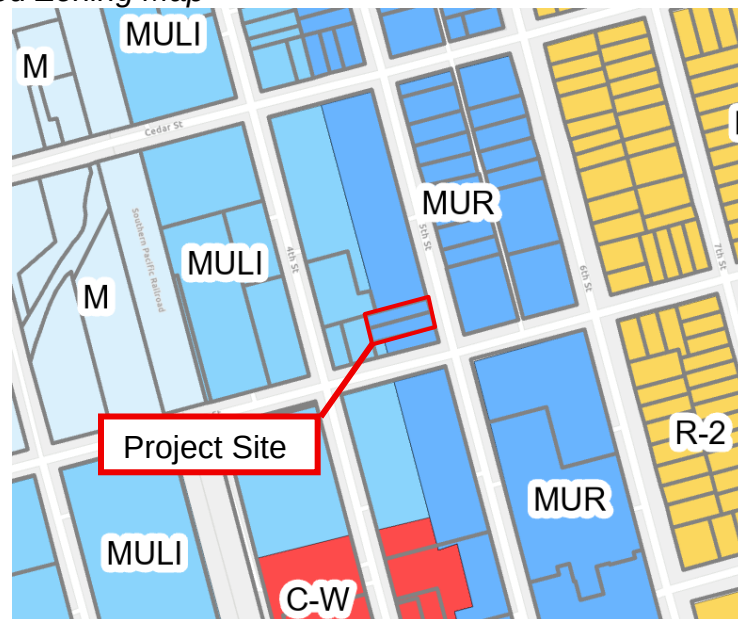
*Figure 1: Project Site*



*Image not to scale*

*Zoning District Boundary*

The City of Berkeley Zoning Map would be amended to re-designate 1646 and 1650 Fifth Street as solely MU-R. The extent of the zoning district changes is shown in Figures 2 and 3.

*Figure 2: Existing Zoning Map**Figure 3: Proposed Zoning Map*

*Allowed Uses*

The primary difference between the MU-LI and MU-R Districts is that residential uses are Not Permitted in the MU-LI District, while they are allowed in the MU-R District.

*Development Standards*

Since both districts are within the parent category of Manufacturing districts, the development standards of each district are similar, with the same standards for minimum lot area, rear and side setbacks and lot coverage. MU-R includes multiple residential-related standards such as Usable Open Space and Residential Density that MU-LI does not by virtue of disallowing residential uses.

*General Plan and West Berkeley Plan Amendments*

The proposed Zoning Map amendments require conforming amendments to the West Berkeley Plan and General Plan.<sup>1</sup> The proposed General Plan amendments would update the General Plan Land Use Map so the properties are solely designated as Mixed Use (MU). The proposed West Berkeley Plan amendments would update the Land Use Districts Map so the properties are solely designated as Mixed Use/Residential. The extent of the General Plan and West Berkeley Plan amendments is shown in Attachment 1, Exhibit A of the Staff Report.

**BACKGROUND***Planning Commission Recommendation*

At its regular meeting on March 4, 2026, the Planning Commission unanimously approved a recommendation to the City Council to adopt an amendment to the Zoning Map to rezone portions of 1646 and 1650 Fifth Street from MU-LI to MU-R, and to make conforming amendments to the General Plan Land Use Map and the West Berkeley Land Use Map.

*Tribal Consultation (SB 18)*

Pursuant to the requirements of Senate Bill 18 (2004, Burton), City staff sent scoping consultation notices on January 8, 2026 to tribes identified as traditionally and culturally affiliated with the project area by the Native American Heritage Commission.

On March 12, 2026, staff conducted a consultation meeting with the Muwekma Ohlone tribe. The tribe did not have any objections to the proposed rezoning, and requested that the project sponsor host cultural sensitivity training for workers before construction and that the project include monitoring for tribal cultural resources.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

The proposed amendments are covered by the common sense exemption pursuant to CEQA Guidelines Section 15061(b)(3). The application seeks to alter the boundaries

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<sup>1</sup> The West Berkeley Plan is an amendment to Berkeley's General Plan, providing policies to guide development in West Berkeley.

between two existing zoning district and land use designations. Both existing districts and designations have been previously evaluated for potential environmental impacts, and the amendments would not introduce new uses or modify the already-allowed uses within each district and land use designation. Additionally, the change in zoning district and land use designation will not create any new adverse physical effects on the environment discordant from what is allowed in each zoning district or land use designation. The amendments therefore can be seen with certainty that there is no possibility of having a potentially significant effect on the environment and therefore no subject to CEQA.

The proposed amendments would also facilitate the development of a multi-unit residential project in a previously developed urbanized area. Such development is associated with lower average Vehicle Miles Travelled and more efficient utility use.

#### RATIONALE FOR RECOMMENDATION

The split-designation and split-zoning of these two parcels are remnants of land use decisions that precede the passage of the West Berkeley Plan in 1993. Current best practice is to avoid, and remedy, split zoning to provide more logical coherence to local land use regulations.

The proposed amendments would facilitate the development of a multi-unit residential project on parcels already occupied by residential uses, adding to the City's housing supply.

#### ALTERNATIVE ACTIONS CONSIDERED

The City could deny the application to amend the zoning map. This would allow a suboptimal zoning configuration to persist and would limit the ability of the project sponsor to redevelop the property with multi-unit residential uses.

#### CONTACT PERSON

Joshua Muller, Associate Planner, Planning and Development, 510-981-7488

#### Attachments:

1. Resolution
  - Exhibit A: Proposed General Plan and West Berkeley Plan Amendments
2. Ordinance
3. Project Application, received October 20, 2025
4. Public Hearing Notice



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

ADOPT PROPOSED AMENDMENTS TO THE GENERAL PLAN LAND USE MAP FOR  
1646 AND 1650 FIFTH STREET, TO BE CONSISTENT WITH ASSOCIATED ZONING  
MAP AMENDMENTS

WHEREAS, the City of Berkeley ("City"), received an application from the owner of 1650 Fifth Street and on behalf of the owner of 1646 Fifth Street, to rezone the two parcels from Mixed Use-Light Industrial (MU-LI) and Mixed Use-Residential (MU-R) to solely Mixed Use-Residential, and to change the General Plan Land Use Designation from Manufacturing (M) and Mixed Use (MU) to solely Mixed Use; and

WHEREAS, on January 12, 2026, the City deemed the application complete; and

WHEREAS, on March 4, 2026, the Planning Commission held a duly noticed public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request and recommended the City Council make map amendments to rezone the two parcels; and

WHEREAS, on April 28, 2026, the City Council held a duly noticed public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW, THEREFORE, IT BE RESOLVED that the City Council of the City of Berkeley: 1) Adopts amendments to the General Plan Land Use Map to change the existing Manufacturing (M) and Mixed Use (MU) land use designation to solely Mixed Use, for the properties at 1646 and 1650 Fifth Street; and 2) Amends the West Berkeley Plan to conform to the proposed amendments; and

BE IT FURTHER RESOLVED that pursuant to California Government Code Section 65358, the City Council makes the following findings to support the General Plan and West Berkeley Plan amendments, included as Exhibit A:

1. The proposed amendments are in the public interest. The General Plan amendments serve the public interest by facilitating additional housing capacity and production to better meet housing demand.
2. The proposed amendments are consistent and compatible with the General Plan. The proposed General Plan amendments would ensure internal consistency among General Plan elements.

3. The potential effects of the proposed amendments have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare. The potential effects of the proposed amendment are to encourage the development of additional housing units on parcels already occupied by residential uses. Residential uses are not detrimental to public health, safety, or welfare.



EXHIBIT A

GENERAL PLAN AND WEST BERKELEY PLAN LAND USE MAP AMENDMENTS

General Plan Land Use Map:



West Berkeley Plan Land Use Map:



ORDINANCE NO. -N.S.

ADOPT PROPOSED AMENDMENTS TO THE ZONING MAP TO REZONE 1646 AND  
1650 5<sup>th</sup> STREET TO MIXED USE-RESIDENTIAL (MU-R)

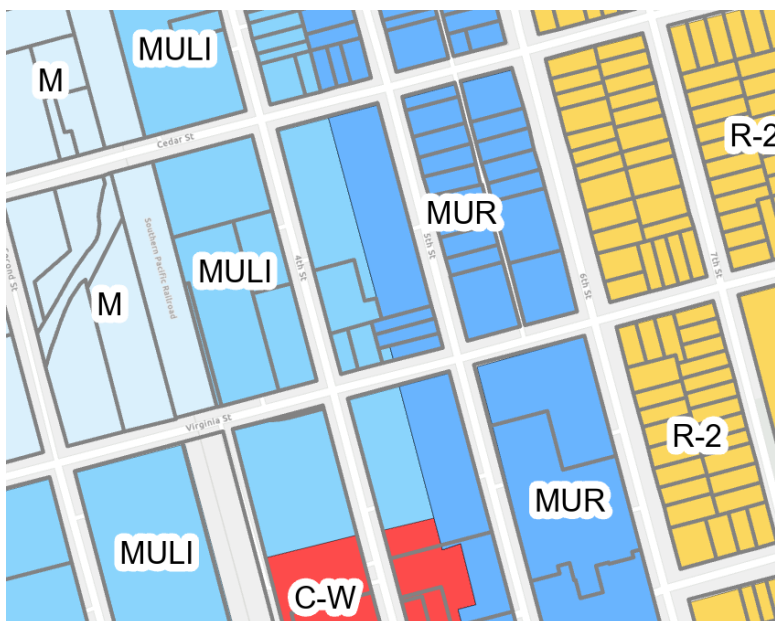
BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Pursuant to Berkeley Municipal Code Section 23.412.060, the City Council makes the following findings to support the zoning map amendments:

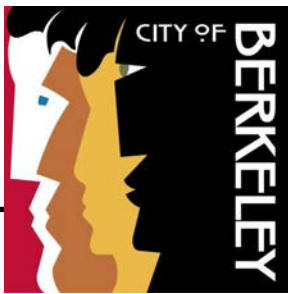
1. The proposed amendments are consistent with the General Plan and any applicable specific plan or area plan. The zoning map amendments would be consistent and compatible with the General Plan, as the proposed rezoning involves two existing zoning districts and does not propose any modifications to the intents, allowed uses, or development standards of either district.
2. The proposed amendments are consistent with state law. The zoning map amendments are consistent with state law because they do not reduce the intensity of residential use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1).
3. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare. The zoning map amendments are to unify the zoning district designations for two properties and would not create any new uses that would have detrimental impacts to the public interest, health, safety, convenience, and welfare of the City or its inhabitants. Additionally, the amendments would not create or exacerbate any nonconforming uses or conditions through the modification of the zoning district designations.
4. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance. The proposed amendments would rectify two instances of split-zoning and would not include uses inconsistent with the intent of the MU-R zoning district.
5. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the Zoning Ordinance and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large. The zoning map amendments do not change the physical or legal boundaries or characteristics of the two lots. The amendments will also align the zoning district designation with the existing land use of the properties and will ensure any future development on the lot will align with the purpose and intent of the MU-R zoning district.
6. The Mixed Use-Light Industrial (MU-LI) district's purpose is to "encourage the development of a mixed-use light industrial area" and "provide for the continued availability of manufacturing and industrial buildings for manufacturing uses." The proposed Zoning Map amendments would reduce the intensity of permitted

manufacturing uses on the subject parcels, and place the parcels under a single zoning designation for the anticipated development of residential uses. As a result, the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment.

Section 2. The City of Berkeley Zoning Map is amended to read as follows:



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.



Planning and Development  
1947 Center St, 2nd Floor  
Berkeley, CA 94704

# ZONING PROJECT APPLICATION

[planning@berkeleyca.gov](mailto:planning@berkeleyca.gov) • Phone (510) 981-7410, TDD (510) 981-7450

## Zoning Project Application

APPLICATION TYPE? CHECK ALL THAT APPLY:

- |                                                       |                                                                                     |
|-------------------------------------------------------|-------------------------------------------------------------------------------------|
| <input type="checkbox"/> Administrative Use Permit(s) | <input type="checkbox"/> Telecommunications Use Permit                              |
| <input type="checkbox"/> Use Permit(s)                | <input type="checkbox"/> Modification to an Administrative Use Permit or Use Permit |
| <input type="checkbox"/> Variance(s)                  |                                                                                     |

### PROJECT INFORMATION

Project Address(es):

1646, 1650, and 1654 Fifth Street

Unit(s)/Suite(s) #:

Assessor Parcel Number(s):

057-2116-021; 057-2116-22; 057-2116-03

#### Project Description:

(include applicable demolition/removal, proposed use(s) total square feet of new/addition, height, number of units and very-low income units, and parking)

Amend Zoning / General Plan designation of three adjacent properties to coincide with property line and existing Residential Use.

#### ☐ DEDICATED CONSULTANT REVIEW REQUESTED FOR USE PERMIT? (Check box if requested)

Dedicated Consultant Review involves a competitive bid process to select an outside consultant, and is only available for Use Permits, substantial modifications to a Use Permit, Variances. Consultant costs are in addition to Use Permit fees already paid.

PROPERTY OWNER'S NAME:

Justin Talbott; 1650 Fifth Street, LLC; City of Berkeley

Owner's Property Address:

Same as Project addresses

Phone Number::

Email:

APPLICANT'S NAME:

Matthew Wadlund

Owner's Property Address:

Phone Number::

510-332-6468

Email:

MWADLUND@WDSPLUS.COM

#### GENERAL INFORMATION

All new uses, structures, and modifications to structures in the City of Berkeley are required to be in conformance with the Zoning Ordinance, Title 23 of the Berkeley Municipal Code.

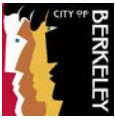
Additional information about zoning permits:

[Types of Zoning Permits](#)

[How to Submit a Zoning Project Application](#)

[Supplemental Land Use applications, forms, and instructions](#)

[Zoning Project Submittal Requirements](#)  
(must accompany this application)



# ZONING PROJECT APPLICATION

## PROJECT INFORMATION:

Does your project require staff-level or committee-level design review?

☐ YES ☒ NO

Does your project include demolition of a nonresidential building, or demolition or substantial changes to any building that is 40 or more years old?

☐ YES ☒ NO

Is your project vested by a preliminary housing development pre-application under SB 330?

☐ YES, Pre-Application #PLN20 \_\_\_\_\_ - \_\_\_\_\_  
☒ NO

Does your project utilize State Density Bonus?

☐ YES ☒ NO

Does your project include on-site below market rate units (affordable housing)?

☐ YES ☒ NO

## DRAWINGS PROTECTED BY COPYRIGHT STATEMENT

Effective January 1, 2023, (State Government Code, Section 65103.5 (e), SB 1214), if an official copy of architectural drawings are submitted to the Land Use Division of the Planning and Development Department as part of a zoning permit application, the design professional (or the owner of the copyright if different from the design professional) may submit a separate "site plan" or "massing diagram" for posting online or for distribution to the public.

If a separate "site plan" or "massing diagram" is not submitted in addition to the official architectural plans, permission is deemed granted to the Land Use Division to post online or to provide to the public copies of the architectural drawings without the restrictions that would otherwise apply.

A massing diagram and a site plan are defined as follows per Government Code Section 65103.5 (f): "Massing diagram" means a document that displays the three-dimensional form of a building and describes the general profile, bulk, setbacks, and size of the building, but does not contain specific architectural detail.

"Site plan" means a document for a project that is drawn to scale and displays all of the following: property lines, setback lines, topographic lines, easements, drainage, utilities, lighting, driveways, surrounding streets and traffic flow, parking lots and parking spaces, landscaped areas, setback distance between buildings and property lines, outline of existing and proposed buildings and structures, distance between buildings, and ground sign location.

## PLEASE CHECK ONE OF THE FOLLOWING (required):

☐ My application includes a separate "site plan" or "massing diagram," defined in Government Code Section 65103.5(f), for posting online or for distribution to the public.

☒ Permission is granted to make publicly available the submitted architectural drawings without restriction to posting online or distribution to the public.

## Under penalty of perjury, I certify that:

- (1) the application materials are true and complete to the best of my knowledge; and
- (2) if provided, the attached paper and electronic copies of this application are the same; and
- (3) I agree to pay all expenses associated with this application

(\*Owner's signature, or signed letter authorizing applicant to apply on owner's behalf, is required for all applications)

### APPLICANT'S SIGNATURE:

Printed Name:

Matthew Wadlund

Date:

10.20.2025

### OWNER'S SIGNATURE:

Signature from City Official Pending

Printed Name:

Date:

## NOTICE OF PUBLIC HEARING BERKELEY CITY COUNCIL

### **Adoption of Zoning Map Amendments to Title 23 of the Berkeley Municipal Code, and General Plan Amendments to change the zoning designation of 1646 and 1650 Fifth Street.**

**The public may participate in this hearing by remote video or in-person.**

The Department of Planning and Development is proposing amendments to the City's Zoning Ordinance and General Plan to update the General Plan Land Use designation of 1646 and 1650 Fifth Street from both Manufacturing (M) and Mixed Use (MU) to solely Mixed Use, and to change the Zoning designation of both parcels from both Mixed Use-Light Industrial (MU-LI) and Mixed Use-Residential (MU-R) to solely Mixed Use-Residential (MU-R).

Proposed zoning amendments affect the following Sections of Title 23: 23.108.030 (Zoning Map).

Proposed General Plan map amendments include making concurrent modifications to the General Plan Land Use Map and the West Berkeley Plan Land Use Map.

The proposed amendments are covered by the common sense exemption pursuant to CEQA Guidelines Section 15061(b)(3).

The hearing will be held on Tuesday, April 28, 2026 at 6:00 pm in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of April 16, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Joshua Muller, Associate Planner at 510-981-7488. Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

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

or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or [clerk@berkeleyca.gov](mailto:clerk@berkeleyca.gov) for further information.

**Published:** April 17, 2026 – The Berkeley Voice

**Public Hearing required by BMC 23.404.040, BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.**

~~~~~  
I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on April 16, 2026.

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Mark Numainville, City Clerk







Office of the City Manager

INFORMATION CALENDAR

April 28, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Peter Radu, Assistant to the City Manager, Neighborhood Services

Subject: UCSF Benioff Homelessness and Housing Initiative's Interim Evaluation of the Berkeley Encampment Resolution/RV Buyback Program

INTRODUCTION

This report highlights the key findings and policy recommendations from a formal evaluation (included as Attachment 1) of the City's use of State of California Encampment Resolution Fund – Round 3 (ERF-3) grant funding to pilot an “RV Buy-Back” program to transition residents living in the Second Street encampments in Northwest Berkeley, which Council directed staff to close in September, 2024. The evaluation was performed by Dr. Margot Kushel and Dr. Michael Duke of the University of California, San Francisco's Benioff Homelessness and Housing Initiative (UCSF BHHI).

The evaluation presented the City a unique opportunity to partner with the nation's foremost academic expert in homelessness, Dr. Kushel, and her team to study the City's approach to resolving and closing large homeless encampments using leased motels—a strategy that has been used by the Homeless Response Team since 2021 across four motels, but which, to date, has lacked any empirical backing as a data-driven best practice. Results largely suggests that the City's approach to resolving encampments – and in particular, its innovative use of an RV Buy Back program to help transition vehicular residents into shelter – was successful in meeting its goal of permanently resolving this large, dangerous, and deeply entrenched encampment by transitioning its residents onto a lasting path to ending their homelessness. Finally, the evaluation offers a number of empirical findings and policy recommendations that should inform the difficult work of resolving encampments not just in Berkeley, but around the State.

CURRENT SITUATION AND ITS EFFECTS

In September 2024, the City Council directed staff to prioritize the closure of the large, dangerous encampments that had been concentrated along Second Street and its cross-streets from Cedar to Page. Shortly thereafter, the City was awarded a \$5.4 million (approximate) Encampment Resolution Funding Round 3 (ERF-3) grant award from the State of California, which the City used to master lease the former Howard Johnson Motel

(1619 University Ave.) and contract with Dorothy Day House to operate a non-congregate shelter dedicated to the residents of this encampment. Part of the grant award provided \$150,000 to pilot an RV Buy Back program to incentivize and motivate people living in oversized vehicle encampments (RVs and trailers) to transition into interim housing. This is a population that the City has struggled to bring indoors and which previous BHHI research in the East Bay has found to be largely unreceptive to anything other than permanently subsidized housing.<sup>1</sup> In addition, the grant awarded \$200,000 for a formal evaluation of the RV Buy Back and encampment resolution efforts by UCSF BHHI. Evaluation research began concurrently with the City's encampment resolution efforts on Second Street (January, 2025), and the interim research findings were published by BHHI in March, 2026. These findings will be supplemented by a scientifically rigorous, independent evaluation from BHHI to understand what works, what does not, and how future programs can better support people as they move from encampments into shelter and housing.

The full interim report is included as Attachment 1 and contains a number of important findings and policy recommendations for the practice of encampment resolution and homeless encampments more generally – a largely recent and mostly unstudied phenomenon in California and the United States. Notable findings for Berkeley include:

- **The effort was largely successful in meeting its goals of permanently resolving the Second Street encampments and transitioning its residents into interim, and eventually permanent, housing.** Among 54 encampment residents eligible to enter the Capri Motel (formerly the Howard Johnson Motel) non-congregate interim shelter program, 41 did. After initial skepticism, and some more lasting discontent with the motel's limitations on visitors, the residents who were transitioned out of the encampment and into the Capri Motel have mostly expressed satisfaction with both the buyback and non-congregate shelter program. The Capri Motel shelter, operated by Dorothy Day House, has helped residents become "document-ready" for housing; has connected them to health care and other social services; and has permanently rehoused 8 individuals thus far.
- **Oversized vehicle owners overwhelmingly chose to participate in the buyback program.** Residents in 29 of the 32 oversized vehicles in the encampment accepted the buy-back offer (which they generally characterized as fair) and did not appear, upon follow-up, to regret that decision. Said one resident about the Buy Back program, *"Offering to buy my vehicle to get me off the street is a fantastic idea, because that's actually what was holding me to the street at that point. I mean, it was my shelter. It was my house, basically. So, to leave that, I'm*

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<sup>1</sup> Pruss, G.J., Knight, K.R., Resnikoff, N., and Kushel, M. (2022). The Long Road Home: Housing and Service Needs of People Who Inhabit Oversized Vehicles in Oakland's Public Parking. UCSF Benioff Homelessness and Housing Initiative. See: <https://homelessness.ucsf.edu/sites/default/files/2026-02/UCSF%20BHHI%20Oversized%20Vehicle%20Report.pdf>

*worried. And then to have to sell that or having somebody buy that at the same time, it was just like two birds with one stone. And it made everything sort of believable that I could actually do it."*

- **The City's approach to this large encampments was pragmatic and enabled it to successfully and permanently close it.** "Counter to myths," the report states (p. 6), "people experiencing homelessness want to accept credible offers of non-congregate shelter." To mitigate against people coming from surrounding areas and migrating to the encampment to seek resources, the City took a census of the encampment several months prior to the program's initiation, giving long-term residents priority. Found the report, "This is a pragmatic way to handle prioritization, and the need for it speaks to the high interest in these programs" (p. 6).

The report also offers a number of important policy recommendations and implications for the Homeless Response Team's work, including:

- **To address homelessness among people living in oversized vehicles, pair low-barrier non-congregate shelter with oversized vehicle buyback offers and allow participation in one without the other.** For City staff, this recommendation signals an important break from past approaches to addressing RV homelessness with safe off-street parking programs, which increase safety for vehicular residents but keep them unsheltered (according to Federal definitions of homelessness) and, in the City's experience, are largely unsuccessful at ultimately transitioning people out of unsheltered homelessness and into permanent housing. The research suggests that Berkeley's approach to pairing RV Buy back offers with interim housing offers--in a way that maximizes participant choice by not fully conditioning one on the other—is a promising approach that, if expanded, could see success in resolving other vehicular encampments.
- **Jurisdictions looking to resolve encampments should not assume that all encampment residents prefer or require to be sheltered or housed near one another.** This is a critical preliminary finding, as the City's Homeless Response Team frequently hears from encampment advocates and concerned community members that encampments offer community with a number of benefits to residents and that, by closing these encampments without regard to this community, the City may be doing more harm than good. Found the report:

We found no evidence that it was crucial to the encampment residents that they all moved to the same place. Residents' expressions of solidarity and need to remain together rarely extended beyond their romantic partners, roommates, or immediate neighbors in the encampment. Instead, their decisions to participate in the non-congregate shelter program on whether they thought it would improve their household's circumstances (pp. 15-16).

This empirical finding suggests that good-faith offers of meaningful resources designed to end homelessness are more important to encampment residents than any perceived allegiance to their encampment as a group, and that “the planning process should include private conversations with [encampment] residents to assess whether they have a strong preference to stay together, live apart, or have no preference.”

- **Resolving encampments requires a regional approach that intentionally prioritizes permanent supportive housing resources to encampments needing to be resolved.** Specifically, the report seems to offer two paths for continued advocacy from City leadership to State and County leadership:
  - o The report found that most of the residents in the Second Street encampments had come there after losing their housing in other, neighboring jurisdictions. This corroborates the Homeless Response Team’s anecdotal findings in this and other encampments, and is substantiated by data from the most recent (2024) Point-in-Time Count, in which 57% of unsheltered individuals reported last being housed in Alameda County at the time they became homeless, compared to 78% in the rest of the County. From the report: “There is a need for policies that disincentivize jurisdictions to “push” community members away and that support jurisdictions that have a larger share of people from other jurisdictions” (p. 5).
  - o Additionally, the report suggests that examination of local Coordinated Entry prioritization policies, made in Alameda County at the Continuum of Care (CoC) level, is important to transition people out of encampments: “There is a need to examine prioritization processes for permanent supportive housing and housing subsidies and to investigate other ways to promote permanent housing exits to allow for continued program success” (p.5). Neighborhood Services staff, who represent Berkeley on the CoC Leadership Board and other countywide tables, will continue to advocate for this policy position, as affirmed by the City Council with their May 20, 2025 direction<sup>2</sup> that the City Manager affirm this position in a letter sent to the Board of Supervisors on May 28, 2025.

## BACKGROUND

On September 10, 2024, the City Council adopted Resolution No. 71,513-N.S., adopting the City’s first homeless encampment policy and directing staff to prioritize the closure of the encampments along 2<sup>nd</sup> St and cross streets in Northwest Berkeley. On September 27, 2024, the City was awarded a roughly \$5.4 million ERF-3 grant, and on

<sup>2</sup> See: <https://berkeleyca.gov/sites/default/files/documents/2025-05-20%20Item%2029%20Alternative%20Housing%20Options.pdf>

November 19, 2025, the City Council approved the use of that grant to master lease the former Howard Johnson Motel on University Avenue and contract with Dorothy Day House to operate that motel as low-barrier, noncongregate shelter dedicated to the residents of the to-be-resolved Second Street encampments. On April 15, 2025, the City Council adopted Resolution No. 71,713-N.S., authorizing the City Manager to enter into a \$200,000 contract with the University of California, San Francisco's Benioff Homelessness and Housing Initiative to perform evaluative research on the City's use of this grant to resolve the encampment.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no climate or environmental impacts associated with this report, except that whenever unhoused persons are permanently transitioned out of street homelessness, it leads to a better, healthier environment for all.

### POSSIBLE FUTURE ACTION

As the City faces significant budget deficits in the coming budget cycles and Council must make difficult choices about which city services, including homeless programs, can be sustained, these results and findings may influence an analysis of program funding decisions towards the City's goal of continuing to reduce unsheltered homelessness, and inform City advocacy to State and County leaders for targeted resources and policy approaches that will enhance the City's demonstrated success in resolving large encampments. Additionally, the report found that, once RVs formerly used as shelter were ready for removal from the streets, "Delays stemming from a lack of cooperation from local tow companies and existing State and City laws dictating the disposal processes for abandoned and potentially hazardous vehicles caused there to be a delay in removing the vehicles (and thus delays in paying residents the majority of the buyback price)" (p. 12). Council may wish to examine local ordinances and policies with an eye towards alleviating such delays, especially in the context of future RV Buy Back expansion to other encampment sites.

### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

To be determined.

### CONTACT PERSON

Peter Radu, Neighborhood Services Manager, (510) 981-7045.

### Attachments:

1. Interim Evaluation of the Berkeley Encampment Resolution/RV Buyback Program

# Interim Evaluation: Berkeley Encampment Resolution/RV Buyback Program

Jan 2025 – Dec 2025

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Benioff Homelessness  
and Housing Initiative



---

University of California  
San Francisco

PUBLISHED MARCH 2026

# Interim Evaluation of the Berkeley Encampment Resolution/RV Buyback Program

## Findings from the first year (Jan 2025–Dec 2025)

**Authors:** Margot Kushel, MD, Michael Duke, PhD.

**Suggested Citation:** Kushel, M., Duke, M. (2026). Interim Evaluation of the Berkeley Encampment Resolution/RV Buyback Program. UCSF Benioff Homelessness and Housing Initiative.

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## Executive Summary

To resolve a longstanding homeless encampment in which most residents lived in oversized vehicles, the City of Berkeley instituted an initiative consisting of a vehicle buyback program for all oversized vehicles and offers of a stay in a low-barrier non-congregate shelter program with enhanced case management.

The buyback had two goals: to allow the city to dispose of oversized vehicles, the majority of which were not operable, and to provide residents with liquid assets in exchange for giving up their vehicle, in order to encourage them to accept non-congregate long-term shelter.

The goal of the shelter program is to provide a safe setting for residents while they identify and move into permanent housing. The shelter funding will last three years; thus, the City offered residents the ability to stay for up to three years. The City supported the initiative using funding from California's Encampment Resolution Fund. Berkeley officials chose the encampment due to both the perceived needs of the residents and the public safety risks of the encampment. To decrease the risk of people entering the encampment for the purposes of enrolling in the program, the City took a census of residents in October 2024 to determine priority.

## Preliminary Findings

### Overall

- **The program, while not without challenges, has met its preliminary goals.** Among owners of 32 oversized vehicles in the encampment, 29 accepted the buyback offer. Among 54 encampment residents eligible to enter the non-congregate shelter program, 41 did. The encampment has been closed. Most residents are doing well in the non-congregate shelter. Of 34 in the main shelter, eight have returned to permanent housing, most are now "document-ready," and eight expect housing soon. Most have engaged in health services, and none have died. Four residents have been evicted for rule violations. After initial skepticism, the residents have mostly expressed satisfaction with both the buyback and non-congregate shelter program.

### Program Uptake

- **Most encampment residents had not lived in Berkeley when they had lost their stable housing.** Instead, they came to the encampment from other encampments nearby, including a large number whose encampment was "cleared" in a neighboring county.
- **Oversized vehicle owners overwhelmingly chose to participate in the buyback program,** which offered to buy oversized vehicles for \$175 per linear foot, regardless of condition. Owners of 29 out of 32 existing oversized vehicles elected to take part. One of the three who did not participate in the buyback took



the offer to move into the non-congregate shelter and gave her oversized vehicle to a relative in another part of the state.

- **Of 54 encampment residents who were eligible for the program, 41 elected to move into a non-congregate shelter.** They brought two additional residents, including romantic partners and family members who were not in the census, for a total of 43 shelter program participants. Of these 43 residents (primary residents and their partners or family), 34 lived in the primary non-congregate shelter, and the City placed the nine others elsewhere.

#### Resident Experience

- **Overall, after initial distrust, residents viewed the program positively.** They felt that the buyback program was generally fair and did not appear to regret having sold their vehicles. The program has helped residents become “document-ready” for housing and connect them to health care and other social services.
- **The shelter program is low-barrier and does not require sobriety or engagement in treatment as a condition to stay in the hotel.** The program has sought to engage residents in case management, housing navigation, and healthcare services. There have been no overdoses or deaths among residents.
- **In the primary shelter, eight of the 34 residents have exited for long-term permanent housing.** An additional eight are in the process of obtaining housing, which they anticipate moving into in the near future. Four residents have been evicted from the program for violating program rules. These four residents returned to unstable settings, including homelessness, but remain eligible for case management services at the facility.

#### Encampment resolution

- **The City was able to close the encampment.** The majority of the residents accepted and remained in shelter. Residents who declined the offer of non-congregate shelter (including two households who declined the vehicle buyback program) moved to other unsheltered areas.

#### Implementation Challenges

- **The City experienced delays in disposing of the vehicles that they bought back.** Causes of delays included difficulty finding local towing companies willing to remove the vehicles and restrictions imposed by local and state laws on removing vehicles. The delays caused concern among the owners who participated in the RV buyback program, but the City was eventually able to remove the vehicles.
- **Non-congregate shelter residents were concerned about limitations on visitors to the site,** despite generally approving of the program.

- **Returns to housing have been slow, due to long wait lists for housing subsidies or permanent supportive housing slots.** At the time of this interim report, eight of the 34 residents of the primary shelter have regained permanent housing. An additional eight are in the process of obtaining permanent housing. Berkeley has moved eight additional people into the shelter, who came from other encampments.

## Preliminary Recommendations

- **To address homelessness among people living in oversized vehicles, pair low-barrier non-congregate shelter with oversized vehicle buyback offers and allow participation in one without the other.** Without vehicle buyback offers, residents may fear losing their primary asset by coming indoors. This is a particular concern for those offered shelter, rather than permanent housing. By acknowledging the importance of the oversized vehicles to residents' sense of safety and empowering them with the flexibility that comes from having a small amount of savings, the buyback program built trust, gave residents agency, and enabled residents to accept offers of long-term (but not permanent) non-congregate shelter.
- **Maintain program flexibility.** Key strategies that increased program uptake included not requiring residents to accept the buyback offer to move into the non-congregate shelter, providing a low-barrier shelter with best practices around overdose prevention and resident well-being, and allowing residents to live with partners, pets, or other family members.
- **Increase efforts to better understand cross-jurisdictional movement to create equitable policymaking. The Homeless Data Integration System (HDIS) creates an opportunity for policymakers to understand the frequency and patterns of movement across jurisdictional lines among people experiencing homelessness.** While they had lived in the targeted encampment for some time, many residents had initially moved there from another encampment a few miles away that had been "cleared" without viable offers of shelter. The original encampment, while only a few exits up a major highway, was in a different county. The people who came from the neighboring county chose the Berkeley encampment for its proximity to employment and to their social support. They came without respect to county lines, which are not visible or important to people experiencing homelessness. People did not come from afar to seek services; however, cities that abut county borders (particularly those with more punitive policies) may observe a higher proportion of people coming from other counties. There is a need for policies that disincentivize jurisdictions to "push" community members away and that support jurisdictions that have a larger share of people from other jurisdictions. The increased use of the Homeless Data Integration System (HDIS), a database that combines jurisdictions' Homeless Management Information Systems (HMIS), may allow for

better understanding of cross-jurisdictional movement to allow for more equitable policymaking.

- **Use transparent prioritization policies.** Counter to myths, people experiencing homelessness want to accept credible offers of non-congregate shelter. To mitigate against people coming from surrounding areas for the program, the City took a census of the encampment several months prior to the program's initiation, giving these residents priority. This is a pragmatic way to handle prioritization, and the need for it speaks to the high interest in these programs.
- **Jurisdictions looking to resolve encampments should not assume that all encampment residents prefer or require to be sheltered or housed near one another.** It is plausible that different encampment communities have different preferences. Part of the planning process should include private conversations with residents to assess whether they have a strong preference to stay together, live apart, or have no preference.
- **Ensure adequate staffing and on-site services to maintain healthy environments and promote successful linkages to community services.** Increasing on-site housing navigation and health services (including low-barrier mental health and substance use treatment) may increase uptake.
- **Prioritize permanent housing exits to sustain program capacity.** Program success depends on the program's ability to transition residents to permanent housing. Doing so will allow the program to serve a larger number of people. There is a need to examine prioritization processes for permanent supportive housing and housing subsidies and to investigate other ways to promote permanent housing exits to allow for continued program success.

"Offering to buy my vehicle to get me off the street is a fantastic idea, because that's actually what was holding me to the street at that point. I mean, it was my shelter. It was my house, basically. So, to leave that, I'm worried.

And then to have to sell that or having somebody buy that at the same time, it was just like two birds with one stone. And it made everything sort of believable that I could actually do it."

- Berkeley Encampment Resident

## Introduction

Homelessness, particularly unsheltered homelessness, is a significant issue throughout California. The state is home to approximately 12% of the nation's population, but 24% of its homeless population, and about half of its unsheltered population. Sixty-six percent of people experiencing homelessness in California do so in unsheltered locations—living their private lives in public and facing numerous health and safety threats.

Unsheltered homelessness includes both people living outdoors and people living in a vehicle. One increasingly common experience is living in a vehicle. In the California Statewide Study of People Experiencing Homelessness (CASPEH), 21% of adult Californians experiencing homelessness reported spending most nights in the prior six months in a vehicle, and about twice as many spent one or more nights there. Up to half of the people living in their vehicles do so in “oversized” vehicles, such as Recreational Vehicles (RVs), school buses, or similar. People experiencing homelessness reported staying in vehicles (rather than outside or in shelters) because they provided protection from the elements and a greater sense of safety. However, many of these vehicles are inoperable and vulnerable to ticketing, impoundment, and vandalism.

In many communities, unsheltered homelessness is most visible in encampments, including some that contain clusters of oversized vehicles. While these spaces can provide residents with a sense of community and safety, they can create public health threats—including poor sanitation—and generate community complaints.

Data from early 2025 suggest that focused efforts throughout California led to a 9% reduction in unsheltered homelessness. However, homelessness—and particularly unsheltered homelessness—remains a critical challenge in California.

On September 10, 2024, the City Council of Berkeley, CA adopted Resolution No. 71,513-N.S., which prioritized resolving a longstanding encampment in the Northwest part of the city due to health and safety risks. This encampment included a number of oversized vehicles in which residents lived. To support residents and reduce the harms that can occur during encampment resolutions, Berkeley's Homeless Response Team planned two initiatives to support residents: a vehicle buyback program and a non-congregate shelter program in a local motel with wraparound services. The City chose Dorothy Day House, a local homeless services organization, to operate the shelter program. The City of Berkeley received funding through round three of California's Encampment Resolution Funding (ERF-3). The program began in January 2025.

The City of Berkeley contracted with UCSF Benioff Homelessness and Housing Initiative (BHHI) to evaluate the intervention. In this report, UCSF BHHI investigators

present an interim evaluation following the first year of the program. It describes the city's preparatory activities to establish the program, encampment members' initial responses to the initiatives, the subsequent opportunities and challenges faced by residents in adjusting to their new living situation, and the efforts of staff to help them achieve their housing and other life goals. The UCSF Institutional Review Board approved the project. We present methodological details in an appendix.

## Overview of Program and Process

The program consisted of two distinct components: 1) a vehicle buyback program, and 2) non-congregate shelter and wraparound services for former encampment residents. The City conducted a census of the encampment in October 2024, a few months before the start of the program. The 36 encampment residents who were present in the census received priority for participating in these programs. Residents who were not in the initial census but moved in prior to the program announcement received second preference. Residents could participate in either the buyback program, the shelter program, or both.

### Vehicle Buyback

The buyback program offered residents \$175 per linear foot (front to rear bumper) to purchase their oversized vehicles. Each resident could sell one eligible vehicle and receive a flat rate, regardless of the vehicle's operability or condition. To recognize that participants might change their minds after signing over their vehicle, the City paid participants 15 percent upfront, and the remaining 85 percent once the City towed the vehicle from the encampment. If residents changed their minds and chose not to sell their vehicle to the City after receiving their deposit but before the City disposed of the vehicle, they could keep the deposit.

### Non-Congregate Shelter Program

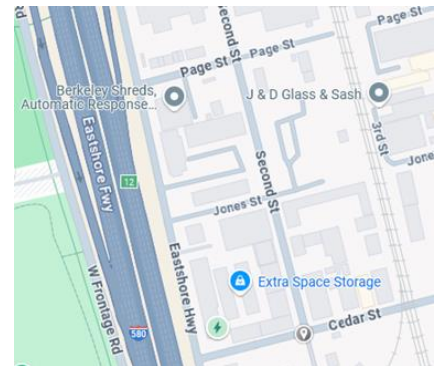
The shelter program provided residents non-congregate, low-barrier shelter with on-site case management to help them achieve their goals, including permanent housing. The City master leased a local two-story motel as the primary shelter. Dorothy Day House, a local nonprofit that serves people experiencing homelessness, provided the services, which included case management and a meal program. Residents are eligible to stay for up to three years, at which point the funding for the program is scheduled to run out. Although the shelter was low-barrier, residents were required to follow program rules to remain there. These rules prohibited violence, activities that drew law enforcement to the shelter with a search warrant, and outside visitors in their rooms.

## Findings

### Description of the Encampment Prior to the Initiative

The encampment was situated along Second Street from Cedar to Page Streets. Some encampment residents resided on Jones, Page, and Cedar Streets, which run perpendicular to Second Street. It was bordered to the west by the Eastshore Freeway (which serves as the de facto access road for Interstates 80 and 580) and to the east by a set of train tracks.

Although we do not know how long the site has served as an encampment, visual evidence from Google Maps' street view suggests that people have resided in tent and vehicle encampments at this location on and off since at least 2008.



Before becoming homeless, most participants lived in Richmond, El Sobrante, or San Pablo in Contra Costa County. Two lived in Berkeley. Most residents came to the encampment from other encampments in Berkeley and Richmond, where most lived in oversized vehicles. Although some residents lived in tents, most resided in RVs or other oversized vehicles, and some owned trailers, cars, and other small vehicles in addition to their RV. Most had acquired their vehicle while already homeless, often purchasing them from other people who experienced homelessness. These vehicles were in various stages of repair; few were fully operable. One resident noted that she had purchased her vehicle with proceeds from selling her condominium after realizing she was going to become homeless; her vehicle was operable. Residents described several reasons for moving to the encampment. Some relocated to the area to be closer to their workplaces. Nearly all moved there because they had friends or acquaintances living in the encampment. Many relocated to the area after being displaced from their encampment on Rydin Road in Richmond, approximately 2.5 miles away. "I had a friend that stayed on Second Street, and he kept telling me, 'Come over, come to Berkeley', because Richmond ... they don't do no helping with nothing ... So I just called him up one day, he pulled my van out here with a small car. It's been cool. I liked it. That's a lot better than Richmond."

Vehicle residents reported that they lived in a series of vehicles since they had become homeless; some had been towed, while others became uninhabitable. Most participants brought their oversized vehicles with them from other encampments. Others obtained them from residents who had left the 2<sup>nd</sup> Street encampment due to illness or incarceration, while a few who initially lacked a vehicle cohabited with residents who



had one. Some residents, particularly those living in tents, lived alone. Most others lived with family, friends, or romantic partners.

The encampment had several sections, and residents reported settling into sections where they already knew people. Although residents highlighted some positive aspects of living in the encampment—supportive relationships with their immediate neighbors, independence, freedom from the burden of paying rent—they also described numerous challenges. Sanitation posed a common concern. Participants complained about the encampment’s large rat population, with some residents resorting to purchasing pellet guns to address the issue. People from outside the neighborhood used the encampment as an illegal dumping ground, leaving their refuse in a trash mound on Second Street. Residents would consolidate this trash to avoid having it cover the entire width of the street, but the debris would nonetheless blow throughout the encampment.

Participants reported being the victim of theft, both by other residents and by people from outside the encampment. Although residents reported they could rely on their close neighbors to watch their vehicles in their absence, theft remained a consistent problem. Women reported feeling unsafe in the encampment and described strategies for increasing their safety, including establishing relationships with male partners. Women participants reported that sexual assaults, indecent exposure, and other forms of gender violence posed an ongoing concern in the encampment.

## Laying the Groundwork

To fulfill their obligation to resolve the Second Street encampment while ensuring that the resolution serves as a bridge to social services and permanent housing, the City of Berkeley’s Homeless Response Team (BHRT) initiated outreach in the encampment. Realizing that people experiencing homelessness throughout the city might relocate to Second Street to participate in the upcoming program, the BHRT decided to prioritize long-term residents. In October 2024, they initiated a census for all current residents. Those on this list would receive priority for participating in the vehicle buyback and the non-congregate shelter programs. The initial list included 36 people. A second “Tier 2” list included those who had arrived after the October census and would be offered services if there were sufficient resources.

On January 14, 2025, the City’s Homeless Response Team and Dorothy Day House held a community meeting in the encampment to discuss the vehicle buyback and housing programs. Approximately 28 residents attended. Residents asked how the BHRT determined the price and whether they would need to sell their vehicles to participate in the shelter program. The presenters noted that Berkeley decided to offer a flat rate of \$175 per linear foot to promote equity among encampment residents. They emphasized that participants were not required to participate in both programs and could participate in only one. Most of the questions focused on the shelter program.

Several residents voiced their concerns about the policy prohibiting them from inviting guests, including family, to the motel. The Dorothy Day staff explained that the organization had faced problems with visitors carrying weapons or selling drugs in their other facilities. Implementing a no-guest policy was an effort to keep shelter residents safe. Residents expressed concern about rules limiting their ability to cook in their rooms, beyond using a microwave. The Dorothy Day representative noted that cooking in the rooms would pose a fire hazard. She reminded those in attendance that the program would provide three meals per day to residents and accommodate guests' dietary restrictions. Residents expressed concern about their pets. Program staff assured them that they could bring their dogs or cats.

Given the impact of the encampment resolution on their living situation, residents reported experiencing a range of emotions during the meeting. Some came to the meeting determined to participate in the program. As one resident reported, "I wanted to be first on the list to get in here (to the motel). Because I don't want to be out there...I made sure we got in here. I was on them every day. I'm like, 'I don't want to be there anymore, you got to get me out of there. You can have the car. I don't care. Just get us out of here.'"

"I wanted to hear what they had to say. Because we'd been hearing rumors about that something like this was going to happen, but you can't count on anything really. You know what I mean? So, I was kind of a little bit excited. Apprehensive, of course, of everything, but here we are."

Most reported feeling apprehensive during the meeting, unsure about how the resolution would affect them, and whether the program would improve their housing situation.

Some characterized the process as coercive, since the City planned to close the encampment regardless of whether residents participated in the program. The presenters noted that the City Council had directed them to clear the encampment. Their goal was to provide alternatives and to avoid engaging law enforcement. They noted: "Help us to avoid doing things the hard way." The presenters added that residents could move to other unsheltered locations, if need be, but they could not stay where they were. A resident noted:

"Whatever they say is going to happen is what's going to have to happen... it seemed like you didn't really have a choice in that we were going to either have to go along with it or you would suffer the consequences if you didn't.... They said either you can do this the hard way or you can do this the easy way. And so, I figured that the easy way was going along with whatever program they had set



forward. And the hard way would be removals by the police department, aggressive removals, as they said.”

## RV Buyback Program

The City of Berkeley modeled the buyback program on a successful initiative in Marin County and insights from a prior BHHI research study of oversized vehicle residents, The COVID-19-Oriented Resident of Oversized Vehicle Assessment (COROVA). In COROVA, residents of oversized vehicles expressed that they were concerned about losing their primary asset (their oversized vehicle) in exchange for a non-permanent offer of shelter (or short-term subsidized housing). By offering to buy back vehicles, the City acknowledged the importance of the oversized vehicles to residents’ sense of security and well-being, giving residents the confidence to accept the non-congregate shelter offer.

The buyback program proved popular among residents. City outreach workers approached the owners of 32 vehicles in the encampment: of those, 29 agreed to the sale. After buying the vehicles, the City arranged to tow and dispose of them. Each resident approached could sell one oversized vehicle. Delays stemming from a lack of cooperation from local tow companies and existing State and City laws dictating the disposal processes for abandoned and potentially hazardous vehicles caused there to be a delay in removing the vehicles (and thus delays in paying residents the majority of the buyback price). After this delay, the City was able to tow the vehicles and pay the residents the remainder of their fee.

Outreach workers  
approached the  
owners of **32**  
**oversized vehicles**  
in the encampment  
**29 agreed to sell.**

## Program Acceptance

RV residents considered their vehicles their homes and felt emotionally attached to them. Many spoke with pride about improvement projects they had undertaken to keep their living spaces comfortable, clean, and in good physical condition. Despite these sentiments, most felt cautiously optimistic when they heard about the buyback program.

Given the power imbalance between the encampment residents and the City, coupled with lingering concerns that city officials had not always treated homeless residents fairly, some expressed apprehension about the program, concerned about whether the City “(was) going to follow through with what they were saying as far as acquiring our vehicles from us and of our homes, to be honest. Our vehicles. And just a little bit

apprehensive of (whether) they're going to follow through. I mean, it's the City, you know what I mean? And it is just us.”

Residents characterized the amount the City offered as fair. Because most residents' vehicles were inoperable, they felt that the amount they received in the buyback program was more than they would receive had they sold them on the open market. One respondent noted that he was reluctant to sell his vehicle but conceded that the buyback program had worked out for the best: “I didn't have a choice in the matter. My motor home was past registration, and it was going to get towed anyway. I had no choice in the matter. And turns out it was a good thing.”

Another resident who had been skeptical about the program was surprised by the amount she received: “I thought (the buyback offer) was very generous. And I keep saying that I appreciate the opportunity and I appreciate the generosity, that they could have said 25 bucks a foot. They really could have ... I was shocked, that's all. Shocked and thankful and grateful. We deserve it.”

Table 1. Vehicle Buyback Program Uptake

|              | Tier 1 Residents | Tier 2 Residents | Total     |
|--------------|------------------|------------------|-----------|
| Declined     | 3                | 0                | 3         |
| Accepted     | 16               | 13               | 29        |
| <b>Total</b> | <b>19</b>        | <b>13</b>        | <b>32</b> |

As shown in Table 1, 16 out of 19 vehicle owner-residents listed in the October census (Tier 1) agreed to participate in the buyback program. The Homeless Response Team subsequently approached an additional 13 eligible owner-residents who were not listed in the October census (Tier 2), all of whom chose to participate. In total, owners of 29 out of the 32 vehicles who were approached agreed to sell their vehicles to the City.

Three encampment residents declined to participate in the buyback program. Two moved their vehicles to a nearby location. While the third declined to sell her vehicle, she agreed to leave the encampment and participate in the shelter program. The sole owner of an operable vehicle, she felt that the amount the City offered for the vehicle should be based both on the vehicle's condition and its square footage, not just on its length from bumper-to-bumper: “Some of these people only bought their (vehicles) for a couple hundred (dollars). Some people were gifted it, but I bought mine because that was the money that I got from selling my condo. So I just didn't think it was fair.” Instead of selling her RV, she took it to a relative's property to be renovated. She planned to repair the vehicle and then either give the vehicle to her daughter or use it as short-term rental unit.

Some residents who participated in the buyback program came to realize that, while they viewed their vehicles as their homes, the logistical challenge of keeping them had become a barrier to obtaining permanent housing. As one resident said, “Offering to buy my vehicle to get me off the street is a fantastic idea, because that’s actually what was holding me to the street at that point. I mean, it was my shelter. It was my house, basically. So, to leave that, I’m worried. And then to have to sell that or having somebody buy that at the same time, it was just like two birds with one stone. And it made everything sort of believable that I could actually do it.”

Once participants signed over their vehicles, the City paid their 15 percent deposit quickly; once the City arranged to have the vehicles towed from the encampment, they would pay the remainder. However, there were delays in removing some of the vehicles, for two reasons: 1) local tow companies refused the vehicles, citing lack of impound yard space or potentially hazardous vehicle conditions (e.g., rodents) as reasons they could not accept them; and 2) restrictions imposed by State and local laws on the circumstances in which, and the processes by which, vehicles that could not be impounded could otherwise be removed from the street. As a result, many participants experienced longer-than-anticipated delays in receiving their money, causing some to express concern. Because the City staff and Dorothy Day personnel discussed the non-congregate program together during the town hall meeting, some residents assumed that the shelter staff were City employees and directed questions and frustration about not knowing when they would receive their money to them. Although most residents understood the circumstances that caused these delays, they were worried that they would not receive the remainder of their payout, or that their vehicles would fall into disrepair.

A few participants mistakenly believed that the City would void their agreement should anything happen to their vehicle after they left the encampment. For example, an encampment resident who moved into the motel heard that other people were squatting in his vehicle to escape the cold. Concerned that the presence of people in his vehicle would nullify the agreement, he returned to the encampment and shattered all of the vehicle’s windows to make it less habitable.

Program participants used the funds from the buyback program in a variety of ways. Some chose to save all or part of their payout to develop a financial cushion once they regained housing. Others used the money to pay off debts or to provide financial support to family members. Despite the challenges of limited street parking around the non-congregate shelter, a few used the proceeds to purchase new vehicles. However, these were cars, rather than oversized vehicles, and residents did not intend to live in them.

## Non-Congregate Shelter Program

### Program Acceptance

Table 2. Non-Congregate Shelter Program Participation

|                              | Tier 1 |    | Tier 2 |    | Other Participants <sup>1</sup> |   | Total     |
|------------------------------|--------|----|--------|----|---------------------------------|---|-----------|
| Declined                     |        | 7  |        | 6  |                                 |   |           |
| Accepted                     |        | 29 |        | 12 |                                 | 2 |           |
| • Program motel              | 21     |    | 11     |    | 2                               |   | 34        |
| • Other Dorothy Day facility | 6      |    | 1      |    |                                 |   | 7         |
| • Other indoor destinations  | 2      |    |        |    |                                 |   | 2         |
| <b>Total</b>                 |        | 29 |        | 12 |                                 | 2 | <b>43</b> |

Although residents participating in the encampment meeting expressed reticence about the non-congregate shelter program, ultimately 29 of the 36 Tier 1 residents and 12 of the 18 Tier 2 residents encountered chose to participate. In addition, two people not listed in either tier participated. These were romantic partners, friends, or family members who were able to move in with Tier 1 or Tier 2 encampment residents who had moved into the non-congregate shelter.

We were unable to interview all participants who declined. Of the seven Tier 1 encampment residents who declined the shelter program, three were members of a single family. While two of these three family members wished to participate in both the vehicle buyback and non-congregate shelter programs, the third did not. In the interest of keeping the family intact, they decided to turn down both programs. Of the six Tier 2 - eligible residents who did not participate, one was able to move into permanent housing, removing the need for the program. The remaining five did not provide enough information for BHRT to enroll them into the HMIS system, so their subsequent location is unknown. In total, 43 participants enrolled in the non-congregate shelter program, with 34 moving to the 26-room main program motel. The residents brought along 26 animals (primarily dogs). We found no evidence that it was crucial to the encampment residents that they all moved to the same place. Residents' expressions of solidarity and need to remain together rarely extended beyond their romantic partners, roommates, or immediate neighbors in the encampment. Instead, their decisions to

<sup>1</sup> Romantic partners, friends, or family members of Tier 1 or Tier 2 participants

participate in the non-congregate shelter program on whether they thought it would improve their household's circumstances.

“They're not trying to rush me out [of the encampment] this time... They're trying to take a different approach, which is cool. I'm basically telling them when I want to be moved.”

Residents began arriving at the motel in March 2025. They were able to move in at their own pace. Residents appreciated this approach, since it gave them time to organize their possessions. Participants chose their own living arrangements. While some opted to live alone, others chose to live with romantic partners or friends. Despite concerns among some meeting attendees about being unable to bring all their possessions, most participants chose to bring only a few pieces of clothing and their bicycles.

### Initial Program Impressions

Despite initial reservations, all expressed relief about moving out of the encampment. As a participant noted, “I'm happy I'm out (of) the streets. That's what I'm happy at. I'm not in no car. I'm not in no trailer with the big rats.” Others felt that the program offered them a way out of what they considered a permanent cycle of homelessness: “On the street, you're always in fight or flight mode and there's always an emergency... And you can't have nothing because you got to live out of a backpack. You can't have any paperwork. It is just impossible. So I'd given up on ever getting out.”

Another participant expressed a similar sentiment, noting that being sheltered motivated him to make positive changes in his life: “Being (homeless) for so long, it had me in a mindset of living that way. So, me getting here (to the motel), it is bringing me back to my regular state of mind to where I want to get a job and I want to do things.” Another resident remarked on the positive changes that he has seen in his neighbors since they moved to the motel: “I see the changes in people's faces ... What I used to think were the grumpiest people in the world, actually have smiles and stuff ... Even the dogs are happy.”

When asked to describe what they most appreciated about living in the motel, most described the comfort of sleeping indoors and, particularly, the ability to shower whenever they pleased: “Sleeping in a bed and a shower right here is just incredible. I mean, you don't really know how much you miss something like that until you don't have it. And then you get it again ... to take a shower right when I wake up, or just to be able to go to the bathroom right here is incredible.”

## **Relations with Program Staff**

Some residents were initially distrustful of the staff and the program, based on their negative perceptions of similar programs. Over time, they came to appreciate the project personnel: “The staff is nice because I've heard horror stories about other people going into motels and they're treated like crap, their items are searched, their rooms are searched when they're not there, that (kind of) thing. In that aspect, I think we're better off here because everybody seems to be -- the staff has been nothing but nice.” Residents particularly appreciated the staff's sensitivity regarding the challenges they faced in transitioning to life in a non-congregate setting. “All the staff seem very, really nice and ready to help, and like really help without being demeaning at the same time ... Especially when you're dealing with a bunch of sensitive people, (who have) kind of been left to their own devices out there.” Another resident concurred, adding that “(the staff's) whole goal is to transition you and acclimate you back into society, and to have a normal functioning life now.”

During staff meetings, the program manager emphasized the importance of treating residents with respect and understanding, adding that disrespect directed toward participants would result in disciplinary action. For example, residents reported that a staff member engaged in harassing behavior, particularly toward the female residents. Residents were initially concerned that bringing these incidents to the program manager's attention would result in an escalation of those behaviors. However, after an investigation, the manager removed the staff member from the facility. Residents identified this staffing decision as evidence that the program manager would take their potential concerns over staff behavior seriously.

Staff said that they were initially wary of the encampment residents. They were pleasantly surprised to discover that the residents generally were friendly and respectful, particularly once they settled into the program. The director noted that the residents are “such a beautiful group,” adding that, “if you show that you care, without judgement, you get a lot more from them.”

## **Response to Program Regulations**

When residents enrolled in the program, the case manager presented them with a document listing each of the facility's rules. After discussing them, staff asked them to write their initials next to each rule, indicating that they agreed to adhere to it. As a low-barrier, program, the staff prided themselves on the lack of burdensome regulations found in other shelter settings. Residents generally considered these rules to be fair. However, some found the concept of adhering to rules imposed by others to be challenging and associated behavioral control with their previous experiences with

incarceration. For these, living with rules felt like a significant departure from their experiences while homeless.

Despite initial concerns that the presence of security cameras and a dedicated security guard on site would expose residents to unwanted scrutiny, most came to see these measures as an effort to ensure their safety. Some felt that the cameras constituted a form of surveillance, a perception that came in part from presenters at the community meeting characterizing the initiative as a “pilot project.” As one resident put it, “You like structured a program, and we're guinea pigs. We're doing a trial run, just like a pilot program on TV, to see what the ratings are. If they get good ratings, then they (will) decide to keep it or not keep it.” For some, the presence of an evaluator at the facility (MRD) offered further evidence that residents were under surveillance.

Residents' opinions remained divided on the program's no-visitor policy. While many came to support the value of barring acquaintances from the facility to reduce potential drug selling and theft, residents felt that exceptions should be made for family members, with some stating that their family's presence would motivate them to reach their work and housing goals. Staff felt that the presence of family members on the campus would pose a potential liability, particularly given the presence of dogs in the motel. They proposed a compromise, as part of their efforts to provide additional recreational activities, by allowing residents to invite one family member to special events such as Thanksgiving dinner and a Christmas party.

Residents expressed concern about their inability to knock on each other's doors within the motel, particularly when they lived on different floors of the complex. Although staff characterized this regulation as a safety precaution, it made communication between residents difficult. To overcome this, first-floor residents would sometimes stand in the parking lot and shout the names of their friends on the second floor to get them to open their door and speak to them.

## **Program Services**

### *Food*

The program provided residents with three meals per day, with accommodations made for dietary restrictions. The staff prepared most of the food in a modest kitchen in the motel's office. Once prepared, they placed the food on a table in the facility's former registration area for residents to take back to their rooms whenever they pleased.

Residents were generally satisfied with the food quality, though many noted it lacked variety or contained too much salt. For residents with high blood pressure and other medical issues, the high level of sodium posed a health issue. They would skip meals or purchase food on their own rather than risk their health. A resident with complex food



allergies noted that she was unable to eat most of the food on offer. Since she could not prepare meals in her room, she reported losing weight since she arrived at the motel. Residents said they had brought this issue to the staff's attention, but that the staff were initially slow to address it.

### *Case Management and Service Coordination*

When participants moved into the motel, the intake staff told them that they would not provide extensive case management right away, to give residents time to settle into the facility. However, the program manager was on leave during this period, which delayed case management services by several additional weeks. While a few residents described becoming impatient to receive case management, most tended to be sympathetic to these initial delays: "I'm being patient. I mean, they've done everything they've said so far (that) they're going to do. So I figure, trust them."

"On the street, you're always in fight or flight mode and there's always an emergency... And you can't have nothing because you got to live out of a backpack. You can't have any paperwork. It is just impossible. So, I'd given up on ever getting out."

The staff described case management as consisting of linking participants to health and social services to help them achieve their goals. The staff coordinated services with local health, housing, and social service providers. The staff considered the coordination of housing services to be central to the program's mission. As many residents lacked the necessary documents to become eligible for housing programs, during the first program year, much of the case managers' focus was on helping residents obtain their social security cards, state IDs, verification of homelessness necessary for the Coordinated Entry process, and other relevant documents. While many were proactive in obtaining these documents, staff perceived others as being less motivated. As a staff person put it, "Sometimes they make the effort, and then they don't follow through, and we have to stay on them. And I don't like to do that because it's hard for me because I don't like to smother someone or make them feel like they're being forced to do something." To increase motivation, the program offered residents a \$50 gift card once they became "document-ready." As of this writing, all but one resident has obtained the necessary documents to be considered for housing.

As a low-barrier non-congregate shelter, the program incorporated best practices around overdose prevention and resident well-being. For example, the staff had a protocol to check on residents who used drugs, in case they required treatment with naloxone (which can reverse an overdose) or other medical care. There have been no deaths at the site, and we are unaware of any overdoses requiring ambulances.



The program's case management linked residents to existing community services. To enhance service provision, staff from a local Federally Qualified Health Center with deep expertise in homelessness (Lifelong Medical Care) visited the site weekly to provide health services and coordinate linkages to health. In addition, a program providing supplies to reduce harm, including naloxone and condoms, visited the site weekly. Another organization came periodically with donated dog food. Once connected to healthcare, residents were able to get to their appointments using the MediCal transportation benefit, which provides access to public transit, taxis, ride shares, or van transport. To further improve access, at the time of this interim report the staff was discussing increasing the presence of on-site services.

Residents discussed the role of increased access to healthcare on their well-being. They attributed their improved access both to the connections to care facilitated by program staff and due to the newfound stability in their housing situation. In one instance, a participant received brain surgery due to a life-threatening condition. As her partner noted, "If we hadn't been in (the motel), they would not have done the surgery. Because you can't be on the street and they won't give you surgery...Being in here was a real blessing. Because as soon as we got in here, we were able to get her medical appointments and scheduled the surgery, and then she just had it."

### *Housing Navigation and Housing Outcomes*

Case managers connected residents to local organizations that provided housing navigation. Housing navigation involves a suite of activities (including helping clients become "document-ready" and helping them apply for benefits, as well as helping with the housing search and engaging landlords). Program staff stated that the quality of the housing navigation that clients received varied widely. While some housing navigators maintained communication with their clients and submitted paperwork in a timely fashion, others did not do so. In response, on-site case managers took on some of these responsibilities. Many participants from Tier 1 had received a housing assessment as part of their enrollment into the Coordinated Entry System<sup>2</sup> prior to moving to the site. To date, eight people of the initial 34 clients in the primary non-congregate shelter have moved on to permanent housing from the motel site: two veterans received housing through VA programs, and two couples moved into subsidized housing with services. Two other individuals obtained subsidized housing through programs that prioritized people experiencing homelessness. Nine people moved to other sites in Berkeley. At the time of this writing, we do not have housing-outcome data for these individuals.

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<sup>2</sup> The Coordinated Entry System (CES) is a network that aligns regional homeless services to connect people experiencing or at risk of homelessness to appropriate services and housing interventions to secure permanent and stable housing.

### *Negative Exits*

As a low-barrier facility, participants could be expelled from the program only if they engaged in acts of violence or if their activities caused police to arrive at the motel with a search warrant, since the program bars law enforcement from entering the premises otherwise. To date, four residents have been asked to leave the program: one due to domestic violence concerns and another for violating the visitor policy by bringing an off-site guest into their room. The remaining two were dismissed due to separate theft-related incidents that had occurred off-site. These cases resulted in a warrant, which left the staff with no alternative but to allow the police to enter the facility to arrest the suspects. Program staff emphasized that these individuals remain eligible for case management services, especially since, in some instances, their romantic partners still reside in the motel.

### *New Arrivals*

The program admitted eight new participants from encampments into the units vacated by residents who moved into permanent housing or were otherwise exited.

## Conclusion

The program resolved the longstanding Second Street encampment using a model that paired vehicle buyback with low-barrier non-congregate shelter with wraparound services—an approach that promoted voluntary engagement and brought most residents indoors. Together, these components offered residents a long-term respite from living outdoors, the opportunity to exchange their (often inoperable) oversized vehicles for savings, and a path to housing stability. The vast majority of eligible encampment residents accepted one or both aspects of the program. Despite occasional missteps, the program has met its primary goal. Most residents approved of the program, because it offered them the opportunity to move beyond a state of survival—providing the scaffolding to help them plan for their future. At the time of this interim report, the former site of the Second Street encampment remains clear of inhabited vehicles and tents.

## Appendix: Research Methods

### Data Collection

We used four overlapping forms of data collection.

**Ethnography:** A hallmark of qualitative research; ethnography consists of in-depth observation within specific communities to understand the subjective experience of people residing in those settings. To date, we have engaged in approximately 100 hours of ethnographic data collection at the encampment and the motel, in addition to observing relevant meetings and events between residents, city officials, and Dorothy Day House personnel. We took extensive field notes after every observational session.

**In-Depth Interviews:** To date, we have carried out 32 semi-structured interviews with encampment residents, housing advocates, and Dorothy Day staff members. We initially interviewed 20 residents and subsequently followed six of these participants with interviews every two to three months. Residents received a \$30 debit card for participating in each interview.

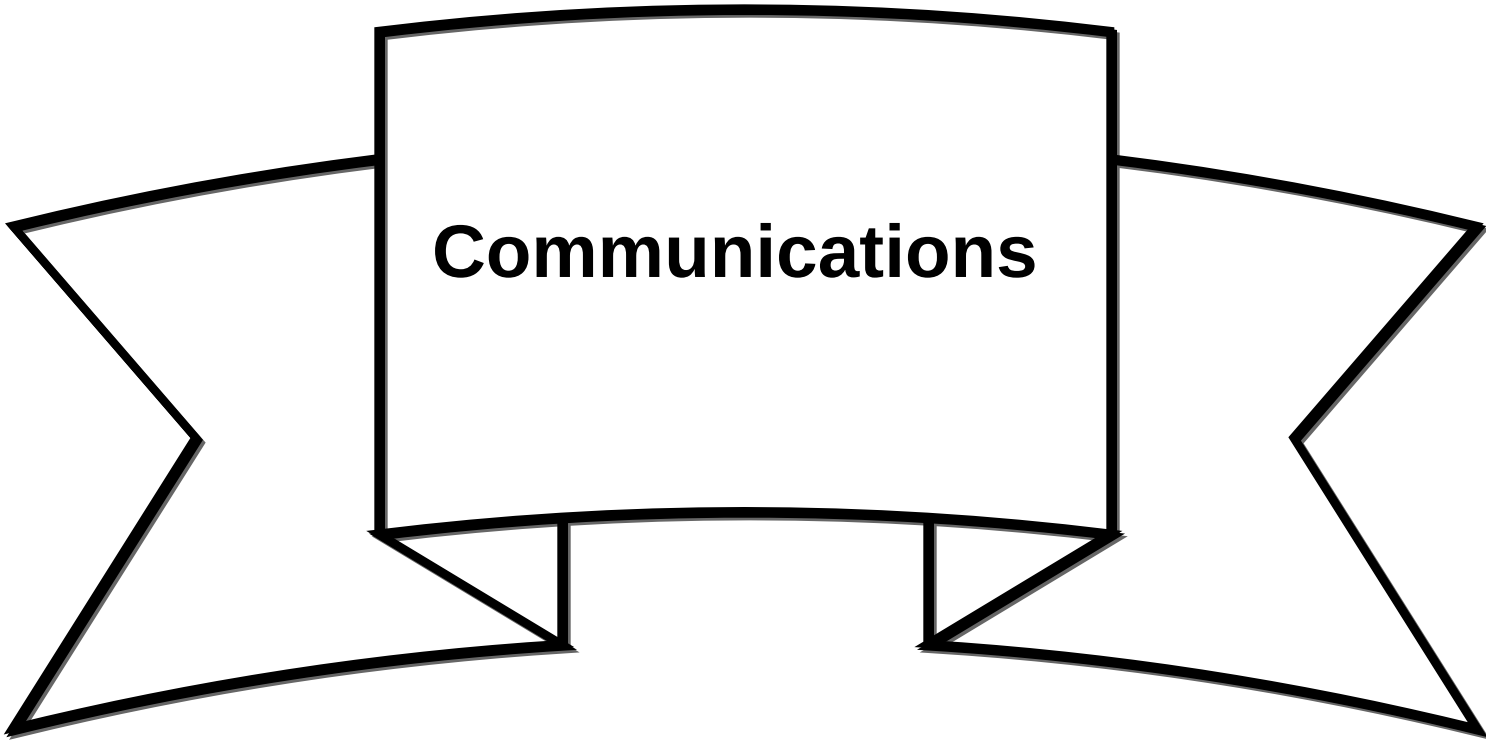
**Document Review:** We reviewed news reports, current and historical photographs, meeting agendas, and other materials about the encampment and the vehicle buyback and housing program.

**Review of Program Metrics:** With assistance from the City and the shelter operator, we reconstructed the numbers of people who were offered and accepted (or rejected) the vehicle buyback and shelter placement, the number of people who exited the shelter, and the number of people placed in housing.

### Analysis

In qualitative research, analysis typically occurs throughout the research process. We use the Dedoose (version 10.0.59) software platform to code and analyze the data. We created a single coding manual for the observational, interview, and document data. We employed an interpretivist codebook approach to our thematic analysis, by using a structured coding manual to organize and categorize the data and then applying these coded materials to extrapolate themes.





# **Communications**

All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

## **City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

## **Records Online**

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To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
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4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF