



**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &  
COMMUNITY COMMITTEE  
SPECIAL MEETING**

**Wednesday, April 23, 2025  
3:45 PM**

Redwood Room – 2180 Milvia Street, 6th Floor, Berkeley, CA 94704  
Teleconference Location - 9175 Lark Street, Elk Grove, CA 95624

Committee Members:

Councilmembers Ben Bartlett, Igor Tregub, and Shoshana O’Keefe  
Alternate: Councilmember Terry Taplin

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

Use this URL <https://cityofberkeley-info.zoomgov.com/j/1619202556> to access the meeting remotely. 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: 161 920 2556**. To provide public comment, press \*9 and wait to be recognized by the Chair. To submit a written communication for the Committee’s consideration and inclusion in the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@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.

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

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

# AGENDA

## Roll Call

## Minutes for Approval

*Draft minutes for the Committee's consideration and approval.*

### 1. Minutes - March 19, 2025

## Committee Action Items

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker.*

*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

### 2. **Alternative Housing Options for People Experiencing Homelessness** **From: Councilmember O'Keefe (Author), Mayor Ishii (Co-Sponsor),** **Councilmember Blackaby (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)**

**Referred: April 1, 2025**

**Due: September 22, 2025**

**Recommendation:** Refer to the City Manager a request for staff to identify a list of potential locations of City properties (such as parking lots, buildings, and other sites) and private properties (to be leased or acquired) – for the purpose of establishing alternative housing options including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street.

**Financial Implications:** Staff time

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

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

### 3. **Small Business Support Act**

**From: Councilmember Bartlett (Author)**

**Recommendation:** That the City Manager and Finance Department amend the City of Berkeley business license process and requirements to promote transparency between the City and small business owners and lower burdensome barriers to entry for new business owners. Such amendments shall include the following:

1. Establish a business license amnesty program
2. Establish a Small Business Support and Retention Emergency Grant
3. Create a Small Business Ombudsman
4. Promote greater transparency about the business licensing process.

These actions will support small business creation and retention. The close relationship between the people of Berkeley, our small businesses, and the City is essential to making our community thrive.

**Financial Implications:** See Report

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

### 4. **Discussion Item: Impact Bond**

**From: Councilmember Bartlett (Author)**

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

### 5. **Discussion Item: Sutter Health East Bay Expansion**

**From: Councilmember Tregub**

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

### 6. **Discussion Item: Specialized Care Unit**

**From: Councilmember Bartlett**

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

### 7. **Discussion Item: Mental Health Services in Berkeley**

**From: Councilmember Bartlett**

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

## Items for Future Agendas

- **Requests by Committee Members to add items to the next agenda**
- **Discussion of future hearings and open forums**

## Adjournment

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*Written communications addressed to the Health, Life Enrichment, Equity & Community Committee and submitted to the City Clerk Department will be distributed to the Committee in advance of the meeting and retained as part of the official record.*

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



**COMMUNICATION ACCESS INFORMATION:**

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

~~~~~  
I hereby certify that the agenda for this meeting of the Standing Committee 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 17, 2025.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

**Communications**

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



**BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY &  
COMMUNITY COMMITTEE  
SPECIAL MEETING MINUTES**

**Wednesday, March 19, 2025  
3:45 PM**

Cypress Room - 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley, CA 94704  
Committee Members:

Councilmembers Ben Bartlett, Igor Tregub, and Shoshana O'Keefe  
Alternate: Councilmember Terry Taplin

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## MINUTES

**Roll Call:** 3:46 p.m.

**Present:** Bartlett, Tregub, O'Keefe

**Absent:** None

### Election of Chairperson

**Action:** M/S/C (Bartlett/O'Keefe) to elect Councilmember Tregub as Chairperson of the Health, Life Enrichment, Equity & Community Committee.

**Vote:** All Ayes.

**Public Comment on Non-Agenda Matters:** 1 speaker

### Minutes for Approval

*Draft minutes for the Committee's consideration and approval.*

1. **Minutes - July 29, 2024**

**Action:** M/S/C (O'Keefe/Bartlett) to approve the July 29, 2024 minutes.

**Vote:** All Ayes.

### Committee Action Items

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*Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.*

2. **Small Business Support Act**

**From: Councilmember Bartlett (Author)**

**Recommendation:** That the City Manager and Finance Department amend the City of Berkeley business license process and requirements to promote transparency between the City and small business owners and lower burdensome barriers to entry for new business owners. Such amendments shall include the following:

1. Establish a business license amnesty program
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These actions will support small business creation and retention. The close relationship between the people of Berkeley, our small businesses, and the City is essential to making our community thrive.

**Financial Implications:** See Report

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

**Action:** Item continued to a future meeting

## Committee Action Items

3. **Discussion Item: Impact Bond**  
**From: Councilmember Bartlett (Author)**  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130  
**Action:** Item continued to a future meeting

## Unscheduled Items

*These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.*

## Items for Future Agendas

- **Discussion Item: Sutter Health East Bay Expansion**
- **Discussion Item: Specialized Care Unit**
- **Discussion Item: Mental Health Services in Berkeley**

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 4:04 p.m.

I hereby certify that the foregoing is a true and correct record of the Health, Life Enrichment, Equity, & Community Committee meeting held on March 19, 2024.

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Wendy Sorensen, Assistant City Clerk

## Communications

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To: Honorable Mayor and Members of the City Council  
 From: Councilmember Shoshana O'Keefe (Author), Mayor Adena Ishii,  
 Councilmembers Brent Blackaby and Cecilia Lunaparra (Co-Sponsors)  
 Subject: Alternative Housing Options for People Experiencing Homelessness

RECOMMENDATION

Refer to the City Manager a request for staff to identify a list of potential locations of City properties (such as parking lots, buildings, and other sites) and private properties (to be leased or acquired) – for the purpose of establishing alternative housing options including but not limited to indoor/outdoor camping areas, safe RV and car park zones, and/or congregate or non-congregate shelters for people experiencing homelessness based on the model used at Grayson Street.

SUMMARY STATEMENT

Following the clearing of a homeless encampment at Old City Hall in early December 2024, unhoused residents formed a new encampment at Civic Center Park. Many Berkeley High School students, teachers, and parents, City of Berkeley staff, local businesses, Farmers Market vendors and visitors, residents of the encampment and their advocates have urged the City to address concerns related to health hazards and violence in and around the Civic Center Park encampment. While the City shifted focus and resources to address the encampment, successfully rehousing and securing temporary housing for many residents, various other unsanctioned encampments around Berkeley continue to pose similar concerns.

Our City remains committed to supporting our unhoused residents with the dignity, compassion, and respect they deserve while ensuring that public spaces remain equally accessible for all. This is not a mutually exclusive goal and is achievable with the support of critical stakeholders. In 2021, in collaboration with Dorothy Day House and Bayer, the City helped open a transitional shelter where unhoused people reported feeling safe, comfortable, and respected. As expected, the Grayson Street shelter and the safe RV lot closed when the City's lease with REDCO Development LLC expired. Despite its efforts, the City could not immediately identify a viable alternative for the site, but staff took note of the positive effect this indoor camping and safe outdoor parking area had on all Berkeley residents.

Working against larger national and regional trends, the City of Berkeley has significantly reduced unsheltered homelessness by 45%. Despite that, the City continues to struggle to meet the housing and wrap-around service needs of our unhoused residents. While the City continues to pursue long-term, best-practice approaches such as expanding shelter capacity and seeking funding to build more transitional and permanent affordable housing, it's clear

these efforts are not enough. We must look toward supplemental solutions and create opportunities to more expeditiously support the unhoused community, while ensuring our public space is accessible to all.

This item requests that the City Manager identify and compile a list of City- and privately-owned properties to establish housing alternatives such as an indoor/outdoor camping area, safe RV and car parking, and/or congregate or non-congregate shelter for our unhoused residents who want to stay in Berkeley. The purpose is to provide a safe, clean space where unhoused community members can live, access resources, and ultimately transition to permanent housing. Ideally, some of these sites would have capacity to support the relocation of an entire encampment, to preserve an existing supportive community.

### BACKGROUND

High cost of living and the lack of affordable housing stock in the United States has led to an increase in unsheltered homelessness and chronic homelessness since 2016. Between January 2023 and January 2024, homelessness in the United States increased by 18% – the largest jump since the Department of Housing and Urban Development began reporting in 2007. Additionally, although underreported, unhoused people are more likely to be victims of violent crime than they are to commit these crimes, often worsening cycles of trauma among the unhoused community and beyond.<sup>1</sup>

In 2024, Alameda County saw the first decrease in homelessness in a decade. Between 2022 and 2024, Berkeley saw a 21% overall decrease in homelessness and a 45% decrease in unsheltered homelessness. These decreases at the County and City levels are likely the direct result of massive investments in affordable housing production and our homelessness response system, as made possible by Berkeley residents through their support of Measures O and P – both passed in 2018 with over 77% and 72% approval, respectively. Furthermore, Measure U1 – passed in 2016 with nearly 75% of the vote – has generated millions for affordable housing projects.

In 2017, the Berkeley City Council launched the Pathways Project to address homelessness by providing temporary shelter while working on longer-term solutions. Phase 1 established the STAIR Center, a low-barrier shelter open 24 hours a day and with services such as on-site mental health support, substance use disorder programming, and job training services. Phase 2 introduced the 1,000 Person Plan to ensure shelter or housing for every homeless person in the City.

According to the 1,000 Person Plan Referral Response, to end homelessness for 1,000 people in Berkeley, the City will need up-front investments in targeted homelessness prevention, light-touch housing problem-solving, rapid rehousing, and permanent subsidies, with a cost of \$16-19.5 million upfront and an annual ongoing expense of between roughly \$12-15 million. Staff

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<sup>1</sup> Berg, Steve. "The Disturbing Realities of Homelessness and Violence." National Alliance to End Homelessness, January 24, 2022. <https://endhomelessness.org/blog/the-disturbing-realities-of-homelessness-and-violence/>.

concluded that even this level of investment would unlikely end homelessness, but could increase the system's capacity to support those experiencing long-term and chronic homelessness.<sup>2</sup>

At the start of 2023, Berkeley had nearly 350 shelter beds, 108 of which were seasonal and open only during the winter months. Over the course of 2023, more than 900 individual people used a shelter bed in Berkeley. As of late 2024 and since the inception of Measures O, P, and U1, more than 650 interim housing beds and permanent housing units have been funded, serving over 2,000 residents. The City also had about 50 transitional housing beds dedicated for specific populations, including transition-aged youth, people with substance use disorders, and veterans. During January and February of 2024, 82% of available shelter beds were occupied each night on average. Non-congregate shelters had higher levels of utilization: 93% of beds in non-congregate shelters were full on average, compared to 79% of beds in congregate shelters.<sup>3</sup>

In the last several years, Berkeley has passed major zoning reforms, implemented Measure O, and is racing to meet its commitments under the Housing Element, building housing at the fastest rates in decades. Still, on any given night in Alameda County, more than 8,000 people experience homelessness, with 844 of those people residing in Berkeley. 39% of unhoused residents in Berkeley reported that the primary cause of homelessness was related to losing housing, while 33% reported their condition was related to the loss of a job and income, and 21% reported it was due to health-related issues.<sup>4</sup>

Despite unprecedented investments in housing, affordable housing stock remains limited, and building costs and timelines remain uncircumventable. Given the urgency around addressing newer and existing encampments around the City, Berkeley and its residents could benefit from exploring additional short-term options for alternative housing such as tiny houses, micro units, ADUs, vehicle camping, indoor or outdoor camping sites, and more – with the ultimate long-term goal of providing permanent housing.

Fortunately, there is precedent for establishing a comprehensive camping area and transitional programs in Berkeley. In 2021, the City partnered with Dorothy Day House to create the Horizon Transitional Village and Safe Parking and Respite Kickstart (SPARK) site at 742 Grayson Street in West Berkeley. The site operated from July of 2021 until the City's lease ended on October

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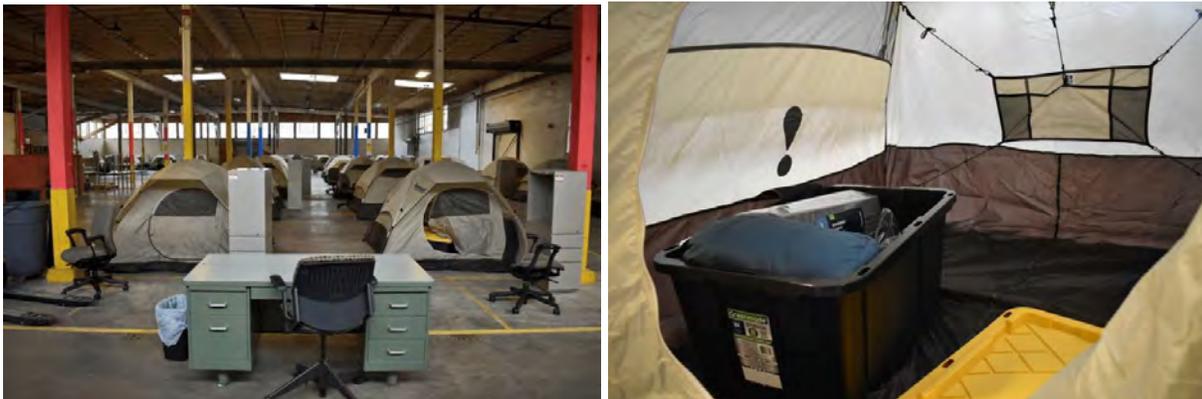
<sup>2</sup> City of Berkeley. Referral Response: 1000 Person Plan to Address Homelessness, April 30, 2019. [https://berkeleyca.gov/sites/default/files/documents/2023-02-14 Item 14 Referral Response Home Share.pdf](https://berkeleyca.gov/sites/default/files/documents/2023-02-14%20Item%2014%20Referral%20Response%20Home%20Share.pdf).

<sup>3</sup> City of Berkeley. Gap Analysis of Berkeley's Homelessness System of Care, July 9, 2024. [https://berkeleyca.gov/sites/default/files/documents/2024-07-09 Item 16 Referral Response Gap Analysis of Berkeley's Homelessness.pdf](https://berkeleyca.gov/sites/default/files/documents/2024-07-09%20Item%2016%20Referral%20Response%20Gap%20Analysis%20of%20Berkeley's%20Homelessness.pdf).

<sup>4</sup> Alameda County. "City of Berkeley Homeless Census & Survey 2024 Executive Summary ." Alameda County Health Housing and Homelessness Services , 2024. <https://homelessness.acgov.org/homelessness-assets/docs/infographic/Berkeley%20PIT%202024%20Infographic.pdf>.

31, 2022. The site combined an RV parking area with on-site services and vehicle repair assistance, creating a holistic program for people living in their vehicles.

The SPARK site provided space for up to 40 RVs, and its residents – primarily individuals displaced from unsanctioned RV encampments at 8th and Harrison Streets – were able to access basic amenities like water, portable toilets, and showers, along with vehicle repair stipends for up to \$1,500 to help with RV maintenance. Additionally, the indoor site provided space for about 50 people and included small personal storage cubbies, a breakfast area, recreational space with a library and “movie theater” and a back storage area for residents to store larger items.<sup>5</sup>



(Photo credit: Supriya Yelimeli, Berkeleyside)

Case management and housing navigation services were also provided, supporting long-term housing transitions. The program served approximately 150 individuals during its operation, successfully connecting about 30 participants to permanent housing. While staff inquired about extending the lease, the owner of the property, San Francisco-based REDCO Development LLC expressed intent to build a life sciences hub on the property.

Ultimately, homelessness is a symptom of bigger, interconnecting trends that have grown worse in the last decade and are largely out of Berkeley’s control. Despite the challenges, Berkeley has adopted a humane approach that has been proven to work and made significant progress in addressing homelessness, a testament to the tremendous work of City Staff and the commitment of Berkeley residents alike. This item presents an opportunity for Berkeley to continue to lead on the issue of homelessness by asking the City Manager to explore novel and innovative approaches that remain rooted in our values.

## REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

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<sup>5</sup> Yelimeli, Supriya. “New West Berkeley homeless shelter opens as city emerges from COVID-19 pandemic.” Berkeleyside, July 2, 2021. <https://www.berkeleyside.org/2021/07/02/new-west-berkeley-homeless-shelter-grayson-street-2>

In July 2021, Berkeley City Council voted to endorse the All Home California Regional Action Plan (RAP), which seeks to reduce the number of people experiencing unsheltered homelessness across the nine county Bay Area region by 75%.

Further, the City of Berkeley Administrative Regulations, Regulating Temporary Non-Commercial Objects on Sidewalks and in Parklets, Pursuant to BMC § 14.48.120, states that “Temporary Noncommercial (TNC) Objects,” as defined by code (e.g., personal belongings under immediate control, of certain size/weight, and not for sale), must not impede the safe and accessible Path of Travel, violate designated TNC Prohibited Areas, or otherwise pose health or safety risks on public sidewalks or parklets. These regulations permit removal of TNC objects that exceed defined size or time limits, obstruct pedestrian or disability access, or infringe on critical infrastructure such as fire hydrants, transit stops, or building entrances, and require advance notice (except in emergencies) before the city may remove such objects.<sup>6</sup>

Berkeley’s official encampment policy adopted in 2024, reaffirms the City’s commitment to offering interim housing whenever possible but authorizes removal of encampments without a shelter offer under six specific conditions, such as when an encampment poses a fire hazard, creates an imminent health risk, constitutes a public nuisance, is located on or dangerously close to a roadway, interferes with authorized construction or maintenance, or impedes city or utility operations.<sup>7</sup>

#### ACTIONS/ALTERNATIVES CONSIDERED

The City of Berkeley is known for its creative and innovative approach to public policy. While the City should remain on course and continue creating additional permanent housing, without a plethora of transitional and temporary housing and safe site options for unhoused individuals, many will continue to experience unsheltered homelessness with little access to resources. On any given night, some 24% of Berkeley’s unhoused residents sleep on the street or sidewalk. This item recognizes that it is neither sustainable nor suitable for an average of 445 people to camp on our public sidewalks, streets, and parks every single night.

While there is no panacea for homelessness, the City can help people experiencing homelessness live with dignity by ensuring they have a safe space to access personal hygiene care and resources with their belongings and pets, remaining within their community and support networks.

#### CONSULTATION/OUTREACH OVERVIEW AND RESULTS

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<sup>6</sup> City of Berkeley, Municipal Code, Chapter 14.480, Section 120 (2018).

<https://berkeleyca.gov/sites/default/files/documents/Administrative%20Regulation%2010.2.pdf>

<sup>7</sup> City of Berkeley. Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code, September 10, 2024. [https://berkeleyca.gov/sites/default/files/documents/2024-09-10 Item 37 Encampment Policy Resolution.pdf](https://berkeleyca.gov/sites/default/files/documents/2024-09-10%20Item%2037%20Encampment%20Policy%20Resolution.pdf).

The author and co-sponsors consulted with City Staff and numerous community stakeholders including but not limited to unhoused community members, business representatives, non-profit leaders, and advocates.

Councilmember O'Keefe discussed the item with the City Manager and he expressed an interest in working with City Staff to evaluate possible locations to expand alternative housing options. Further, Councilmember O'Keefe and Mayor Ishii met with the Deputy City Manager and head of Neighborhood Services to solicit their input and feedback, incorporating it into this item. Councilmember O'Keefe also met with residents of the Harrison Street encampment and spoke with homeless advocates, who expressed support for the idea.

Moreover, Councilmember Lunaparra hosted a Forum on Homelessness in early December that was specifically focused on soliciting ways to address homelessness from unhoused people themselves, and a camping area was repeatedly brought up as something that would be beneficial to Berkeley's unhoused residents and the city as a whole.

#### RATIONALE FOR RECOMMENDATION

This item proposes identifying locations that can be used for shorter-term solutions such as City-managed RV and car parks, indoor/outdoor camping areas, and/or additional congregate or non-congregate sites that may provide immediate, emergency shelter and relief for unhoused people, ensuring they will be connected to resources while the City works toward more permanent solutions, and preserves access to Berkeley's public parks and spaces for all.

#### IMPLEMENTATION, ADMINISTRATION, AND ENFORCEMENT

This referral exclusively asks the City Manager to identify and develop a list of locations for the creation of a safe, alternative housing site. Implementation will not take place until further Council action. This referral does not include discussion of how a potential site could be operationalized or administered. Blueprints and precedent already exist and have been proven successful for such implementation at the Grayson Street Shelter and safe RV Zone, and we request staff consult these plans to inform their work.

Feasibility should be determined under the assumption that city funds will be used to purchase/lease and manage the eventual site or sites. The intent of this referral is to provide additional safe housing options for Berkeley's unsheltered residents and not to address the issue on a regional level. While identifying a source of funding is not within the scope of this referral, the search process should be done with the goal of ensuring local control of any eventual housing sites.

Anecdotal conversations with many unhoused people and their advocates reveal that the following criteria should be taken into consideration by City Staff when evaluating possible sites for a camping area:

- Public transit accessibility

- Proximity to existing homeless services, such as Dorothy Day House or the Sacred Rest Drop-In Center
- Access to food, electricity, potable water, on-site showers, laundry, and sanitation
- Regular trash and waste removal
- ADA compliance

ENVIRONMENTAL SUSTAINABILITY

N/A

FISCAL IMPACTS

Fiscal impacts limited to staff time.

OUTCOMES AND EVALUATION

The City Manager should return to the City Council with a list of sites to provide safe alternative housing options, a report detailing the concerns and roadblocks to implementation, and information regarding steps the City can take to initiate and/or secure a site for such shelter.

Due to the urgent nature of this public health and humanitarian crisis, this item asks the City Manager to expedite this process and return to Council as soon as feasible.

CONTACT

Councilmember Shoshana O'Keefe, (510) 981-7150





[DRAFT] CONSENT CALENDAR

To: Honorable Mayor and Members of the City Council  
 From: Councilmember Ben Bartlett  
 Subject: Small Business Support Act

**RECOMMENDATION**

That the City Manager and Finance Department amend the City of Berkeley business license process and requirements to promote transparency between the City and small business owners and lower burdensome barriers to entry for new business owners. Such amendments shall include the following:

1. Establish a business license amnesty program
2. Establish a Small Business Support and Retention Emergency Grant
3. Create a Small Business Ombudsman
4. Promote greater transparency about the business licensing process.

These actions will support small business creation and retention. The close relationship between the people of Berkeley, our small businesses, and the City is essential to making our community thrive.

**BACKGROUND**

Small businesses are the foundation of a thriving city economy, given the importance of local businesses and community engagement. By empowering local businesses, jobs become more meaningful and there is greater opportunity for innovative ideas by aspiring entrepreneurs. The City of Berkeley has been supportive of local businesses, but since the COVID-19 pandemic, it is now more important for Berkeley to lend a helping hand to these stores. These businesses, especially those owned by underrepresented groups, are what enrich the Berkeley community and create this welcoming and open space for each member of the community. Berkeley has recognized the importance of small businesses in the past, establishing the Berkeley Relief Fund, modifying zoning ordinances, and increasing support for the permitting process. However, there is still more to be done regarding compliance with license requirements and improved transparency during the permit process. Some of the main barriers of entry for new business owners include a lack of capital, inability to file for a permit, and absence of support throughout the process. These issues can be addressed through the implementation of improved transparency with the business license amnesty program, transparency about the licensing process, establishment of a small business support and retention emergency grant, and a small business ombudsman. We want to support small businesses who have less than \$50,000 and rename the OED's loan fund. There is a Green Business and Zero Emission incentive as well which may be supported by California Green Business Network (CAGBN) Alameda County dollars.

1. Business license amnesty program

In 2019, the City of Santa Monica launched a six-week amnesty program in order for

unlicensed businesses to comply with the city's business license taxes. With this action, unlicensed businesses that voluntarily register for a business license during the six-week period were forgiven and did not have to pay for any penalties that were previously identified. This type of program was a great opportunity for all businesses to comply with the City of Santa Monica tax law. It was estimated that businesses with penalties received a 90% reduction in penalties regardless of the reason for non-compliance<sup>1</sup>. If implemented in other cities, this form of amnesty program can benefit both businesses and the City as it is a way of generating revenue and also helping out taxpayers. When the City of Santa Monica conducted this program, it was estimated that the city collected approximately \$200,000.<sup>2</sup>

Similarly, in East Palo Alto, a compliance program was implemented this year that included an amnesty period where all penalties that were accompanying unpaid taxes were waived or reduced<sup>3</sup>. This program still had the underlying taxes, but gave business owners 90 days of relief. These amnesty programs for business owners have been implemented across the state, including cities such as South Pasadena —where “enforcement of violations related to unpermitted ADUs may be delayed for five years if correcting the violations is not necessary to protect health and safety”<sup>4</sup>—and Los Angeles in which “by creating a process that provides some amnesty for individuals to get their properties into compliance, we’re actually creating a safer housing supply than what we currently have in the city of Los Angeles,” Council member Monica Rodriguez said<sup>5</sup>.

For the City of Berkeley, a proposal of a one year amnesty program, where business owners have a one year grace period of fees related to overdue, expired, and new business licenses. There will be no late fees collected and everyone will have access to a current business license regardless of any late or renewal fees that would have been due prior to SBSA.

## 2. Implementation of an ombudsman

The implementation of an ombudsman will assist community members and potential business owners in resolving conflicts or concerns with the City. As a potential mitigator, this position is necessary to provide a fair and equal environment for both parties. Specifically, a business ombudsman can help small businesses deal with excessive regulation that can be deemed unfair.

Such a case where the implementation of an ombudsman was demanded by community members was when the Harriet Tubman Terrace (HTT) reported violations made against low-

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<sup>1</sup> Lirtsman, T. (2020, February 27). *City of Santa Monica, CA Six-Week tax amnesty program*. Marcum LLP. Retrieved February 4, 2023, from <https://www.marcumllp.com/insights/city-of-santa-monica-ca-six-week-tax-amnesty-program>

<sup>2</sup> Walrack, J. (2021, October 2). *Tax amnesty programs: The complete guide*. SuperMoney. Retrieved February 4, 2023, from <https://www.supermoney.com/tax-amnesty-programs/>

<sup>3</sup> “Business Licenses.” *City of East Palo Alto*, <https://www.cityofepa.org/manager/page/business-licenses>. Accessed 6 June 2023.

<sup>4</sup> “City of South Pasadena Revised Draft 2021-2029 Housing Element”. Department of Housing and Community Development. 2022. <https://www.hcd.ca.gov/housing-elements/docs/south-pasadena-6th-draft051122.pdf>

<sup>5</sup> Albaryan, Anna. “LA City Council approves ADU amnesty program”. Spectrum News 1. 17 May 2023. <https://spectrumnews1.com/ca/la-west/politics/2023/05/17/la-city-council-approves-adu-amnesty-program>

income, elderly members<sup>6</sup>. This recommendation was made by the Housing Advisory Commission, which recommended that HTT is assigned a “dedicated tenant advocate to assist with relocation and other needs” after the hearing of evidence of misconduct and housing violations by part of the property ownership (1). This is an example of where implementing an ombudsman ensures that “tenants experience continued safety, protections, reparations and compliance from the contractors, vendors, management and all responsible parties” (1).

In Foster City, a similar program has been implemented, with a business ombudsman at the disposal of small business owners<sup>7</sup>. In the City of Berkeley, an ombudsman would act similarly to a social worker for the applicants of business. Each would have a caseload, but not all applicants would be able to receive this type of heavy support. There will be a monitor to determine which applicants need the help of an ombudsman. However, anyone can have access, but there will be priority given to underrepresented businesses.

According to several employment recruitment sites<sup>8</sup>, the cost for a full-time ombudsman in Berkeley falls between an average of \$76,231 and \$93,341<sup>9</sup>. For reference, Oakland’s REAL People’s Fund Budget & Policy Agenda for City of Oakland FY 2023-2025 estimated a cost of \$133,893 to fund the position for a full-time equivalent Urban Economic Analyst and an estimated cost of \$187,486 to fund for a full-time equivalent Program Analyst in Cultural Affairs<sup>10</sup>. Both positions would streamline pilot Business Ombudsman Program and the retention of resources to low-income communities.

## **COVID**

Uneven recovery exists due to stimulus support being selectively available. We will continue to see this for as long as foreseeable future situations, such as earthquakes, fires, diseases, civil unrest, and other unprecedented events occur. On one hand, this creates a unique opportunity to be proactive about attracting new businesses. However, on the other hand, a lack of licensure makes it impossible to reach everyone who may need support.

## **What the City of Berkeley License Business Application Entails<sup>11</sup>:**

Any of the following ownerships must obtain a license:

- Owners of commercial rental property
- Owners of residential property with three or more dwelling units
- Owners of five or more residential rental units
- Contractors applying for building permits
- Home-based businesses and
- Street artists and vendors

*The business license is a revenue tax and is not a regulatory permit. Business owners are*

<sup>6</sup> “Harriet Tubman Terrace Tenant Support”. City of Berkeley, Housing Advisory Commission. <https://records.cityofberkeley.info/PublicAccess/api/Document/Ab1RJC2rpXhH094DEivv2v0%C3%815EsHvCyYoUzOITWRyFHYi%C3%89izD%C3%811pHpGS5fELqym8OVORmVI4HENVHzmuft7bXus%3D/>

<sup>7</sup> “Business Ombudsman Program”. Foster City, California. <https://www.fostercity.org/citymanager/page/business-ombudsman-program>

<sup>8</sup> “Ombudsman in Oakland, California”. Salary. <https://www.salary.com/tools/salary-calculator/ombudsman/oakland-ca>

<sup>9</sup> “Ombudsman Salary”. ZipRecruiter. 27 Feb 2024. <https://www.ziprecruiter.com/Salaries/Ombudsman-Salary>

<sup>10</sup> “The REAL People’s Fund Budget & Policy Agenda for City of Oakland FY 2023-2025”. <https://docs.google.com/document/d/10V17b-0UOSxbZGyUS7IVZnVnCZ22tbpSSS619s0OLEM/edit>

<sup>11</sup> “New Business Licenses”. City of Berkeley. <https://berkeleyca.gov/doing-business/operating-berkeley/business-licenses/new-business-licenses>

responsible for obtaining all necessary approvals, permits, licenses, and to pay all taxes and fees associated with the business. Payment of the business license tax does not constitute zoning, building, fire, health, or toxic review/approval.

The process for new businesses to obtain licensure could take days, even weeks, in order to complete both the review and the approval processes. Firstly, a business license application must be filled out. As a requirement, business owners must ensure they meet address, zoning, and safety regulations. Meeting these regulatory requirements entails specific criteria in order for approval to be given. If the business location is not in the City’s database, then the business owner must apply for an Address Assignment Request and submit it to the Building and Safety Division with a \$200 fee. Additionally, the business must be in the zoning area and be prepared to potentially apply for zoning permits. This may present itself as a barrier if the business owner does not know which zoning area their business belongs to. For safety regulations, the owner must ensure that health codes are met, verify building and safety regulations, and any other supplementary items that ensure the nature of the business is in good condition.

All business licenses expire on December 31st of every year. This requires that all renewals for business licenses be submitted by March 1st of every year. Contractors can be approved for building permits, but only if they hold active business licenses. Any business that fails to meet the deadline will be penalized according to the following:

- Penalty 1: a 10% increase on March 1st with a 1% monthly interest accrue on outstanding business license tax starting March 1st
- Penalty 2: An additional 40% on April 1st with a 1% monthly interest accrue starting April 1st

The penalty for failing to meet the March 1st deadline may be a barrier for certain businesses due to the increased cost. Renewal fees may have a greater impact on businesses that experience uncertainty in their clientele. Said businesses may benefit from filing extensions to their business license renewal. The business license amnesty program would help address this by including a time sensitivity between March 1st and December 31st.

The following businesses can renew their license through an online platform:

Business Type	Tax Code
Administrative Headquarters	Q
Motor Vehicle Sales	V
Business Personal Repair	B
Non-Profit	N
Cannabis(Medical and Adult Use)	CC
Professional-Semi-Professional	P
Entertainment	E

Business Type	Tax Code
Retail	R
Grocery	G
Rental of Real Property	L
Manufacturing	M
Wholesale	W

Initiating a business license renewal requires the completion of a Business License Renewal Form. With the exception of non-profits, street vendors, and owners of rental property, most businesses will fill out a General Business License Renewal Form. The General Business License Renewal Form can be submitted online or in-person. Nonprofits must fill in the Flat Fee Business Renewal Form and they have the option to submit it online or in person. For rental properties, submission via the Rental of Real Property Business License Renewal Form is the same as the latter.

A Business License Change Form must be turned in electronically upon any updates made to the ownership, location, or name of the rental property. A General Closing Business Declaration Form submission applies to any closing of a business, a business location, or the transfer of ownership. This also applies to the closing of any rental property.

The Business License Classifications and Tax Rates site under the City of Berkeley lists out the amount of tax for each \$1000 income depending on the type of business<sup>12</sup>. It is important to note for these taxes that small businesses may end up applying for waiver requests.

**CURRENT SITUATION: AN OVERVIEW OF WHAT WE ARE DOING**

Improved transparency in the Business License Application and Process entails identifying the most troublesome parts of Berkeley’s business permitting process.

- Application process{ new, renewal, penalty(what’s annoying... detail specifically - have enlisted small business to collect data via focus group for this information) Calculations for penalties
- Categorization (tax bracket... clarification)
- Clarity between State, Berkeley, Incorporated... licensing (What’s easy to fix vs. what requires council)
- Outline Permit fees and process
- Current revenue vs. projected revenue (24 months)
- new businesses opened vs. businesses closed in the last 5 yrs
- Number of shuttered/vacant commercial buildings; for lease 2022
- Number of businesses sole proprietors over 60 yrs old (Project Equity stats)
- Major redevelopment programs mean major opportunity
- How many new biz applications does the City of Berkeley process annually - 13,000 existing...
- The city celebrates and serves licensed businesses but this cannot be possible

Commented [1]: Ask Liz for doc of pain points

Commented [2]: is this still true?

<sup>12</sup> “Business License Classifications & Tax Rates”. City of Berkeley. <https://berkeleyca.gov/doing-business/operating-berkeley/business-licenses/business-license-classifications-tax-rates>

without an active business license.

**What are the barriers of local business owners to licensing?**

Several factors contribute to the barriers of local business owners to licensing, such as complex zoning laws, neighborhood business quotas, a 60's desire to give neighborhoods description into what kinds of businesses can move into commercial districts, and the hardships on each step of creating the business itself<sup>13</sup>.

A business might not have a license for multiple complex reasons. YaVette Holts, the founder of Bay area Org of Black Owned Businesses<sup>14</sup>, shared her testimonial experience in her licensure procedure and her expertise with local business issues in the bay area. In her personal anecdote, Holt shares she was levied three charges during her licensure application procedure, and after three months has yet to receive her license renewal. This, along with her difficulty navigating the finance department or understanding recent zoning amendments, highlights expense and information disbursement barriers for local businesses.

**What is amnesty?**

For the City of Berkeley, business owners have a one year grace period of fees related to overdue, expired, and new business licenses. There will be no late fees collected, and everyone will have access to a current business license regardless of any late or renewal fees that would have been due prior to SBSA.

An example within the City of Berkeley where fines were reduced and eliminated to better serve the lowest income communities was in 2018 when the Berkeley Public Library decided to discontinue the late fees for teen and adult materials<sup>15</sup>.

**IMPLEMENTATION:**

We believe this is important and effective because we need to take care of our small businesses, which make Berkeley such a desirable and charming community. As a City, we have not brought in many large retailers because we don't need them. Instead, we have mom-and-pop shops that support the needs of our community, and we've been able to retain our small businesses without large corporate stores pushing them out. Ensuring our small businesses are supported increases our tax base and builds equity for families who own these businesses.

Referring back to YaVette Holts and her shared expertise, amnesty implemented in the licensure application procedure would address the barriers in fees that several small businesses face, especially for newly opened ones. In her own words, businesses must be in operation in order to remain open, but that comes with immediate taxation upon starting a business, which makes it difficult to generate revenue and remain open. Furthermore, the implementation of an ombudsman program would also facilitate the disbursement of important information small businesses find relevant, such as zoning requirements and taxing information. By addressing these pain points and

<sup>13</sup> Dinkelspiel, Frances. "Is it hard to do business in Berkeley?". 20 January 2011.

<https://www.berkeleyside.org/2011/01/20/is-it-hard-to-do-business-in-berkeley>

<sup>14</sup> <https://baobobdirectory.com/>

<sup>15</sup> "Berkeley Public Library to End Charging of Daily Late Fees for Teen and Adult Materials". Berkeley Public Library. 7 June 2018. <https://www.berkeleypubliclibrary.org/about/news/berkeley-public-library-end-charging-daily-late-fees-teen-and-adult-materials>

fostering a more supportive environment for small businesses, Berkeley can strengthen its economic base, empower local entrepreneurs, and cultivate a thriving community where businesses can flourish.

Small businesses need support from the city to thrive, and through this initiative, we can increase community engagement by connecting business owners to the proper city services, allowing them every opportunity to succeed. When our businesses thrive, our community benefits and Berkeley's economic vitality increases as a result. Inspiring others to establish small businesses in our city helps foster the vision of Berkeley that previous generations worked so hard to create. It is our duty to protect that vision now and build relationships with small businesses through incentives and cooperation that reflect our values.

- Increase tax base
- Business Retention
- Community Engagement - business owner connection to city services - Economic vitality increases
- Enforcement relationship w/ business vs. incentives and cooperation

#### **FINANCIAL IMPLICATIONS**

The referral policy aspect requires staff time from the Finance Department Office. The implemented policy cost and benefits are to be determined.

#### **CONTACT PERSONS**

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