



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

TUESDAY, OCTOBER 14, 2025
2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 466 6237**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

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

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

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

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: September 29, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 10/28/25 – Regular City Council Meeting
- 3. Adjournments In Memory**

Scheduling

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

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

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

Adjournment – Next Meeting Tuesday, October 21, 2025

~~~~~

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

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

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

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

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

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

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

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

~~~~~  
I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on Thursday, October 9, 2025.


Mark Numainville, City Clerk

Communications

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

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, SEPTEMBER 29, 2025

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 684 1504**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

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

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

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

Roll Call: 2:33 p.m. All present.

Public Comment – 1 speaker

Review of Agendas

1. **Approval of Minutes: September 15, 2025**
Action: M/S/C (Humbert/Taplin) to approve the minutes of 9/15/2025.
Vote: All Ayes.
2. **Review and Approve Draft Agenda:**
 - a. 10/14/25 – Regular City Council Meeting
Action: M/S/C (Taplin/Humbert) to approve the agenda of 10/14/2025 with the changes noted below.
 - *Item 12 Title 21 Amendments (City Manager) – scheduled for October 28*
 - *Item 13 PAB Regulations (Blackaby) – schedule for 10/14 Consent Calendar***Vote:** All Ayes.
3. **Adjournments In Memory** – None

Scheduling

4. **Council Worksessions Schedule** – request for report on DEI
5. **Council Referrals to Agenda Committee for Scheduling** – received and filed
6. **Land Use Calendar** – received and filed

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

- None

Adjournment

Action: M/S/C (Taplin/Humbert) to adjourn the meeting.
Vote: All Ayes.

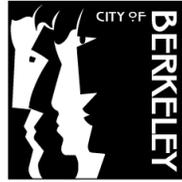
Adjourned at 2:42 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on September 29, 2025.

Mark Numainville, City Clerk

Communications

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



DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, October 28, 2025
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

- DISTRICT 1 – RASHI KESARWANI
- DISTRICT 2 – TERRY TAPLIN
- DISTRICT 3 – BEN BARTLETT
- DISTRICT 4 – IGOR TREGUB

- DISTRICT 5 – SHOSHANA O’KEEFE
- DISTRICT 6 – BRENT BLACKABY
- DISTRICT 7 – CECILIA LUNAPARRA
- DISTRICT 8 – MARK HUMBERT

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. <<HYPERLINK WITH ZOOM URL>> 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: <<INSERT MEETING ID HERE>>**. 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.*

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. Minutes for Approval

From: City Manager

Recommendation: Approve the minutes for the Council meetings of September 8, 2025 (closed), September 9, 2025 (regular), September 15, 2025 (closed), September 16, 2025 (special and regular), and September 29, 2025 (closed) and September 30, 2025 (special and regular).

Financial Implications: None

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

2. Amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax

From: City Manager

Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 7.54 The Empty Homes Tax to address issues that arose in the first annual billing and to simplify administration of the tax.

Financial Implications: See report

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

Consent Calendar

- 3. Letter to Alameda County Board of Supervisors re: Opportunities to Collaborate with Alameda County on Homelessness Programs Outside of Berkeley**
From: City Manager
Recommendation: Direct the City Manager to send a letter from the City Council to the Alameda County Board of Supervisors regarding opportunities to partner on regional solutions to unsheltered homelessness.
Financial Implications: None
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 4. Contract: Dyson & Womack for a Public Art Program Strategic Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Dyson & Womack Art Consulting for an amount not to exceed \$110,000 for the development of a comprehensive Public Art Program Strategic Plan for the City of Berkeley. The contract term will be 18 months.
Financial Implications: \$110,000 - Cultural Trust Fund
Contact: Eleanor Hollander, Economic Development, (510) 981-7530
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 28, 2025**
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: \$20,234,783 - Various Funds
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 6. Contract: Patagonia Health Electronic Health Records System Implementation for Berkeley High School Health Center**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute a contract and any amendments with Patagonia Health for implementation of an Electronic Health Record (EHR) system for the Berkeley High School Health Center in an amount not to exceed \$260,000 for the period of November 1, 2025 through June 30, 2030.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Consent Calendar

- 7. Contract: Alameda-Contra Costa County Transit District (AC Transit) for EasyPass Program 2026-2028**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an agreement and any amendments with the Alameda-Contra Costa County Transit District (AC Transit) for the continuation of an annual bus transit pass (EasyPass) program for City of Berkeley employees in an amount not to exceed \$572,717.00 for a three-year period covering 2026, 2027 and 2028.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800
- 8. Waiver of Sanctuary City Contracting Ordinance to Contract with Superior LLC for FUND\$ Software Maintenance and Support**
From: City Manager
Recommendation: Adopt a Resolution waiving the contract prohibition of Chapter 13.105, Sanctuary City Contracting, in order to continue contracting with Superior LLC (“Superion”) for software maintenance and support of the FUND\$ system, which is critical to the City’s operations.
Financial Implications: None
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 9. Amendment to Ground Lease with East Bay Regional Park District at 400 Gilman Street (Tom Bates Regional Sports Complex)**
From: City Manager
Recommendation: Adopt first reading of an Ordinance authorizing the City Manager to execute an amendment to the Ground Lease with East Bay Regional Park District for the Tom Bates Regional Sports Complex at 400 Gilman Street extending the term to December 31, 2053 and includes improvements to be constructed by the City.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 10. Contract No. 32200098 Amendment: ERA Construction, Inc. for O & K Docks Electrical Upgrades Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32200098 with ERA Construction, Inc. for the O & K Docks Electrical Upgrades Project, increasing the amount by \$666,600 for an amended total amount not to exceed \$2,133,600.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

- 11. Contracts: On-Call Waterfront Engineering, Design, Environmental Permitting, and Construction Administration Services for Capital Improvement Projects at the Berkeley Waterfront**
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call waterfront engineering, design, environmental permitting and construction administration services for capital improvement projects at the Berkeley Waterfront, for contract periods of December 1, 2025 through November 30, 2028:
1. COWI North America, Inc., for an amount not to exceed \$1,000,000.
 2. Foth & Van Dyke and Associates, Inc., for an amount not to exceed \$1,000,000.
 3. GFT Infrastructure, Inc., for an amount not to exceed \$1,000,000.
 4. GHD Inc., for an amount not to exceed \$1,000,000.
 5. Moffatt & Nichol, for an amount not to exceed \$1,000,000.
- Financial Implications:** See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 12. Donation: Memorial Bench at Berkeley Marina in Memory of Dove Charlotte Lenz**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Waterfront in memory of Dove Charlotte Lenz
Financial Implications: \$3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 13. Donation: Memorial Bench Donation in Memory of Lee and Dorothy Marsh**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at the Berkeley Rose Garden in memory of Lee and Dorothy Marsh.
Financial Implications: \$3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700
- 14. Donation: Memorial Bench at King Park in Memory of Leon and Harriett Reiter**
From: City Manager
Recommendation: Adopt a Resolution accepting a cash donation in the amount of \$3,400 for a memorial bench to be placed at King Park in memory of Leon and Harriett Reiter.
Financial Implications: \$3,400 - Donation
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

15. Grant Application: Caltrans Clean CA Program – Community Cleanup and Employment Pathway (CCEP)

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or his designee to submit a grant application to the Clean CA Community Cleanup and Employment Pathway (CCEP) Grant Program; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant; and authorize the Mayor to sign the Clean California Pledge.

Financial Implications: \$200,000 in revenue.

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

16. Adoption of Berkeley Building Codes, Including Local Amendments to California Building Standards Code

From: City Manager

Recommendation:

1. Adopt first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions; schedule a Public Hearing, pursuant to state law, for the second reading on November 18, 2025; and 2. Adopt a Resolution setting forth findings of local conditions that justify more stringent regulations than those provided by the 2025 California Building Standards Code, and rescinding Resolution No. 71,320–N.S.

Financial Implications: See report

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

17. Revenue Grant: California Office of Traffic Safety (OTS) for the 2025-2026 Selective Traffic Enforcement Program (STEP) Grant

From: City Manager

Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the "Selective Traffic Enforcement Program (STEP)" grant and enter into the resultant grant agreement and any amendments, with the California Office of Traffic Safety. This OTS grant is for \$240,000 for the period of October 1, 2025 through September 30, 2026, which is Federal Fiscal Year 2026.

Financial Implications: See report

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

18. Revenue Grant: Cannabis Tax Fund Grant Program (CTFGP) Acceptance

From: City Manager

Recommendation: Adopt a Resolution authorizing the Chief of Police to accept the CTFGP grant and enter into the resultant grant agreement and any amendments, with the California Highway Patrol. This grant is for \$101,783.28 for the period of July 1, 2025 through June 30, 2026.

Financial Implications: See report

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

Consent Calendar

- 19. Revenue Grant: Fiscal Years 2025/2026 Alcoholic Beverage Control (ABC) Alcohol Policing Partnership (APP) Grant**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a grant contract and any subsequent amendments, with the Alcoholic Beverage Control (ABC) in the amount of \$75,012 for Fiscal Year 2025/2026.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900
- 20. Contract No. 32300085 Amendment: Abbe & Associates, Integrated Zero Waste Management Strategic Plan**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32300085 with Abbe & Associates, to support completion of the Integrated Zero Waste Management Strategic Plan by increasing the contract by \$221,400 resulting in a total contract amount not to exceed \$721,400 and extending the term through October 31, 2027.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 21. Contract No: 32300115 Amendment: On-Call Arborist Services, HortScience Bartlett Consulting**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300115 with HortScience Bartlett Consulting for on-call arborist services, increasing the contract amount by \$270,000 for a total not to exceed amount of \$395,000 and extending the term of the contract from December 31, 2025, to February 9, 2028.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

- 22. Contract for Construction (Bauman Landscape and Construction, Inc.) and Contract No. 32300026: Amendment for Engineering Services (Diablo Engineering Group) for the Ohlone Greenway Modernization and Safety Project**
From: City Manager
Recommendation: Adopt a Resolution:
1. Approving plans and specifications for the Ohlone Greenway Modernization and Safety Project, Specification No. 26-11748-C;
 2. Accepting the bid of Bauman Landscape and Construction, Inc., the lowest responsive and responsible bidder;
 3. Authorizing the City Manager to execute a contract with Bauman Landscape and Construction, Inc. and any amendments, extensions, and/or change orders until completion of the Project in accordance with the approved plans and specifications, in an amount not to exceed \$3,782,000, which includes a 10% contingency for unforeseen circumstances; and
 4. Authorizing the City Manager to execute a contract amendment with Diablo Engineering Group to provide engineering services during the construction phase of the Project, increasing the contract amount by \$100,000 for a total not-to-exceed amount of \$650,000.
- Financial Implications:** See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 23. Contracts: Interface Engineering, Inc. and Salas O'Brien Engineers, Inc. for On-Call Electrical Engineering Services**
From: City Manager
Recommendation: Adopt two Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call electrical engineering services for capital improvement projects, each for a period of November 1, 2025, through June 30, 2028:
1. Interface Engineering, Inc., for an amount not to exceed \$150,000.
 2. Salas O'Brien Engineers, Inc., for an amount not to exceed \$150,000.
- Financial Implications:** See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 24. Final Map of Tract 8651: 2403-2407 San Pablo Avenue**
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8651 for a 37-unit condominium project consisting of 36 residential units and 1 commercial unit at 2403-2407 San Pablo Avenue.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300

Consent Calendar

- 25. Remove Pre-Transfer Eligibility Restriction of the Transfer Tax Rebate for Wildfire Hardening** *(Reviewed by the Budget & Finance Policy Committee) (Item Contains Supplemental Material)*
From: Disaster and Fire Safety Commission
Recommendation: Adopt first reading of an ordinance removing the 1-year pre-transfer eligibility restriction of the transfer tax rebate for wildfire hardening from BMC 7.52.060, to encourage early mitigation efforts.
Policy Committee Recommendation: To send the item to Council with a Qualified Positive Recommendation to request that staff submit an amended ordinance with the item that includes the following: 5-year/1-year eligibility timeline; limit eligibility to High and Very High Fire Hazard Severity Zones; clarify eligible vegetation as proposed by staff; include other minor language clean up proposed by staff. Also, include analysis and options for an eligibility cap based on home value.
Financial Implications: See report
Contact: Keith May, Commission Secretary, (510) 981-3473
- 26. Renewal of the Elmwood BID for Calendar Year 2026**
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council 1) Approve the 2025 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2026; 2) Declare its intent to levy an assessment to finance improvements in the District for calendar year 2026 and 3) Direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for December 2, 2025.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530
- 27. Renewal of the Solano Avenue BID for Calendar Year 2026**
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) Approve the 2025 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2026; 2) Declare its intent to levy an assessment to finance improvements in the District for calendar year 2026; and 3) Direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 2, 2025.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

Action Calendar

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

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

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

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

Action Calendar – Public Hearings

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

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

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

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

From: City Manager

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

Financial Implications: None

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

Action Calendar – New Business

- 29. Affirm Council Preference for the Virginia Street Bikeway (Between Sacramento Street and Acton Street Next to the North Berkeley BART Station)**
From: City Manager
Recommendation: Adopt a Resolution stating the Council’s preference for a design alternative for the approximately 200-foot segment of Virginia Street east of Acton Street next to the North Berkeley BART Station and directing the City Manager to work with BART to proceed with the Virginia Street Bikeway.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 30. Telegraph Multimodal Corridor Project Conceptual Design**
From: City Manager
Recommendation: Adopt a Resolution approving the recommended conceptual design (Concept 3B) of the Telegraph Ave Multimodal Corridor Project (Project) and authorizing the City Manager to proceed with the detailed engineering design of the project.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 31. Referral Request to Rescind Incorrect Information Related to Turtle Island Monument**
From: Civic Arts Commission
Recommendation: Refer to City Manager to draft a Resolution to send to Council for adoption that would correct the historical record found in three Council Resolutions. In the first of these resolutions issued in 2003 the City conducted a procurement process utilizing an artwork title “Turtle Island Monument” (an artwork concept originally created by Lee Sprague and Marlene Watson in the 1990s and recast as a new project by the City) resulting in another artist being contracted in 2006 to unwittingly create artwork for the City using this same title. The 2023 Resolution, related to an aspect of an attempted collaborative redesign of Turtle Island Monument involving the original artists, does not have an executed contract and should be rescinded. Those three resolutions are: 2005 Contract Authorization for Scott Parsons, 2006 Contract Amendment Authorization for Scott Parsons, 2023 Contract Authorization for Scott Parsons.
Financial Implications: None
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
- 32. Affordable Housing for Artists Report**
From: Housing Advisory Commission, Civic Arts Commission
Recommendation: Approve the “Keeping Creativity Local: A Strategic Response to Affordable Housing for Artists” report and direct the City Manager to evaluate and implement the report recommendations as appropriate.
Financial Implications: See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400, Jennifer Lovvorn, Commission Secretary, (510) 981-7530

Information Reports

33. **Inclusionary Housing Program Annual Report Fiscal Year 2025**
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
34. **Audit Status Reports: Fleet Replacement Fund Short Millions and Rocky Road: Berkeley Streets at Risk and Significantly Underfunded**
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
35. **Audit Status Report: 2009 Leases Audit Follow-Up**
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300
36. **Civic Arts Commission FY26 Work Plan**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530
37. **Fiscal Year 2026 Public Art Budget**
From: Civic Arts Commission
Contact: Jennifer Lovvorn, Commission Secretary, (510) 981-7530

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

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

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

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

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

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

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

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

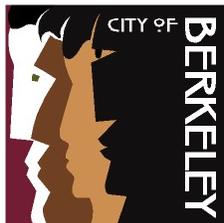
Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs



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

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

~~~~~



Office of the City Manager

**02a.25**

## **SUPPLEMENTAL AGENDA MATERIAL**

**Meeting Date:**       **October 28, 2025**

**Item Description:**   **Remove Pre-Transfer Eligibility Restriction of the Transfer Tax  
Rebate for Wildfire Hardening**

**Submitted by:**       **David Sprague, Fire Department**

Following direction from the Budget & Finance Committee and in coordination with the Disaster Fire and Safety Commission, Staff have amended the Ordinance to:

- Provide a five-year pre/one-year post transfer eligibility timeline.
- Limit eligibility to High and Very High Fire Hazard Severity Zones.
- Clarify what types of vegetation mitigation are eligible.
- Include other minor language clean up to clarify intent and process.

ORDINANCE NO. ##### -N.S.

AMENDING SECTION 7.52.060 OF THE BERKELEY MUNICIPAL CODE; REAL PROPERTY TRANSFER TAX EXCEPTIONS

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

Section 1. That Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, Sub-section L, is amended to read as follows:

**BMC 7.52.60 Sub-section L**

L. 1. Up to one-third of the tax imposed by this chapter shall be rebated, on a dollar for dollar basis, for all expenses incurred on or after January 1, 2025, to "~~wildfire-home~~ harden" either any structure which is used exclusively for residential purposes, or any mixed-use structure which contains two or more dwelling units. Multiple rebate applications may be submitted for a partial rebate of the tax paid. However, the total rebate for any combination of seismic retrofit and/or ~~wildfire-home~~ hardening shall not exceed the maximum of one-third (1/3) of the tax paid per ~~p~~Property.

L 2. The term "~~wildfire-home~~ harden" within the meaning of this chapter means ~~improving, moving, removing, or taking other evidence-based actions to existing structures that reduce the risk of ignition from wildfire and emberswork which is the process of increasing resistance to wildfire by replacing combustible materials with ignition resistant and/or non-combustible materials and other scientifically proven actions.~~ Parcels eligible for this program must be located within the High or Very High Fire Hazard Severity Zones designated by the City of Berkeley and have a property sales value less than \$3,000,000. The property sales value shall be adjusted annually by the City of Berkeley on January 1 of each subsequent year to a number equal to the value of consideration for the transaction at the 95th percentile of transactions that occur in the City of Berkeley during the 12 months preceding September 1 of the preceding year, as recorded by the Alameda County Assessor, rounded to the nearest \$100,000 increment; provided, that in no case shall any adjustment lower the threshold below \$3,000,000.;

Structures with a wood shake roof must be fully replaced with a Class A fire rated roof before any other mitigations can qualify for this transfer tax rebate. Replacement costs for the new Class A roof are eligible costs. All improvements must be permanent and comply with design, material and construction methods as described in the current version of the California Building Code, Chapter 5. and BMC 19.28.030. The work must be permanent and not vVegetation management \_or

gardening adaptations that require continued maintenance are not eligible with the one exception noted below in (2)(j). To be eligible for a rebate, Mitigations performed the parcel-level mitigations set forth in the California Department of Insurance “Safer from Wildfires” Framework REG-2020-00015 adopting California Code of Regulations Title 10, Chapter 5, Subchapter 4.8, Article 4, Section 2644.9 must be satisfactorily completed as determined by the Building Official (when a permit is required) and/or a Berkeley Fire Department Defensible Space Inspection when a permit is not required.  
These include “Home harden” within the meaning of this chapter means any of the following:

~~(a) All improvements must be permanent and comply with design, material and construction methods as described in the 2025 California Building Code, Chapter 7A5, and BMC 19.28.030.~~

~~(ba) Full replacement of Structures with a wood shake roof must be replaced with a Class A fire rated roof is an eligible cost before qualifying for the transfer tax rebate. Partial replacements of a wood shake roof with a Class A roof, or repairs to wood shake roofs are not eligible.~~

~~(cb) Clearing Removal of combustible materials including fences and gates from the area within five (5) feet of the building being evaluated (Replace with only noncombustible materials.), and/or replacement with non-combustible alternatives.~~

~~(dc) Creation of Aat least six (6) inches of noncombustible vertical clearance at the bottom of the exterior surface of the building, measured from the ground up.~~

~~(ed) Purchase and installation of fire-resistant vents and gutter covers of 1/16 to 1/8 inch noncombustible, corrosion-resistant metal mesh or OSFM Category 8165 approved ember resistant vents.~~

~~(fe) Purchase and installation of mMulti-paned windows, including dual pane windows, that have at least one layer of tempered glass or functional shutters, which when closed, cover the entire window and do not have openings.~~

~~(gf) Modifications so eaves are eEnclosed eaves.~~

~~(hg) Remove combustible materials and debris from under decks and Purchase and installation of non-combustible siding or ember resistant mesh of 1/8” or finer around deck perimeter.~~

(ih) ~~Relocating or r~~Relocating or removing ~~or absence of~~ combustible structures, including sheds and other outbuildings, from the area within thirty (30) feet of the building being evaluated or, in the event that the applicant does not control the entirety of the area extending thirty feet from the building being evaluated, removal of combustible structures from as much of such area as is under the control of the applicant.

(ji) Installation of B~~b~~lock spaces between roof covering and sheathing with noncombustible ~~\_~~materials (bird stops).

(j) City-ordered tree removals within Zone 0 (within 0–5 ft of structures) when a tree has a Diameter at Breast Height (DBH) of less than 12".

~~(k) The property upon which the building being evaluated is situated complies with Section 4291 of the Public Resources Code, when applicable, and any applicable local ordinances, governing defensible space.~~

(lk) Any other work found by the Building Official or Fire ~~Marshal~~ Code Official (or their designee) to substantially increase the capability of those structures, specified in subsection ~~L.1~~, to withstand destruction or damage in the event of a wildfire.

L 3. The work to ~~wildfire~~-harden structures as provided herein shall be completed ~~either up to five (5) years up to one-year~~ prior to the recordation of the transfer document transfer of property and/or up to one (1) year after transfer, plus any extensions granted, as provided in ~~subsection L. paragraph 565~~.

L 4. If hardening work, as provided for in this Ordinance, is completed up to five (5) years prior to the recordation of the transfer document, of any property subject to the tax imposed herein, the applicant may be eligible for a rebate of expenses incurred in connection with such work, subject to the following conditions:

- (a) Upon completion of the hardening work and certification by the Building Official and/or Fire Code Official of the actual costs incurred for such work, and
- (b) Upon the subsequent sale or transfer of the property, the applicant may apply to the City Manager, or the City Manager's designee, for a rebate of such certified expenses, and
- (c) The City Manager or their designee may require that a rebate applicant self-certification that the hardening measures remain in service and functional, and
- (d) Applicants may be required to produce photographic documentation of current conditions, subject to the verification by the City at the time of transfer, and

- (e) To be eligible to receive the rebate, the applicant shall, at the time of application, have a current calendar year's defensible space inspection from the Berkeley Fire Department showing no violations present, and
- (f) Upon verification, the City Manager or their designee shall authorize a rebate in an amount not to exceed one-third (1/3) of the total tax imposed pursuant to this Ordinance.
- (g) The rebate shall be issued to the parties to the property transfer, in accordance with the terms of the sale agreement. Any remaining portion of the tax shall be retained by the City.

L 4.5. If hardening work, as provided for in this Ordinance, is completed up to one (1) year following recordation of the transfer document for any property subject to the tax imposed herein, the applicant may be eligible for a rebate of expenses incurred in connection with such work, subject to the following conditions:

- (a) Upon completion of the hardening work and certification by the Building Official and/or Fire Code Official of the actual costs incurred for such work, and
- (b) The applicant may apply to the City Manager, or the City Manager's designee, for a rebate of such certified expenses. This application shall include eligible hardening work performed in the five years prior to the property transfer, and
- (c) The City Manager or their designee may require the applicant to produce photographic documentation of current conditions, and
- (d) To be eligible to receive the rebate, the applicant shall, at the time of application, have a current calendar year's defensible space inspection from the Berkeley Fire Department showing no violations present, and
- (e) Upon verification, the City Manager or their designee shall authorize a rebate in an amount not to exceed one-third (1/3) of the total tax imposed pursuant to this Ordinance, and
- (f) The rebate shall be issued to the parties to the property transfer, in accordance with the terms of the sale agreement. Any remaining portion of the tax shall be retained by the City, and
- (g) If the work is not completed within one year of the recordation of the transfer document, that portion which has been completed shall be credited as a rebate to the applicant upon submission of an application and substantiating documentation, as required by the City, showing the dollar amount of work completed up to that date.

~~If the work to wildfire harden structures and property provided for herein is to be performed **after** the transfer of property which is subject to the tax imposed by this chapter, upon completion of such work and certification by the building official as to the amount of the expenses of such work the City Manager or their designee may refund such expenses not to exceed one-third of the tax imposed to the parties to the sale in accordance with the terms of such sale. Any remaining tax shall be~~

~~retained by the City.~~

~~5. From the date of the recordation of the transfer document, the applicant shall have one year to complete all wildfire hardening work and submit a wildfire hardening verification application to the Codes and Inspection Division of the City of Berkeley. If the work is not completed at the end of one year, that portion which has been completed may be credited as a rebate to the applicant upon submission of a Home Hardening verification application and substantiating documentation, as required by the codes and inspections division of the City of Berkeley, showing the dollar amount of work completed up to that date.~~

~~To be eligible to receive the rebate, the applicant shall, at the time of application to the Codes and Inspection Division, have a current calendar year's defensible space inspection from the Fire Department showing no violations present.~~

L ~~66~~. Within the one-year period established by paragraph ~~55~~, an applicant may request, and the City Manager may approve, an extension of up to one year. The City Manager, or their designee, may grant such an extension only for good cause. The decision of the City Manager or their designee shall be entirely within their discretion and shall be final.

(a) "Good cause" includes (i) the inability of the applicant, after a prompt and diligent search to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary ~~for to~~ complete the Home Hardening-hardening work; (ii) unforeseen and unforeseeable circumstances such as a significant change in the scope of the Wildfire-home Hardening-hardening work due to circumstances in the field which could not reasonably have been known earlier; and (iii) serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the Wildfirehome Hardening-hardening work.

(b) "Good cause" does not include (i) ignorance of the applicable City ordinances or regulations concerning the Wildfire-home Hardening-hardening rebate provided in this chapter or state or local laws relating to the standards with which wildfirehome hardening work must comply; or (ii) any delays which were within the control or responsibility of the applicant.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of 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.

ORDINANCE NO. ##### -N.S.

AMENDING SECTION 7.52.060 OF THE BERKELEY MUNICIPAL CODE; REAL  
PROPERTY TRANSFER TAX EXCEPTIONS

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

Section 1. That Berkeley Municipal Code 7.52.060, Real Property Transfer Tax Exceptions, Sub-section L, is amended to read as follows:

**BMC 7.52.60 Sub-section L**

L 1. Up to one-third of the tax imposed by this chapter shall be rebated, on a dollar for dollar basis, for all expenses incurred on or after January 1, 2025, to "home harden" either any structure which is used exclusively for residential purposes, or any mixed-use structure which contains two or more dwelling units. Multiple rebate applications may be submitted for a partial rebate of the tax paid. However, the total rebate for any combination of seismic retrofit and/or home hardening shall not exceed the maximum of one-third (1/3) of the tax paid per Property.

L 2. The term "home harden" within the meaning of this chapter means improving, moving, removing, or taking other evidence-based actions to existing structures that reduce the risk of ignition from wildfire and embers. Parcels eligible for this program must be located within the High or Very High Fire Hazard Severity Zones designated by the City of Berkeley and have a property sales value less than \$3,000,000. The property sales value shall be adjusted annually by the City of Berkeley on January 1 of each subsequent year to a number equal to the value of consideration for the transaction at the 95th percentile of transactions that occur in the City of Berkeley during the 12 months preceding September 1 of the preceding year, as recorded by the Alameda County Assessor, rounded to the nearest \$100,000 increment; provided, that in no case shall any adjustment lower the threshold below \$3,000,000.

Structures with a wood shake roof must be fully replaced with a Class A fire rated roof before any other mitigations can qualify for this transfer tax rebate. Replacement costs for the new Class A roof are eligible costs. All improvements must be permanent and comply with design, material and construction methods as described in the current version of the California Building Code, Chapter 5. and BMC 19.28.030. Vegetation management or gardening adaptations that require continued maintenance are not eligible with the one exception noted below in (2)(j). Mitigations performed must be satisfactorily completed as determined by the Building Official (when a permit is required) or a Berkeley Fire Department Defensible Space Inspection when a permit is not required. "Home harden" within the meaning of this chapter means any of the following:

- (a) Full replacement of a wood shake roof with a Class A fire rated roof is an eligible cost. Partial replacements of a wood shake roof with a Class A roof, or repairs to wood shake roofs are not eligible.
- (b) Removal of combustible fences and gates from the area within five (5) feet of the building being evaluated, and/or replacement with non-combustible alternatives.
- (c) Creation of at least six (6) inches of noncombustible vertical clearance at the bottom of the exterior surface of the building, measured from the ground up.
- (d) Purchase and installation of fire-resistant vents and gutter covers of 1/16 to 1/8 inch noncombustible, corrosion-resistant metal mesh or OSFM Category 8165 approved ember resistant vents.
- (e) Purchase and installation of multi-paned windows, including dual pane windows, that have at least one layer of tempered glass.
- (f) Modifications so eaves are enclosed.
- (g) Purchase and installation of non-combustible siding or ember resistant mesh of 1/8" or finer around deck perimeter.
- (h) Relocating or removing combustible structures, including sheds and other outbuildings, from the area within thirty (30) feet of the building being evaluated or, in the event that the applicant does not control the entirety of the area extending thirty feet from the building being evaluated, removal of combustible structures from as much of such area as is under the control of the applicant.
- (i) Installation of block spaces between roof covering and sheathing with noncombustible materials (bird stops).
- (j) City-ordered tree removals within Zone 0 (within 0–5 ft of structures) when a tree has a Diameter at Breast Height (DBH) of less than 12".
- (k) Any other work found by the Building Official or Fire Code Official (or their designee) to substantially increase the capability of those structures, specified in subsection 1, to withstand destruction or damage in the event of a wildfire.

L 3. The work to harden structures as provided herein shall be completed up to five (5) years prior to the recordation of the transfer document and up to one (1) year after, plus any extensions granted, as provided in paragraph 5.

L 4. If hardening work, as provided for in this Ordinance, is completed up to five (5) years prior to the recordation of the transfer document, of any property subject to the tax imposed herein, the applicant may be eligible for a rebate of expenses incurred in connection with such work, subject to the following conditions:

- (a) Upon completion of the hardening work and certification by the Building Official and/or Fire Code Official of the actual costs incurred for such work, and
- (b) Upon the subsequent sale or transfer of the property, the applicant may apply to the City Manager, or the City Manager's designee, for a rebate of such certified expenses, and
- (c) The City Manager or their designee may require that a rebate applicant self-certification that the hardening measures remain in service and functional, and
- (d) Applicants may be required to produce photographic documentation of current conditions, subject to the verification by the City at the time of transfer, and
- (e) To be eligible to receive the rebate, the applicant shall, at the time of application, have a current calendar year's defensible space inspection from the Berkeley Fire Department showing no violations present, and
- (f) Upon verification, the City Manager or their designee shall authorize a rebate in an amount not to exceed one-third (1/3) of the total tax imposed pursuant to this Ordinance.
- (g) The rebate shall be issued to the parties to the property transfer, in accordance with the terms of the sale agreement. Any remaining portion of the tax shall be retained by the City.

L 5. If hardening work, as provided for in this Ordinance, is completed up to one (1) year following recordation of the transfer document for any property subject to the tax imposed herein, the applicant may be eligible for a rebate of expenses incurred in connection with such work, subject to the following conditions:

- (a) Upon completion of the hardening work and certification by the Building Official and/or Fire Code Official of the actual costs incurred for such work, and
- (b) The applicant may apply to the City Manager, or the City Manager's designee, for a rebate of such certified expenses. This application shall include eligible hardening work performed in the five years prior to the property transfer, and
- (c) The City Manager or their designee may require the applicant to produce photographic documentation of current conditions, and
- (d) To be eligible to receive the rebate, the applicant shall, at the time of application, have a current calendar year's defensible space inspection from the Berkeley Fire Department showing no violations present, and

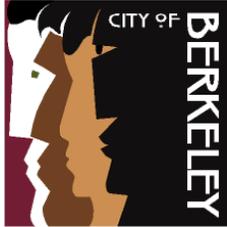
- (e) Upon verification, the City Manager or their designee shall authorize a rebate in an amount not to exceed one-third (1/3) of the total tax imposed pursuant to this Ordinance, and
- (f) The rebate shall be issued to the parties to the property transfer, in accordance with the terms of the sale agreement. Any remaining portion of the tax shall be retained by the City, and
- (g) If the work is not completed within one year of the recordation of the transfer document, that portion which has been completed shall be credited as a rebate to the applicant upon submission of an application and substantiating documentation, as required by the City, showing the dollar amount of work completed up to that date.

L 6. Within the one-year period established by paragraph 5, an applicant may request, and the City Manager may approve, an extension of up to one year. The City Manager, or their designee, may grant such an extension only for good cause. The decision of the City Manager or their designee shall be entirely within their discretion and shall be final.

(a) "Good cause" includes (i) the inability of the applicant, after a prompt and diligent search to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary to complete the home hardening work; (ii) unforeseen and unforeseeable circumstances such as a significant change in the scope of the home hardening work due to circumstances in the field which could not reasonably have been known earlier; and (iii) serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the home hardening work.

(b) "Good cause" does not include (i) ignorance of the applicable City ordinances or regulations concerning the home hardening rebate provided in this chapter or state or local laws relating to the standards with which home hardening work must comply; or (ii) any delays which were within the control or responsibility of the applicant.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of 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.



CONSENT CALENDAR  
October 28, 2025

To: Honorable Mayor and Members of the City Council  
From: Disaster and Fire Safety Commission  
Submitted by: Greg Murphy, Chairperson  
Subject: Remove pre-transfer eligibility restriction of the transfer tax rebate for wildfire hardening

RECOMMENDATION

Adopt first reading of an ordinance removing the 1-year pre-transfer eligibility restriction of the transfer tax rebate for wildfire hardening from BMC 7.52.060, to encourage early mitigation efforts.

POLICY COMMITTEE RECOMMENDATION

On September 11, 2025, the Budget & Finance Committee adopted the following action: M/S/C (Kesarwani/Blackaby) to send the item to Council with a Qualified Positive Recommendation to request that staff submit an amended ordinance with the item that includes the following:

- 5-year/1-year eligibility timeline
- Limit eligibility to High and Very High Fire Hazard Severity Zones
- Clarify eligible vegetation as proposed by staff
- Include other minor language clean up proposed by staff

Also, include analysis and options for an eligibility cap based on home value.

Vote: All Ayes.

FISCAL IMPACTS OF RECOMMENDATION

Increased utilization of the transfer tax exemption will result in less revenue to the City. Reduced risk of significant costs due to wildfire disaster.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley has responded to wildfire risk with a variety of mitigation measures to improve prevention. One type of mitigation measure to reduce risk is through home “hardening” which is the process of increasing resistance to wildfire by replacing combustible materials with ignition resistant and/or non-combustible materials and other scientifically proven actions including:

- Reducing the home’s vulnerability to heat.
- Creating fire-resistant surfaces
- Blocking any potential points of ingress for embers and other flammable material.

Remove pre-transfer eligibility restriction of the transfer tax rebate for wildfire hardening

CONSENT CALENDAR  
May 20, 2025

Retrofitting our homes against seismic damage and destruction has proven to be good policy; hardening against wildfire will be as well.

On September 10, 2024, the council approved the first reading of the Ordinance amending BMC 7.52.060 to include “Wildfire Hardening” in the Real Property Transfer Tax Exceptions. While this encourages homeowners to implement wildfire hardening at the time of sale, the limitation of eligibility to projects undertaken within a year prior to the time of transfer discourages early action, and, to the extent that such measures could be required within Fire Zone 4 as part of EMBER or a future program, dampens the ability to require the recommended measures without imposing hardship. It appears that this was an unintended consequence of the original action.

Therefore, the Commission recommends that the City Council amend Berkeley Municipal Code 7.50.060.L.3 to strike the words “up to one-year” from the current ordinance. The Commission notes that the existing rebate program for seismic upgrades does not have a one-year restriction prior to sale. While the point of sale is often an important opportunity for home renovations, the recent adoption of this ordinance with a one year prior to sale restriction could have the unintended consequence of discouraging homeowners from making wildfire hardening improvements early. Project delivery and property transfer dates are also subject to delay, which contributes to uncertainty, thereby discouraging action without this correction. Possible concerns to address permanence and verification should be studied over the next few years to integrate appropriate documentation filing requirements and/or re-inspection.

The inherent wildfire risk Berkeley faces because of the natural topography and weather conditions is increasing due to climate change which is bringing more frequent and substantial draughts, and higher temperatures. The City of Berkeley has and will continue to implement strategies that reduce the wildfire risk to our community, and should a wildfire occur, improve the emergency response. However, the City is able to address only part of the wildfire risk that the community faces as much of the risk within the City proper lies on private property in the form of structures that pre-date modern fire resistive building codes. While some of the retrofit work that must occur is inexpensive, much of it is expensive and requires professionals. Thus, there is a significant challenge to getting this work completed, even for motivated residents. There is a need to be nimble and adapt our legislation to incentivize the work we know has to get done, work that will help slow an advancing fire so firefighters can protect the community. This amendment will provide an opportunity and mechanism for the City to incentivize homeowners in making these improvements.

**Action:** Motion to approve the Commission recommendation Katz. Second: Kinosian.

Remove pre-transfer eligibility restriction of the transfer tax rebate for wildfire hardening

CONSENT CALENDAR  
May 20, 2025

**Votes:** Ayes: 7      Katz, Wilson, Bradstreet, Herzer-Baptiste, Gordon, Murphy, Kinosian;

Noe's:            0

Abstain:        0

Absent:         2      Dean, Darling

### BACKGROUND

Maintaining our housing stock is essential to the health and welfare of our city. The impacts from a wildfire are not just seen in the structures; it has devastating consequences on mental health, individual sense of security, and our financial stability as a community. The Loma Prieta Earthquake took the Bay Area by surprise on October 17, 1989. According to the California Department of Conservation, that 6.9 magnitude earthquake killed 63 people, injured close to 4,000 and displaced over 12,000 people. Less than two years later, June 25, 1991, Berkeley City Council voted for an exception on transfer property taxes to help homeowners pay for seismically upgrading their homes, and BMC 7.52.060, Sub-section K was established. In the last 10 years, the Finance Department processed approximately 1,200 seismic upgrade rebates for a total of \$7.2M. Since the seismic retrofit exception was included in BMC 7.52.060 in 1991 no expanded safety exceptions have been added. The City of Berkeley is in one of the highest wildfire risk areas in the state. We have a long history of catastrophic wildfire here in Berkeley.

Most notably, in 1923, when a wildfire destroyed more than 600 homes, leaving more than 1,000 residents homeless. In 1991, the Berkeley/Oakland Tunnel Fire was responsible for 25 deaths and destroyed more than 3,000 homes. In 2024 valuation, that conflagration cost 4 billion dollars. Now is the time to improve and adapt policies, and help residents harden their homes against wildfire. Fire science studies are decisive. Wildfire hardening reduces the chances of a home catching fire.

### ALTERNATIVE ACTIONS CONSIDERED

- The Commission previously evaluated requiring that some investment to harden against wildfire while making major renovations and / or additions to the property will comply owners to undertake these important upgrades and reduce our vulnerability to destruction and damage as a result of a wildfire. This approach was found to be difficult for the Building Department to implement in a broader area, indicating that incentive approaches are important until staff can develop more experience after implementation of these aspects of the EMBER program within Fire Zone 4.

- The Commission considered recommending that pre-transfer rebate value be indexed to inflation, so homeowners not planning to transfer property ownership in the near term retain the real value of the incentive. The Commission did not recommend this feature at this time based on the Council declining to adopt a similar, although higher inflation adjustment for the rebate of home energy efficiency deposits. This feature could be considered in the future after further review.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's report to the extent that it can motivate Berkeley residents to perform work on the homes to reduce fire ignition and spread. Following direction from the Budget and Finance Committee, the Ordinance has been revised to extend the pre-transfer eligibility period, limit eligibility to the highest risk areas of the City, define what types of vegetation mitigation are permissible, introduce a sale price cap, and perform other minor language cleanup.

CONTACT PERSON

Keith May, Commission Secretary, Deputy Fire Chief, (510) 510-981-5508.

Attachments:

- 1: Ordinance Amending Sections of 7.52.060 of the BMC

ORDINANCE NO. ##### -N.S.

AMENDING SECTIONS 7.52.060 OF THE BERKELEY MUNICIPAL CODE  
BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That Berkeley Municipal Code 7.52.060, Real Property Transfer Tax  
Exceptions, Sub-section L, is amended to read as follows:

**BMC 7.52.60 Sub-section L**

L. 1. Up to one-third of the tax imposed by this chapter shall be rebated, on a dollar for dollar basis, for all expenses incurred on or after January 1, 2025 to "wildfire harden" either any structure which is used exclusively for residential purposes, or any mixed-use structure which contains two or more dwelling units. Multiple rebate applications may be submitted for a partial rebate of the tax paid. However, the total rebate for any combination of seismic retrofit and/or wildfire hardening shall not exceed the maximum of one-third (1/3) of the tax paid per property.

2. The term "wildfire harden" within the meaning of this chapter means work which is the process of increasing resistance to wildfire by replacing combustible materials with ignition resistant and/or non-combustible materials and other scientifically proven actions. The work must be permanent and not vegetation management or gardening adaptations that require continued maintenance. To be eligible for a rebate, the parcel level mitigations set forth in the California Department of Insurance "Safer from Wildfires" Framework REG-2020-00015 adopting California Code of Regulations Title 10, Chapter 5, Subchapter 4.8, Article 4, Section 2644.9 must be satisfactorily completed as determined by the Building Official (when a permit is required) and a Berkeley Fire Department Defensible Space Inspection. These include:

- (a) All improvements must be permanent and comply with design, material and construction methods as described in the California Building Code, Chapter 7A. and BMC 19.28.030.
- (b) Structures with a wood shake roof must be replaced with a Class A fire rated roof before qualifying for the transfer tax rebate.
- (c) Clearing combustible materials including fences and gates, and all movable combustible objects, from the area within five (5) feet of the building being evaluated (Replace with only noncombustible materials.).

(d) At least six (6) inches of noncombustible vertical clearance at the bottom of the exterior surface of the building, measured from the ground up.

(e) Fire-Resistant Vents and Gutter Covers of 1/16 to 1/8 inch noncombustible, corrosion-resistant metal mesh or OSFM Category 8165 approved ember resistant vents.

(f) Multi-paned windows, including dual pane windows, or functional shutters, which when closed, cover the entire window and do not have openings. (g) Enclosed eaves.

(h) Remove combustible materials and debris from under decks and installation of non-combustible siding or ember resistant mesh of 1/8" or finer around deck perimeter.

(i) Removal or absence of combustible structures, including sheds and other outbuildings, from the area within thirty (30) feet of the building being evaluated or, in the event that the applicant does not control the entirety of the area extending thirty feet from the building being evaluated, removal of combustible structures from as much of such area as is under the control of the applicant.

(j) Block spaces between roof covering and sheathing with noncombustible materials (bird stops).

(k) The property upon which the building being evaluated is situated complies with Section 4291 of the Public Resources Code, when applicable, and any applicable local ordinances, governing defensible space.

(l) Any other work found by the Building Official or Fire Marshal (or their designee) to substantially increase the capability of those structures, specified in subsection L.1, to withstand destruction or damage in the event of a wildfire.

3. The work to wildfire harden as provided herein shall be completed either **up to one year** prior to the transfer of property or as provided in subsection L.5.

4. If the work to wildfire harden structures and property provided for herein is to be performed after the transfer of property which is subject to the tax imposed by this chapter, upon completion of such work and certification by the building official as to the amount of the expenses of such work the City Manager or their designee may refund such expenses not to exceed one-third of the tax imposed to the parties to the sale in accordance with the terms of such sale. Any remaining tax shall be retained by the City.

5. From the date of the recordation of the transfer document, the applicant shall have one year to complete all wildfire hardening work and submit a wildfire

hardening verification application to the Codes and Inspection Division of the City of Berkeley. If the work is not completed at the end of one year, that portion which has been completed may be credited as a rebate to the applicant upon submission of a Home Hardening verification application and substantiating documentation, as required by the codes and inspections division of the City of Berkeley, showing the dollar amount of work completed up to that date.

6. Within the one-year period established by paragraph 5, an applicant may request, and the City Manager may approve, an extension of up to one year. The City Manager or their designee may grant such an extension only for good cause. The decision of the City Manager or their designee shall be entirely within their discretion and shall be final.

(a) "Good cause" includes (i) the inability of the applicant, after a prompt and diligent search to find and retain the services of an architect, engineer, contractor or other service provider whose services are necessary for the Home Hardening work; (ii) unforeseen and unforeseeable circumstances such as a significant change in the scope of the Wildfire Hardening work due to circumstances in the field which could not reasonably have been known earlier; and (iii) serious illness or other extraordinary and unforeseeable circumstances that prevented the timely commencement or completion of the Wildfire Hardening work.

(b) "Good cause" does not include (i) ignorance of the applicable City ordinances or regulations concerning the Wildfire Hardening rebate provided in this chapter or state or local laws relating to the standards with which wildfire hardening work must comply; or (ii) any delays which were within the control or responsibility of the applicant.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 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.







**02a.26**

Elmwood BID Advisory Board

CONSENT CALENDAR  
October 28, 2025

To: Honorable Mayor and Members of the City Council  
From: Elmwood Business Improvement District (BID) Advisory Board  
Submitted by: Andrew Han, Chair, Elmwood BID Advisory Board  
Subject: Renewal of the Elmwood BID for Calendar Year 2026

RECOMMENDATION

Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board’s (hereafter “Elmwood BID Advisory Board” or “the Advisory Board”) recommendation that Council 1) approve the 2025 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2026; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2026 and 3) direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for December 2, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$30,000 will be deposited into the Elmwood BID Fund and expensed from budget code 782-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed \$2,000 for 2026, paid through the Off-Street Parking Fund. To the extent that the work of the Elmwood BID enhances the development of the Elmwood commercial district and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et. seq.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 9, 2025, the Elmwood BID Advisory Board voted to recommend that the City Council approve the Annual Report of 2025 and budget for 2026 and adopt a Resolution of Intention to renew the Elmwood BID (M/S-Han/Stepak; Ayes: (4) Han, Stepak, Berne, Hammond, Nays: 0, Absent: 0). The Resolution of Intention also sets a public hearing date for December 2, 2025 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2026. If written and/or oral

protests are received from businesses proposed to pay a majority of the assessment prior to or at the public hearing, Council cannot vote to levy assessments for 2026. If no majority protest is received, the Council may renew the assessment.

BACKGROUND

The Elmwood BID was established in November 2013 to provide the Elmwood Business Association with a sustainable, predictable source of funding for its activities to promote, maintain, and beautify the Elmwood commercial district. The Elmwood Business Association has used the funds raised through the BID to implement a variety of activities such as place-based marketing, events, and capital improvements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the Elmwood BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. Because the District is well served by public transportation, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes and decreasing carbon emissions.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Elmwood BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Vincent McCoy, Secretary to the Elmwood BID Advisory Board, (510) 981-7403

Attachments:

1: Resolution

- Exhibit A: Elmwood BID Annual Report 2025 and Proposed Budget for 2026
- Exhibit A1: Map of the Elmwood BID 2026
- Exhibit A2: Assessment Rates 2026

RESOLUTION NO. -N.S.

APPROVING THE 2025 ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2026; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2026; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 2, 2025 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2026

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on November 19, 2013 the Berkeley City Council established such an area known as the Elmwood Business Improvement District (the "District"); and

WHEREAS, the City Council established the Elmwood Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2026 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Elmwood BID assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

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

Section 1. The City Council hereby approves the Elmwood Business Improvement District Annual Report (Exhibit A) as submitted to the City Clerk by the Elmwood Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Elmwood Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the Elmwood BID Annual Report and Budget which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and Budget (Exhibit A) and appended hereto. Council intends that these funds be used for designated activities and improvements in the Elmwood commercial

area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on December 2, 2025. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

All formal written and oral protests against the levying of the District assessment should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 2, 2025 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation.

Exhibit

A: Annual Report for the Elmwood Business Improvement District for '25 & Budget '26

A1: Map of the Elmwood BID 2026

A2: Assessment Rates 2026

**EXHIBIT A**

**Annual Report for the Elmwood Business Improvement District for 2025**

September 8, 2025

To: Members of the Berkeley City Council  
From: The Elmwood Business Improvement District Advisory Board  
Re: 2026 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2026 fiscal year, with the same boundary as the prior year (Exhibit A1). The assessment method and basis remain the same.

The Elmwood BID was established in November 2013 to promote, maintain and beautify the Elmwood commercial district. Revenues of roughly \$30,000 per year provide a regular, predictable source of funding for the Elmwood Business Association (EBA) activities, and an additional \$5,000 of grant funding and fundraising is also anticipated. The Elmwood BID has allowed the EBA to expand its activities into areas such as maintenance and capital improvements.

The Elmwood Business Association is continuing to be the catalyst for Elmwood Business District's ongoing vitality. Here are some highlights:

- Engaging the merchants in the expanded BID to envision how EBA can assist in supporting their businesses
- Successfully put on the Second Elmwood Music Festival on three stages, partnering with the Berkeley Public Library – Claremont Branch, local food truck vendors, and local craft artists, bringing together the community
- Bringing back the popular Wine Walk on September 13, 2025
- Officially installed the SmartSpace Program (employee parking program) after a successful pilot in collaboration with CoB Transportation Dept.
- Participation in the AC Transit EasyPass program by the Elmwood merchants
- Maintenance of year-round lighting installation on district buildings
- Website: [www.shoptheelmwood.com](http://www.shoptheelmwood.com) serves as one of the district's main marketing tools – District Events, Introducing New Businesses, and ongoing marketing updates
- Continued maintenance of Welcome to Elmwood banners as well as seasonal banners on light posts and ongoing maintenance
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- Maintenance of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:
  - Engage the public on social media
  - Manage merchant communications

- Promote monthly specials among Elmwood Merchants
- Updating the website to keep it current
- Project manage events around Elmwood BID
- Sponsored the following events:
  - Spring and Fall Outdoor Movie Nights
  - Spring Elmwood Music Festival
  - Where's Waldo Events
  - Summer Merchant Social to integrate merchants from the expanded BID
  - Fall Live Music Stroll
  - Stop for Berkeley Bicycle Day participants for snacks and water
  - Craft Fair featuring local artists
  - Fall Wine Walk
  - Holiday Season Events
  - Shop Local Promotions
- Members of the board are active in other Berkeley commercial and residential neighborhoods to promote harmony and cooperation

Below is a summary of our current financial position and our proposed budget for 2026 for your review.

## 2025-2026 Actual and Projected Expenditures

### Elmwood Business Association

| INCOME                            | 2025 Budget      | 2026 Budget      |
|-----------------------------------|------------------|------------------|
| <b>Operating Income</b>           |                  |                  |
| BID Membership dues               | \$ 30,000        | \$ 33,000        |
| Other Revenue                     | \$ 4,495         | \$ 5,500         |
| <b>Total Operating Income</b>     | <b>\$ 34,495</b> | <b>\$ 38,500</b> |
| <b>Non-Operating Income</b>       |                  |                  |
| Fees Collected from Vendors       | \$ 500           | \$ 1,000         |
| <b>Total Non-Operating Income</b> | <b>\$ 500</b>    | <b>\$ 1,000</b>  |
| <b>Total INCOME</b>               | <b>\$ 34,995</b> | <b>\$ 39,500</b> |

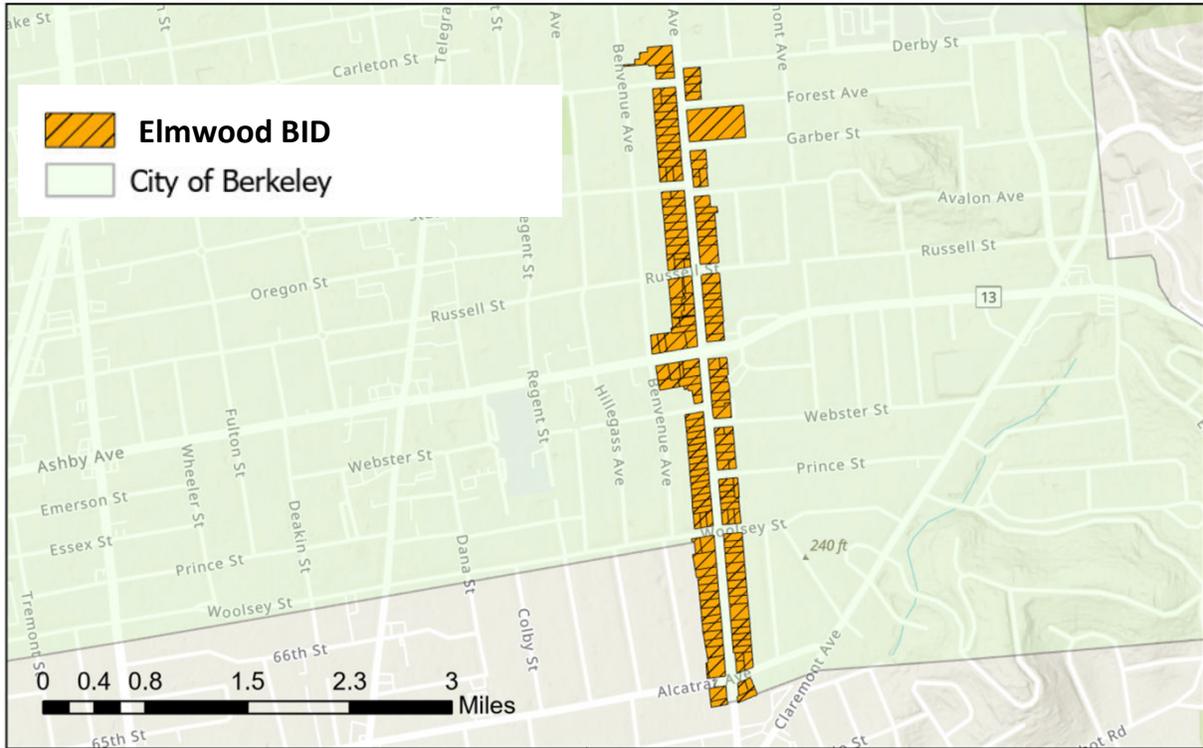
| EXPENSES                                            |          |          |
|-----------------------------------------------------|----------|----------|
| <b>Advertising &amp; Marketing</b>                  |          |          |
| Banner Maintenance                                  | \$ 1,000 | \$ 1,800 |
| Building Light Maintenance                          | \$ 250   | \$ 250   |
| Spring event production                             | \$ 500   | \$ 500   |
| Merchant Social - Summer                            | \$ 1,000 | \$ 1,300 |
| Artisan Craft Event                                 | \$ 300   | \$ 300   |
| Web Hosting and marketing                           | \$ 1,000 | \$ 1,000 |
| Halloween event production                          | \$ 600   | \$ 600   |
| Holiday season event production (incl. tree lights) | \$ 2,500 | \$ 2,500 |
| <b>Music in the Elmwood</b>                         |          |          |
| Music Festival Expenses                             | \$ 5,000 | \$ 7,000 |
| <b>Consulting &amp; Accounting</b>                  |          |          |
| Square Payment System                               | \$ 120   | \$ 120   |
| Accounting S/W (Xero)/Tax Filing                    | \$ 200   | \$ 200   |
| <b>Dues and Subscriptions</b>                       |          |          |
| Chamber of Commerce                                 | \$ 350   | \$ 350   |
| <b>Insurance</b>                                    |          |          |
| Liability for EBA                                   | \$ 500   | \$ 650   |
| Liability for Board members                         | \$ 800   | \$ 900   |
| <b>License &amp; Permits</b>                        |          |          |
| Taxes & Licenses                                    | \$ 175   | \$ 200   |
| <b>Other: Office Supplies/Annual Mtg.</b>           |          |          |
| Printing/copy                                       | \$ 1,000 | \$ 1,200 |
| Postage & Delivery (PO Box)                         | \$ 250   | \$ 250   |
| Annual Mtg. Food/Beverage                           | \$ 1,000 | \$ 1,300 |

|                                |                                 |                  |                  |
|--------------------------------|---------------------------------|------------------|------------------|
| <b>Repairs and Maintenance</b> |                                 |                  |                  |
|                                | Gardening (Tree wells)          | \$ 400           | \$ 400           |
| <b>Professional Fees</b>       |                                 |                  |                  |
|                                | Legal and Professional Fees     | \$ 100           | \$ 100           |
| <b>Bank Fees</b>               |                                 |                  |                  |
|                                | Wells Fargo Bank                | \$ 150           | \$ 150           |
| <b>Security</b>                |                                 |                  |                  |
|                                | Holiday Private Security        | \$ 9,000         | \$ 10,000        |
| <b>Admin Support</b>           |                                 |                  |                  |
|                                | Wages                           | \$ 12,500        | \$ 12,500        |
|                                | <b>Total Operating Expenses</b> | <b>\$ 38,695</b> | <b>\$ 43,570</b> |

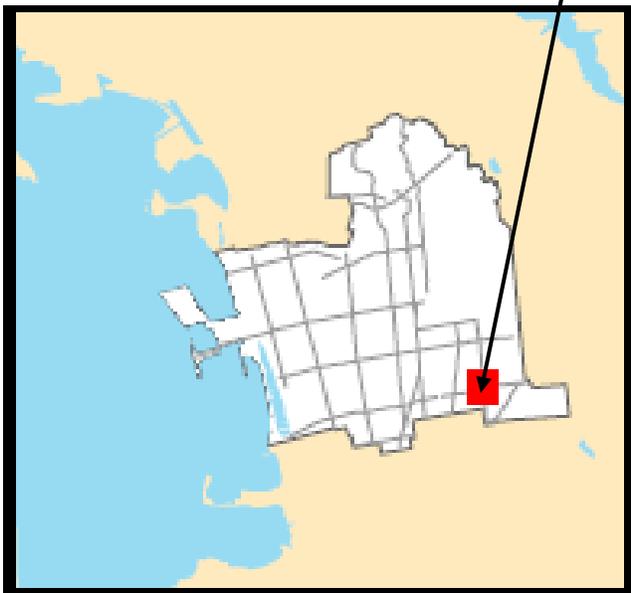
|                          |  |                   |                   |
|--------------------------|--|-------------------|-------------------|
| <b>Retained Earnings</b> |  | <b>\$ (3,700)</b> | <b>\$ (4,070)</b> |
|--------------------------|--|-------------------|-------------------|

### Exhibit A1: Elmwood Business Improvement District (BID), Map

#### Elmwood BID Boundaries



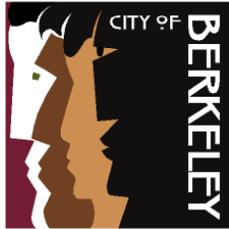
#### City of Berkeley



## Exhibit A2: Elmwood Business Improvement District, Assessment Rates

| <b>Business Classifications and Assessment Rates</b>                                                                                    |                     |
|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| <b>Classifications</b>                                                                                                                  | <b>Annual Rates</b> |
| Retail including jewelers & groceries but not restaurants (Tax Codes R, M and G but without NAICS 722, Food Services & Drinking Places) |                     |
| • Gross receipts under \$350,000                                                                                                        | \$250               |
| • Gross receipts \$350,000--\$999,000                                                                                                   | \$350               |
| • Gross receipts \$1,000,000                                                                                                            | \$500               |
| Restaurants, including all businesses that prepare and serve food at the request of customers (NAICS 722)                               | \$500               |
| Professionals including offices of real estate brokers (Tax Code P)                                                                     |                     |
| • Gross receipts under \$100,000                                                                                                        | \$300               |
| • Gross receipts over \$100,000                                                                                                         | \$400               |
| Entertainment and Recreation (Tax Code E)                                                                                               | \$450               |
| Business, Personal and Repair Services (Tax Code B) except Hair, Nail and Skin Care Services (NAICS 81211)                              | \$200               |
| Hair, Nail and Skin Care Services (NAICS 81211)                                                                                         | \$200               |
| Parking lot operators                                                                                                                   | \$2,000             |
| Financial Institutions                                                                                                                  | \$2,500             |

Any business that is classified as a nonprofit (Tax Code N) for business licenses purposes, shall nevertheless pay the assessment at the rate that corresponds to its North American Standard Industrial Classification if it is engaged in the sale of products or services. Any new business established within the District shall not be required to pay an assessment on application for its business license but only on renewal at the end of the year it was initiated. (Ord. 7317-NS § 3 (part), 2013)



Office of the City Manager

**02a.27**

CONSENT CALENDAR  
October 28, 2025

To: Honorable Mayor and Members of the City Council  
From: Solano Business Improvement District (BID) Advisory Board  
Submitted by: Fern Solomon, Chair, Solano Avenue BID Advisory Board  
Subject: Renewal of the Solano Avenue BID for Calendar Year 2026

RECOMMENDATION

Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board’s (hereafter “Solano BID Advisory Board” or “the Advisory Board”) recommendation that Council: 1) approve the 2025 Annual Report and preliminary budget on proposed improvements in the District for calendar year 2026; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2026; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 2, 2025.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately \$30,000 will be deposited into the Solano Avenue BID Fund, revenue budget code 783-21-208-251-0000-000-000-412110- and expensed from budget code 783-21-208-251-0000-000-446-636110. The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Solano BID Advisory Board. To the extent that the work of the Solano BID enhances the economic development of Solano Avenue and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 23, 2025, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2025-26 and adopt a Resolution of Intention to renew the assessment 2026. The Resolution of Intention also sets a public hearing date for December 2, 2025 where affected Solano businesses can express support or opposition to renewal of the BID for calendar year 2026. If written and/or oral protests are received from businesses proposed to pay a

majority of the assessment, Council cannot vote to levy assessments for 2026. If no majority protest is received the Council may renew the assessment.

BACKGROUND

Since its revival in May 2012, the Solano BID Advisory Board has used Solano BID revenues to finance three programs: 1) a tree watering contract to ensure the health of 48 young street trees on Solano; 2) installing a program of 40 hanging planter baskets on light poles; and 3) sponsorship of events that attract customers to the district and improvements that enhance the pedestrian experience. In recent years, the BID program has focused on sponsoring activities and improvements intended to market and promote the Solano Avenue business district. In the wintertime, the BID in conjunction with the Solano Avenue Association (which represents both Albany and Berkeley businesses along Solano Avenue) pays a contractor to erect holiday lights and decorations on City street light poles. This will continue for the upcoming winter season. Due to expenditures in prior years, the Solano BID will use less of its funds on the holiday décor program, and, instead, explore expanded landscaping services to better maintain existing tree wells and water existing hanging flower baskets. BID expenditures are to be made through an established fiscal agency contract with Telegraph Property and Business Management Corporation (or the “TPBMC”).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

By maintaining and enhancing the district, the Solano BID creates shopping opportunities for residents and visitors alike while encouraging alternative forms of transportation. The environmental enhancements such as the added street trees, hanging planters, parklet, and holiday decorations contribute to making Solano a more pleasant walking destination. Because the District is well served by public transportation and biking infrastructure, these services indirectly support environmental sustainability goals of encouraging alternative transportation modes to decrease carbon emissions.

RATIONALE FOR RECOMMENDATION

State law requires that the City Council annually renew the Solano BID by first passing a resolution stating Council's intention to levy an annual assessment and scheduling a public hearing on the proposed renewed assessment for the coming year.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Vincent McCoy, Secretary to the Solano BID Advisory Board, (510) 981-7043.

Attachments:

1: Resolution

Exhibit A: Report for the Solano Avenue Business Improvement District 2025

Exhibit A1: Map of the Solano BID

Exhibit A2: Assessment Rates

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

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2025-26; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2026; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 2, 2025 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2026.

WHEREAS, the Parking and Business Improvement Area Law of 1989 (California Streets and Highway Code section 36500 et seq.) authorizes cities to establish parking and business improvement areas for the purpose of imposing assessments on businesses for certain purposes; and

WHEREAS, on December 9, 2003 the Berkeley City Council established such an area known as the Solano Avenue Business Improvement District (the "District"); and

WHEREAS, the City Council established a Solano Avenue Business Improvement District Advisory Board (Advisory Board) to act in compliance with State law to oversee the activities of the District; and

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2026 as required by the California Streets and Highways Code Section 36533; and

WHEREAS, the Annual Report is clear and complete and found to comply with the interests of Solano Avenue assessees; and

WHEREAS, the annual process for levying assessments in Business Improvement Districts requires that cities adopt a Resolution of Intent that declares their intent to levy such an assessment and then set a date for a public hearing where interested parties may be heard on the issue.

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

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report 2025 and Budget for the year 2026 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

Section 2. Pursuant to the provisions of Section 36500 et seq. of the California Streets and Highways Code (the "Act"), the City Council declares its intent to levy an annual assessment for the parking and business improvement area known as the Solano Avenue Business Improvement District.

Section 3. The boundaries of the District are set forth in Exhibit A1 to the 2025-26 Annual Report which is attached hereto and incorporated herein by reference.

Section 4. The improvements and activities proposed for the District are as described in the Report and budget (Exhibit A) and appended hereto.

Council intends that these funds be used for designated activities and improvements in the Solano Avenue commercial area. Council explicitly intends that funds generated through this BID shall not be used to pay for activities routinely paid for by the City.

Section 5. The City Council intends to levy assessments on businesses located within the boundaries of the District shown Exhibit A1 and according to the business classifications and rates set forth in Exhibit A2 which is attached hereto and incorporated herein by reference.

Section 6. A public hearing shall be held before the City Council on December 2, 2025. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 2, 2025 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscribing the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

Section 7. The City Clerk is directed to give notice of said public hearing by publishing the Resolution of Intention in a newspaper of general circulation seven days prior to the public hearing.

Exhibits

A: Report for the Solano Avenue Business Improvement District 2025-26

A1: Map of the Solano BID

A2: Assessment Rates

## Exhibit A

### Report for the Solano Avenue Business Improvement District for 2025 and Budget for 2026

#### **Background**

The first version of the Solano Business Improvement District (BID) operated from 2002-2007, with administration of the BID headed by the Solano Avenue Association (SAA). In 2012, the Council appointed the Solano BID Advisory Board to administer the Solano Avenue BID, to fund physical improvements to the street and dedicate marketing and promotion efforts towards the businesses on the portion of Solano Avenue that lies in Berkeley. This Annual report and budget updates the most recent year of operational programs of the Solano BID.

#### **Landscape Program**

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing 41 hanging planter baskets on light poles distributed throughout the district, utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets through the end of calendar year 2018. From 2019 to 2021, rainwater alone supported the baskets, and in 2022 the Solano BID entered into a contract with The Peralta Services Corporation to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. Peralta's services began in July of 2022 and, per Peralta, the latest contract is renewed on a quarterly basis with regularly scheduled landscaping in tree wells, including cleaning of porous pavement on a weekly basis. Additional services have been considered and further options and changes will be discussed in the context of the 2026 Work Plan.

#### **Marketing and Promotion of Solano**

Marketing and promotion of Solano Avenue constitutes a second priority of the Solano BID. The commission has engaged with Solano Avenue Association for the purpose of increased marketing to member businesses, improved online presence, and higher visibility during events, minor and major, along Solano Avenue. Since 2018, the board approved funding for a new vendor for Christmas decorations under the direction of the SAA, with BID reimbursement to the SAA, which covered more poles and provided greater decoration coordination opportunities with neighboring Albany, all at a lower cost than previous seasons. The BID used the same vendor and process last season and plans to study and perhaps change the decorations for the 2026 season. This partnership underscores the leverage the BID obtains in working with the SAA to provide support for BID priorities for the Berkeley portion of Solano Avenue. In the remainder of 2025, the Advisory Board may again decide to participate in the development of holiday campaigns and activities (e.g., supporting the SAA in producing the Stroll and additional holiday events.) This year the BID developed a website directory for the district ([www.upper-solano.com](http://www.upper-solano.com)) and an advertising budget. The ads run

in the Berkeley Times, Berkeleyside and Edible East Bay and direct the public to the Upper Solano directory. The details of the 2026 Work Plan, are to be developed over the remainder of the year and include engaging with the City regarding traffic safety improvements, increased marketing of the Berkeley portion of Solano Avenue, and improvement programs to deploy merchant fees effectively and equitably.

**Commissioner Recruitment**

In the spirit of vibrant and effective service to the merchants of the Solano BID, the Advisory Board continues to recruit new board members. Ongoing recruitment is a focus for the remainder of 2025 and 2026. Merchant owners are often busy operating, and sometimes expanding, their businesses. The Advisory Board reminds merchants that they can assign a proxy, from inside or outside their organization, to represent them on the Board. City of Berkeley residence is not required for Board membership.

**Solano BID Administration**

The Solano BID has contracted with a fiscal agent, the Telegraph Property and Business Management Corporation (Telegraph PBMC), which charges a 5% fiscal agent fee on new BID revenue annually. For example, the anticipated new Solano BID revenue for 2026 is \$30,000 so the fiscal agent fee is estimated to be \$1,500.

**FINANCIAL STATUS OF THE SOLANO BID, AUGUST 2025**

|                                                                                                          |                 |
|----------------------------------------------------------------------------------------------------------|-----------------|
| Solano BID Balance, as of 8/31/2024                                                                      | \$45,815        |
| Accounts Receivable - Remaining 2024 Carryover from City of Berkeley                                     | \$0             |
| Less fall and winter payments remaining for Solano Ave Assn Contract, for 2024-25 holiday-related events | -\$10,000       |
| Less payments for holiday decor installation, removal and storage, Nov '24 to Jan '25                    | -\$5,471        |
| Less fall and winter payments for Peralta Svcs Corp sidewalk/tree maintenance                            | -\$4,782        |
| Allocated Expenditures                                                                                   | -\$9,248        |
| <b>Unallocated as of 8/31/2025</b>                                                                       | <b>\$16,314</b> |

**BUDGET FOR THE SOLANO BID FOR 2026 (Calendar Year)**

|                                                                         |                 |
|-------------------------------------------------------------------------|-----------------|
| Estimated new revenue 2026                                              | \$30,000        |
| Carryover from 2025 (estimated)                                         | \$16,314        |
| Estimated SAA Events Payments                                           | -\$20,000       |
| Estimated Holiday Decorations Payments                                  | -\$5,471        |
| Estimated Peralta Svcs Corp sidewalk Cleaning/tree well maintenance     | -\$6,182        |
| Less fiscal agent fee to Telegraph PBMC (5%) - of estimated new revenue | -\$1,500        |
| <b>Total additional available for expenditure in 2026</b>               | <b>\$13,161</b> |

## **RECOMMENDATIONS**

The Advisory Board recommends that Council:

- Approve the 2025 Annual Report and 2026 Budget.
- Make no changes in the boundaries of the Solano Business Improvement District or in the two Benefit Zones, A & B, as shown in Exhibit A1.
- Make no changes in the method and basis for merchant assessments, as shown in Exhibit A2.
- Carry over to 2026 the estimated surplus revenues from 2025, as stated in the 2026 Budget.

Exhibit A1

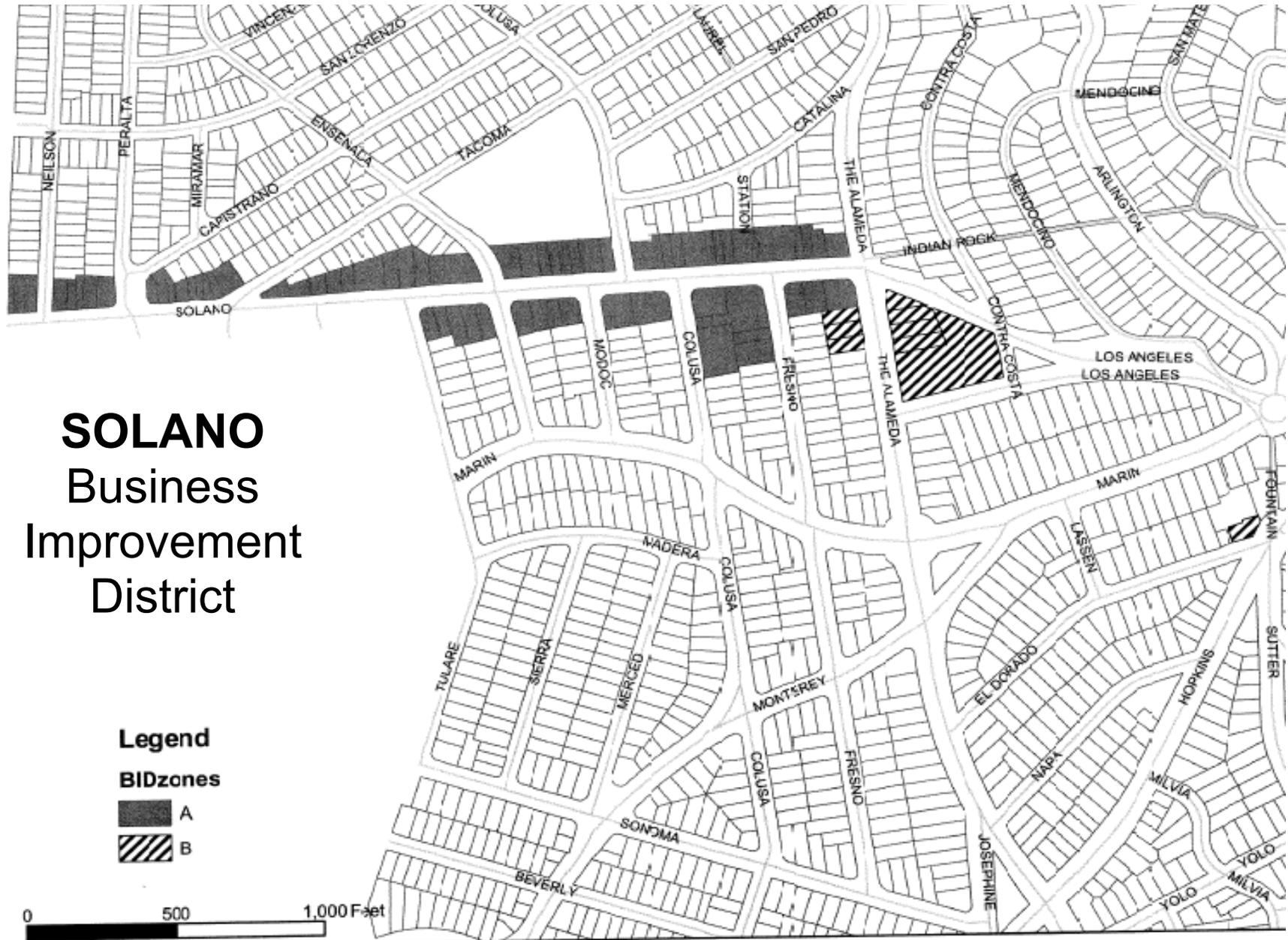


Exhibit A2

**Berkeley Solano Avenue Business Improvement District Annual Assessment Formula**

| Type of Business             |               | Annual Assessments |        |
|------------------------------|---------------|--------------------|--------|
|                              |               | Zone A             | Zone B |
| a. Retailers and Restaurants | 1-5 employees | \$200              | \$125  |
|                              | 6-9 employees | \$300              | \$175  |
|                              | 10+ employees | \$400              | \$225  |
| b. Service Businesses        |               | \$175              | \$100  |
| c. Professional Services     |               | \$100              | \$65   |
| d. Financial Institutions    |               | \$500              | \$500  |



Civic Arts Commission

**02a.31**

ACTION CALENDAR

October 28, 2025

To: Honorable Mayor and Members of the City Council  
From: Civic Arts Commission  
Submitted by: Lisa Bullwinkel, Policy Subcommittee Chair, Civic Arts Commission  
Subject: Referral Request to Rescind Incorrect Information Related to Turtle Island Monument

RECOMMENDATION

Refer to City Manager to draft a resolution to send to Council for adoption that would correct the historical record found in three Council Resolutions (attached). In the first of these resolutions issued in 2003 the City conducted a procurement process utilizing an artwork title "Turtle Island Monument" (an artwork concept originally created by Lee Sprague and Marlene Watson in the 1990s and recast as a new project by the City) resulting in another artist being contracted in 2006 to unwittingly create artwork for the City using this same title. The 2023 Resolution, related to an aspect of an attempted collaborative redesign of Turtle Island Monument involving the original artists, does not have an executed contract and should be rescinded.

Those three resolutions are:

- 2005 Contract Authorization for Scott Parsons (Contract executed and completed) Attachment 1
- 2006 Contract Amendment Authorization for Scott Parsons (Contract executed and completed) Attachment 2
- 2023 Contract Authorization for Scott Parsons (Contract never executed) Attachment 3

FISCAL IMPACTS OF RECOMMENDATION

None.

CURRENT SITUATION AND ITS EFFECTS

Turtle Island Monument is a Strategic Plan Priority Project, advancing the City of Berkeley's goal to provide state-of-the-art, well-maintained infrastructure, amenities, and

facilities. Turtle Island Monument should be the centerpiece of Civic Center Park and instead has sat unused as a fountain and in a state of disrepair for over three decades.

### BACKGROUND

In 1991, Lee Sprague and Marlene Watson, artists who are Native American, made a proposal to the City of Berkeley to create Turtle Island Monument in Civic Center Park at the historic fountain which had been broken for decades. The proposed monument was designed to recognize Native American history throughout the Americas commemorating the end of 500 years of resistance and the beginning of 500 years of rebuilding.

The fountain site was dedicated as the location for the future Turtle Island Monument by Council Proclamation (Attachment 4) during the first Indigenous Peoples Day in 1992.

During the 1990s, the monument proposal was reviewed by various Commissions and Council and was revised by the artists many times in response to those reviews, but the monument was never approved to be built and the artists were never placed under contract with the City during this time. The 1997 Historic Landmark Designation application for Civic Center Park included a written description of Turtle Island Monument as it would be installed at the fountain.

In 2003, without contacting the original artists, who had by then moved out of state, the City erroneously issued a Call for Artists (Attachment 5) to complete the project with elements not proposed in the original Turtle Island Monument design. Scott Parsons, a non-native artist, was selected through a competitive proposal process and was issued a contract to create eight medallions to represent different tribes of the Americas and four bronze turtles as part of the creation myth of Native American culture. Mr. Parsons's original proposal included snapping turtles (Attachment 6) however he was directed by the City to change them to sea turtles. Scott Parsons was not aware that he was producing artwork with an appropriated title because he was doing so in response to the Request for Proposals that the City issued. This is a mistake that the City of Berkeley made. Scott Parsons created the proposed art elements which were delivered to the City but not installed at the fountain. Instead, the medallions were placed in storage and the four bronze turtles were put on 'temporary' display in the Civic Center building at 2180 Milvia Street.

Years passed and in 2018 several community members, who were frustrated by the lack of a functioning fountain/sculpture in Civic Center Park, took it upon themselves to initiate yet another concept for the fountain. This triggered the realization that the City needed to resume contact with the original artists of Turtle Island Monument, Lee Sprague and Marlene Watson. City staff engaged the original artists in a listening session, after which they agreed to participate in a design charrette for the Turtle Island Monument project that would include artist Scott Parsons. On March 30, 2023, the City of Berkeley Landmarks Preservation Commission gave approval to the Turtle Island Monument design developed from the Design Charrette that included input from Lee

Sprague, Marlene Watson, Scott Parsons, and others. However, shortly after this approval, tensions emerged, missteps were made, feelings were hurt, and trust was broken.

It was in this context that the City of Berkeley determined that contract negotiations with the artists had reached an impasse and in July 2025 notified the Civic Arts Commission of its intention to cancel the project (Attachment 7). Members of the Civic Arts Commission as well as members of the Native American community who were present at that commission meeting expressed a desire to rectify these missteps and hurt feelings to see Turtle Island Monument through to completion by the original Native American artists, Lee Sprague and Marlene Watson. It is with this intention that this referral is requested. The artists have indicated the desire to go forward, if corrections are made. City staff have also indicated a desire to see this project to completion.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

The Civic Arts Commission wants to foster a positive relationship with the Native community, and it is their intent is to have Turtle Island Monument completed in the heart of Berkeley's Civic Center.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City manager concurs with content and recommendations of the Commission's report.

CONTACT PERSON

Jennifer Lovvorn, Civic Arts Commission Secretary, 981-7533

Attachments:

1. 2005 Contract Authorization for Scott Parsons (executed and completed)
2. 2006 Contract Amendment Authorization for Scott Parsons (executed and completed)
3. 2023 Contract Authorization for Scott Parsons (never executed)
- 4: 1992 Council Proclamation
5. 2003 Call for Artists
6. Parsons original proposal
7. July 2025 Information Report to Civic Arts Commission

RESOLUTION NO. 63,008-N.S

AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT AND ANY AMENDMENTS WITH SCOTT K. PARSONS FOR DESIGN, DEVELOPMENT AND INSTALLATION OF THE TURTLE ISLAND MONUMENT IN AN AMOUNT NOT TO EXCEED \$34,000; AND ALLOW THE ARTWORK TO BE PUBLICLY DISPLAYED ELSEWHERE UNTIL THE FOUNTAIN IS RESTORED

WHEREAS, in November 1996, Berkeley voters adopted Measure S, which authorized Bond funds of \$4 million in public improvements in the Downtown Area, and a total of \$900,000 in Measure S funds was allocated toward the renovation of Martin Luther King Jr. Civic Center Park, including funds for the Turtle Island Monument; and

WHEREAS, a separate allocation of \$200,000 was made by Council using General Funds toward the project as part of the 2001 budget, for a total project budget of \$1,100,000; and

WHEREAS, a Call to Artist design competition was advertised nationwide in Fall 2003 and proposals were reviewed by a Selection Committee comprised of: two Civic Arts Commissioners, two Parks & Recreation Commissioners, two Landmarks Preservation Commissioners, two members of the Native American community and one Parks Recreation & Waterfront Department staff person; and

WHEREAS, on April 27, 2005, the Civic Arts Commission approved completing the public art historic turtles for the Civic Center Fountain by Scott Parsons with possible placement in City buildings for display until the fountain is functioning; and

WHEREAS, funds are available in the current year budget in the Measure S fund, budget code 653-5850-450-65.30-XX8P68 and the contract has been entered into the City contract database, and assigned CMS No. TBIDV.

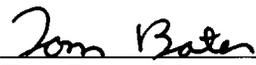
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Scott K. Parsons for design, development and installation of the Turtle Island Monument at the Civic Center Park Fountain in the amount of \$34,000; and allow the artwork to be publicly displayed elsewhere until the fountain is restored (Budget Code 653-5850-450-65.30-XX8P68). A record signature copy of said contract and any amendments to be on file in the Office of the City Clerk.

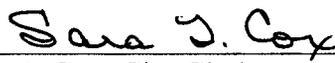
The foregoing Resolution was adopted by the Berkeley City Council on July 19, 2005 by the following vote:

Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

  
\_\_\_\_\_  
Tom Bates, Mayor

Attest:   
\_\_\_\_\_  
Sara T. Cox, City Clerk

RESOLUTION NO. 63,522-N.S.

EXECUTE AN AMENDMENT TO THE CONTRACT FOR THE DESIGN, DEVELOPMENT AND INSTALLATION OF THE TURTLE ISLAND MONUMENT

WHEREAS, a Call to Artists competition was advertised nationwide in the Fall of 2003 and in April 20, 2005, the Turtle Island Monument Selection Committee chose Scott Parsons as the artist and this vote was unanimously upheld by a vote on April 27, 2005 of the Civic Arts Commission; and

WHEREAS, on July 19, 2005 by Resolution No. 63,008-N.S., the City Council authorized Contract No. 6979 with Scott K. Parsons for the design, development and installation of the Turtle Island Monument, in an amount not to exceed \$34,000 for the period of June 1, 2006 to June 30, 2007; and

WHEREAS, because of the delay in starting the project and the increase in the price of bronze over the last two years, and because the size to cast the turtles and maintain the 3 ft. lengths necessitates an increase of \$1800 (\$400 for each turtle and \$200 for the mold), an increase of the stone medallions from \$5000 to \$6400 (\$1,400), and \$500 in other projected increases; and

WHEREAS, funds are available to perform this work in the FY07 Public Art Fund budget code 657-8704-465-3038 and this contract amendment has been entered in the citywide contracts database, CMS number TBIDV.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to the contract with Scott K. Parsons for the design, development and installation of the Turtle Island Monument, to increase the amount by \$3,700, for a total not to exceed \$37,700 budget code 657-9701-399-9901. A record signature copy of said contract to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on December 12, 2006 by the following vote:

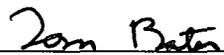
Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Attest:

  
Pamyla Means, City Clerk

  
Tom Bates, Mayor

RESOLUTION NO. 70,974-N.S.

CONTRACT WITH SCOTT PARSONS FOR CREATION OF THREE STONE MEDALLIONS AND PURCHASE OF GRANITE BOULDERS AND BASES FOR ARTWORK ELEMENTS FOR TURTLE ISLAND MONUMENT

WHEREAS, The City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, The City of Berkeley underwent a public process in 2005 to commission artist Scott Parsons to create four bronze oceanic turtle sculptures and facilitate the creation of stone art medallions by North, Central and South American Indigenous artists and international tribal representatives; and

WHEREAS, the 2023 Turtle Island Monument design calls for the creation of three additional stone medallions created by Scott Parsons to be embedded along with the existing stone medallions into twelve granite boulders; and

WHEREAS, the 2023 Turtle Island Monument design also calls for the four bronze turtles Scott Parsons created for the City in 2006 to be mounted on new granite bases for integration into the new Turtle Island Monument, and

WHEREAS, in order to ensure a consistent look across all granite elements for the new monument, Scott Parsons will also purchase from the same quarry the granite base for the new central turtle, and

WHEREAS, Funding for the artwork contract was set aside in the Public Art in Private Development Budget for FY 2024 (\$36,000) and \$200,000 from Measure T-1 as approved by Council on June 13, 2023; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments thereto with Scott Parsons for the creation of three stone medallions and purchase of granite boulders and bases for artwork elements for Turtle Island Monument with the contract period of July 1, 2023 through March 30, 2025 in an amount not to exceed \$236,000. A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.

The foregoing Resolution was adopted by the Berkeley City Council on July 25, 2023 by the following vote:

Ayes: Bartlett, Hahn, Humbert, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: Harrison.

  
\_\_\_\_\_  
Jesse Arreguin, Mayor

Attest:   
\_\_\_\_\_  
Mark Numainville, City Clerk



Loni Hancock  
Mayor

DEDICATING THE SITE FOR THE TURTLE ISLAND MONUMENT

WHEREAS, the Berkeley Resistance 500 Task Force, a broad-based community group, brought the proposal for Indigenous Peoples Day and related activities and programs to the Commission on Peace and Justice, which recommended adoption of the proposal to the City Council; and

WHEREAS, the Berkeley City Council, on 22 October 1991, approved the recommendation for Indigenous Peoples Day and the designation of 1992 as the Year of Indigenous People, including educational events throughout the year and commemorative events on the weekend of 10-12 October; and

WHEREAS, the Task Force proposal also included a monument, now known as the Turtle Island Monument, and the concept for this monument and time capsule are being developed and circulated for review and approval through all necessary City boards and commissions; and

WHEREAS, the Turtle Island Monument is dedicated to all indigenous people of this hemisphere, whose societies flourished centuries before Columbus arrived and which continue on this day, which is seen as the end of 500 years of resistance and the beginning of 500 years of rebuilding;

NOW, THEREFORE, BE IT RESOLVED that I, Loni Hancock, Mayor of the City of Berkeley, do hereby dedicate this site for the Turtle Island Monument to the Native People of this hemisphere on behalf of the non-native people of Berkeley, in recognition of your care for this land long "before Columbus was discovered on our shores" and in honor of your culture and philosophy, which are needed now more than ever if the planet is to survive.

  
Loni Hancock, Mayor



Parks Recreation & Waterfront  
Department

**PUBLIC ART OPPORTUNITY  
CALL FOR ARTISTS  
2003  
REQUEST FOR PROPOSALS**

**CIVIC CENTER PARK FOUNTAIN  
TURTLE ISLAND MONUMENT  
ARTWORK BUDGET - \$35,000**

**ELIGIBILITY**

This is a Call for Artists. This project is open to all artists in the United States. We encourage experience in public art and Native American culture.

**PROJECT DESCRIPTION**

The Turtle Island Monument is dedicated to all indigenous people of the hemisphere whose societies flourished centuries before Columbus arrived. Some societies continue to this day, some are extinct. The Turtle Island Monument is based on ancient American Indian legend, which is described below. The monument will consist of 4 turtles placed on the true north, south, east and west axis, mounted in the lower pool of an existing historic fountain; and 8 medallions incorporated into the surrounding plaza surface. At least 1 turtle should have a map of the Americas on its back. The medallions represent different tribes of the Americas, both flourishing and extinct. These medallions shall also be on axis with the turtles.

**LOCATION**

In the Civic Center Historic District, at the center of Civic Center Park. The park is bordered by Martin Luther King Jr. Blvd., Allston Way, Center Street and Milvia Street. This project is part of a rehabilitation of the existing park and fountain.

**The Turtle Island Story**

Long, long, time ago, a great tree in the Sky World had been uprooted and an empty hole took its place. One day, Sky Woman was peeking into that empty hole to a place far below. She fell into the hole and tumbled rapidly down. At the world below there was only water and water animals. The first to see her falling were the graceful geese. They spoke amongst themselves saying: "Why is she falling straight into the water so fast that she will surely die!" So they flew beneath her and spread their wings that it might slow her descent; and it did.

Down upon the water, some animals called out to a Giant Turtle because his back was the strongest thing in the watery world. The Giant Turtle placed himself directly beneath the falling being, and so ever so gently Sky Woman landed upon his back. But there was barely room for her long slender legs and arms, her feet and hands fell into the water.

The animals all knew that deep beneath the water was something firmer, brown and gloppy. So one by one, they dove deep beneath the water trying to bring mud up to the turtle to make more room for poor Sky Woman. None were successful until finally Muskrat, with his dying breath, came out of the water with a tiny bit of mud in his tail. The animals spread this mud all around the turtle, it began to spread all on its own, and then they brought up more. And when Sky Woman had fallen from her lofty world, there had been seeds from the Great Tree which caught in her skirts; these seeds fell upon the mud and grew. And soon the world which had been just water, was very different; it was Turtle Island. It grew and nurtured the native people for many generations.

**COMMUNITY PROFILE**

The Civic Center Historic District and Civic Center Park define the political, architectural and social heart of the City. Civic Center Park is the site for numerous social events and celebrations throughout the year, including Indigenous People’s Day, Farmers Market, Earth Day and “How Berkeley Can You Be”.

Located in the center of Berkeley’s downtown business and civic core, Civic Center Park is a highly visible, active location, characterized by its variety of uses. Local business and residential neighborhoods surround the Park. Center Street, the busiest pedestrian thoroughfare in Berkeley, runs from the park, east, to UC Berkeley. Up to 1 million pedestrians use the sidewalks of Center Street, annually. Berkeley High School students use the park heavily on a daily basis when school is in session.

In 1992, Berkeley City Council dedicated the fountain and plaza area as the location of the future Turtle Island Monument. The Civic Center District, including the park, was later landmarked in 1997. The current Turtle Island Monument, as approved by the community and Berkeley City Council, is designed to honor and recognize Native American history commemorating the end of 500 years of resistance and the beginning of 500 years of rebuilding.

This public art project aspires to illustrate this history, while simultaneously integrating with the historic architecture of the existing Moderne fountain.

**Estimated Time line**

|                               |                          |
|-------------------------------|--------------------------|
| <i>Process begins</i>         | <b>August 15, 2003</b>   |
| <i>Applications Due</i>       | <b>October 15, 2003</b>  |
| <i>Final Selection Begins</i> | <b>November 15, 2003</b> |
| <i>Final Artist Selected</i>  | <b>January 2004</b>      |
| <i>Fabrication Begins</i>     | <b>Spring 2004</b>       |
| <i>Project Completed</i>      | <b>TBD</b>               |

Please note that this is an estimated timeline and may be substantially revised to reflect changes based upon the availability of panelists.

**APPLICATION DEADLINE**

Applications must be received by the Project Manager or postmarked by **October 15, 2003**

Late applications and faxed applications will not be accepted. Send all information and applications to:

**Mark Mennucci**  
**City of Berkeley**  
**Park Recreation & Waterfront Department**  
**2121 Allston Way, 1<sup>st</sup> Floor**  
**Berkeley, CA 94704**

The City of Berkeley reserves the right to not award any contracts for this project. This Call for Artists does not constitute an agreement to fund artworks for the site described above. For more information on this project, please visit the Parks Recreation & Waterfront website at <http://www.ci.berkeley.ca.us/parks/PlanDesignnews.html> and click on the link to Civic Center Park.

## GENERAL Terms

### ARTWORK SPECIFICATIONS

Any medium appropriate for use on the project site will be considered. The artwork in the plaza must be designed to meet the City's safety and Americans with Disabilities Act standards. Artwork must be durable, graffiti and stain resistant, slip resistant, easily maintainable, and not a public safety hazard. The Artwork must also withstand submersion in water, since it will be located within a fountain, and interaction from people of all ages climbing in the fountain.

Artist must coordinate with the Project Design Consultant on details describing the Artwork connection to the fountain floor, and medallion inset into plaza surfacing. These details will be required for inclusion in the contract document plan set, for permit approval. Artwork plans and details should be stamped by a licensed engineer or architect.

### BUDGET SPECIFICATIONS

The specified budget amount for this project is **\$35,000**. This must cover all costs associated with design, fabrication, permit approval, any required licensed engineer drawings, public review, shipping, oversight of the artwork installation, and travel expenses. In the event that finalists are requested by the Selection Panel to make a model, each finalist will receive an honorarium of up to **\$500**. For the selected artist, **\$5,000**, from the budget, will be allocated to cover any cost attributed to transportation & lodging for the purpose of further public presentation and construction oversight in the City of Berkeley.

### SELECTION PROCESS

All applications submitted by the deadline will be reviewed for selection. The candidate's slides and background materials will be screened by a Selection Panel made of 7 members representing the following groups: Berkeley Parks Staff (1), Parks and Recreation Commission (1), Landmarks Preservation Commission (1), Civic Arts Commission (1), and members of the Native American Community (3). This will be done in lieu of presenting in front of the Civic Arts Commission.

The Selection Panel will then select up to three (3) finalists to develop design proposals and maquettes. The finalists will receive an honorarium of **\$500** for further development of the proposed concept and maquette. The proposed concept shall also include a detailed material list and detailed budget. The finalists will be required to present to the Selection Panel at a future time to be determined. The Panel will then select a single artist to complete the Artwork.

Public review of the Selected Artist design proposals and maquettes shall consist of a maximum of three (3) public meetings. These meetings will occur after the Selection Panel has selected the artist. The artist will be required to present their proposal to the Park and Recreation Commission, the Arts Commission, and the Landmarks Preservation Commission. Approval by the LPC will designate notice to proceed with fabrication of full scale Artwork.

All Selection Panel, Committee, and Commission meetings are open to the public. For additional information contact **Mark Mennucci, Project Manager at (510) 981-6436** or E-mail [Mmennucci@ci.berkeley.ca.us](mailto:Mmennucci@ci.berkeley.ca.us).

## **SELECTION CRITERIA**

Artists will be selected to develop proposals based on:

- Artistic merit as evidenced by representation of relevant past work in slides and other supporting material.
- Appropriateness of the artist's medium, style, and previous experience as those relate to the project goals and setting.
- Experience with projects of a similar scale and scope including familiarity with public works projects, the public review process, and/or collaboration with City agencies and community groups. Artists must have good communication skills and be able to work with diverse City representatives.
- Extensive knowledge of Native American culture illustrated in past works and submitted proposal.

## **PUBLIC ART PROGRAM COMMISSIONS**

Artists interested in reading this document electronically are encouraged to visit the Parks Recreation & Waterfront website at <http://www.ci.berkeley.ca.us/parks/PlanDesignnews.html> and click on the link to Civic Center Park. For interest in learning about other public art opportunities, visit the Public Art Program web site at <http://www.cityofberkeley.info/civicarts/publicart.htm> or to call the **Civic Arts Program Recorded Information Line at (510) 981-7543**. Information is updated whenever new opportunities arise.

## **ACCEPTANCE OF PROPOSALS**

The Selection Panel reserves the right to reject all design proposals.

## **MODEL POLICY**

In the event that you are asked to develop a model of your proposal, the following policy shall apply. The Selection Panel shall:

1. At its sole discretion, the City of Berkeley will have the unconditional right to own any model selected for evaluation, as part of commission awards or may alternatively choose to retain all such models until completion and approval of project implementation.
2. Require that all proposals and/or models submitted are original and unique.

All artists of all ethnicities and genders are encouraged to apply.

All information contained herein does not constitute either an expressed or implied contract and these provisions are subject to change.

For further information about the Turtle Island Monument Project, please contact  
**Mark Mennucci, Project Manager (510) 981-6436, FAX (510) 981-6390**  
Parks Recreation & Waterfront Department  
2121 Allston Way, 1<sup>st</sup> Floor  
Berkeley, CA 94704  
**E-mail: [Mmennucci@ci.berkeley.ca.us](mailto:Mmennucci@ci.berkeley.ca.us)**



Parks Recreation & Waterfront  
Department

### City of Berkeley 2002/2003 Public Art Projects Application Form

Log # \_\_\_\_\_

*For office use only*

- A.** Name(s) \_\_\_\_\_  
 Address \_\_\_\_\_  
 City & State \_\_\_\_\_ Zip \_\_\_\_\_  
 Phone \_\_\_\_\_ FAX \_\_\_\_\_ Email \_\_\_\_\_  
 Website address \_\_\_\_\_

**B. Submitting for the project:**

Turtle Island Monument Project, **Deadline, Wednesday, October 15, 2003.**

**C. Application checklist: Have you enclosed the following?**

**To apply, please submit the following:**

- A plastic slide sheet containing six (6) slides of relevant previous work, numbered, fully labeled, including artist's name, title of work, date completed, media, dimensions and with a red dot in the lower left corner of each slide.
- Two (2) copies of a one-page corresponding slide list including title, date, media, dimensions, location, and other pertinent information deemed useful in orienting the Selection Panel to your work.
- A self-addressed, correctly sized and stamped envelope for the return of slides and other materials.
- OPTIONAL: One or two relevant printed materials such as catalogues, articles, etc. that might assist the selection panel in understanding applicant's work. All materials should clearly indicate the portion(s) for consideration.

**Please submit ten (10) complete, one-sided, collated sets of the following written materials:**

**Each set should contain one of each of the following, in the order given.**

***Please do not bind materials and do not submit in plastic sleeves, folders or binders.***

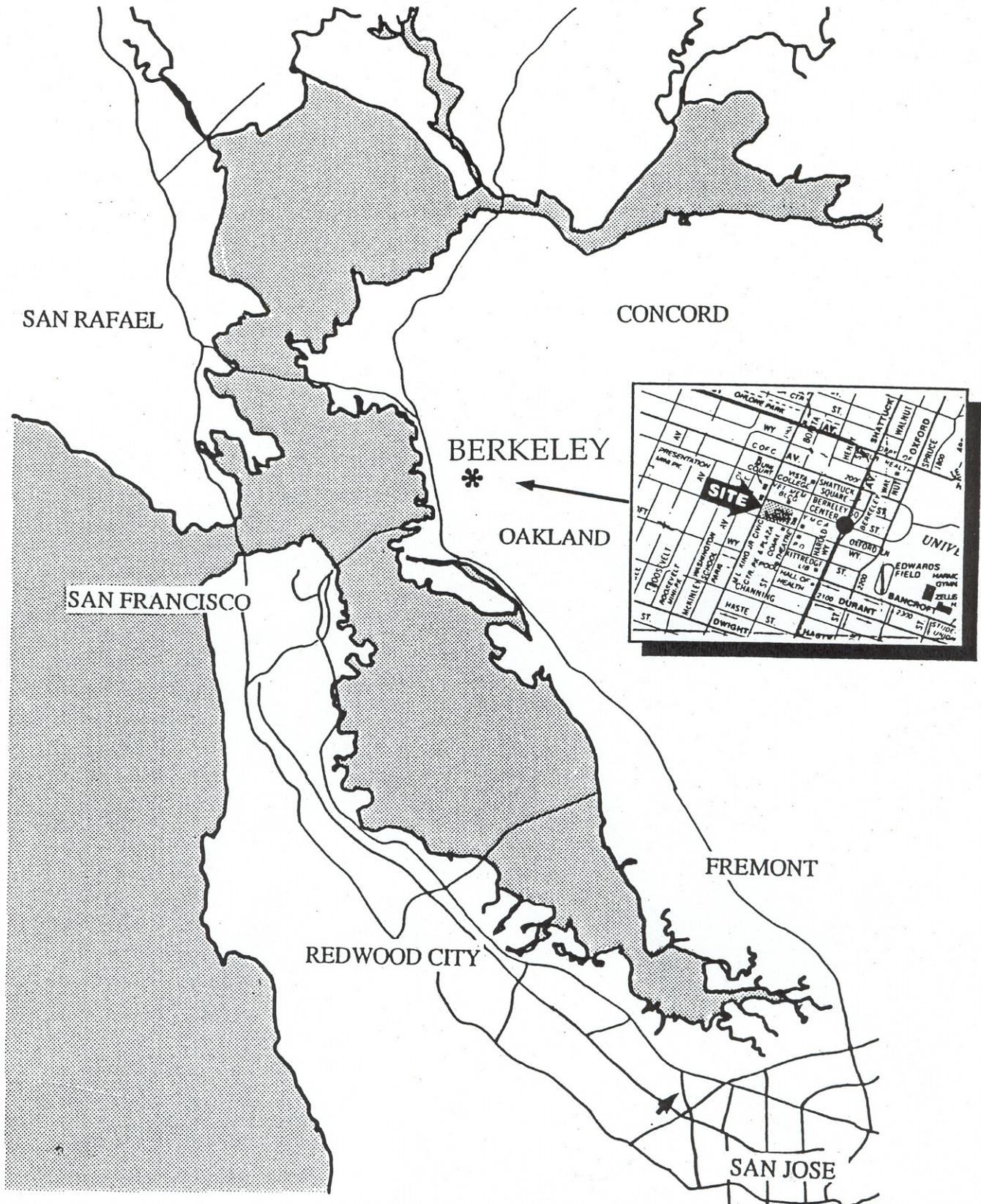
- Artist's statement of interest, briefly noting relevant past experience, conceptual approach for this design, related materials and budget, and other information you wish to highlight about your work and career (1 page maximum).

- A thumbnail sketch of your proposed idea.
- Resume (two pages maximum).
- Names, addresses and phone numbers of three (3) professional references.

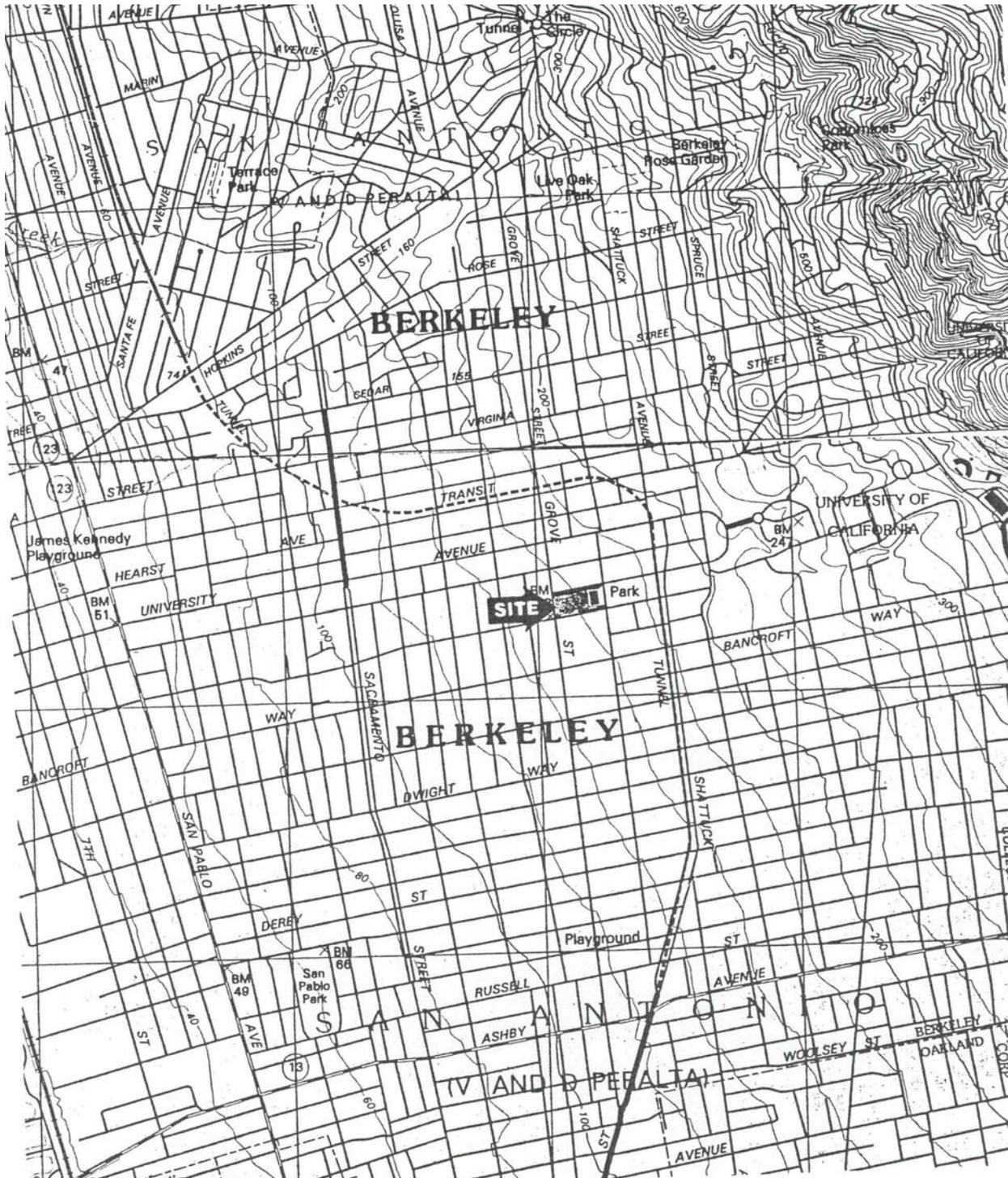
Incomplete or incorrectly assembled applications may not be accepted. Regretfully, neither the Selection Panel, or City of Berkeley Staff, cannot be responsible for lost, missing or damaged materials. The Selection Panel will endeavor to return the originals of application materials to the applicants following the selection.

**Submit materials to:**  
**Mark Mennucci – Project Manager**  
**City of Berkeley, Parks Recreation & Waterfront Department**  
**2121 Allston Way**  
**Berkeley CA 94704**  
**E-mail: [Mmennucci@ci.berkeley.ca.us](mailto:Mmennucci@ci.berkeley.ca.us) (510) 981-6436 FAX (510) 981-6390**

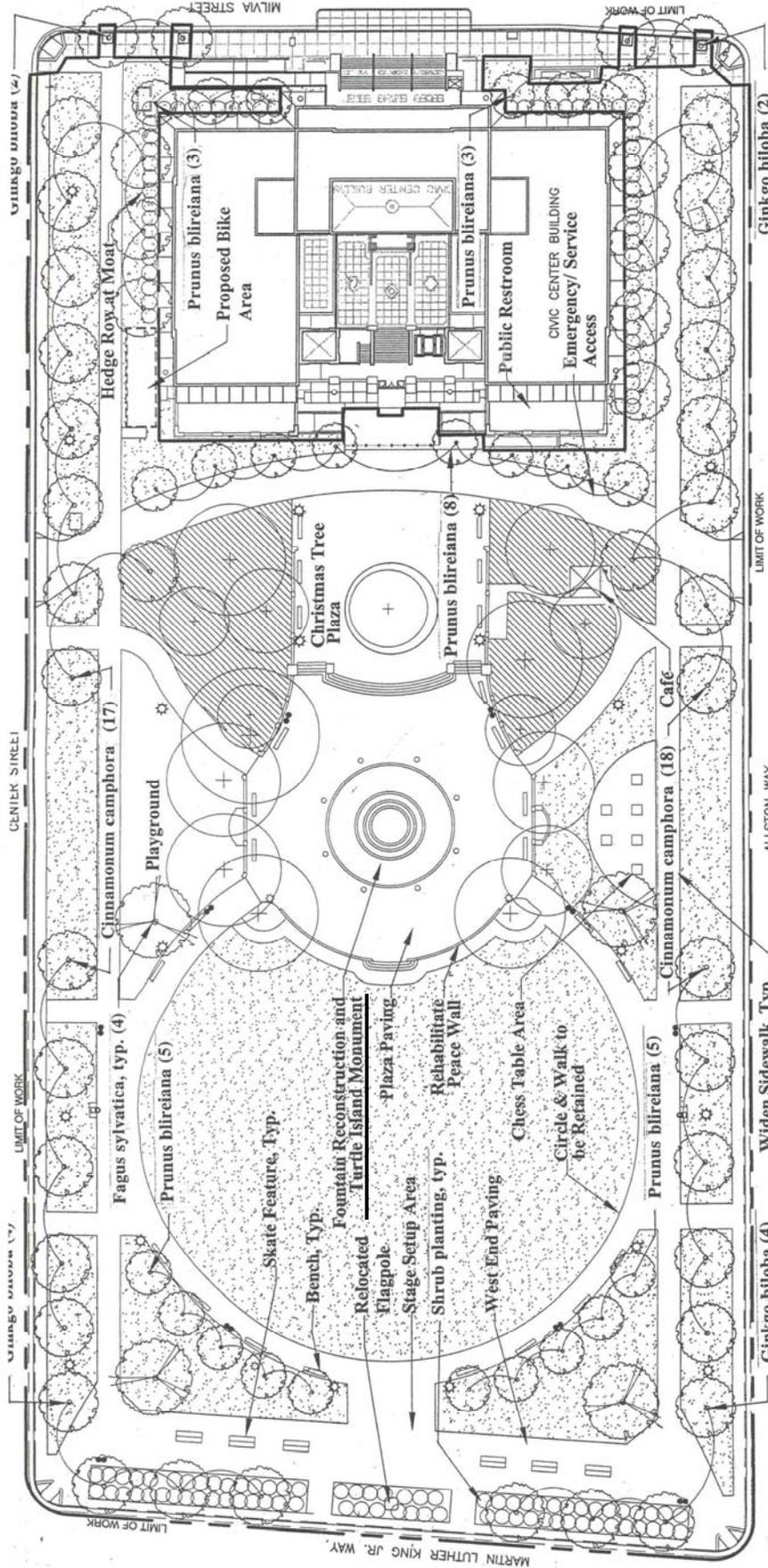
# REGIONAL LOCATION MAP



# CITY MAP



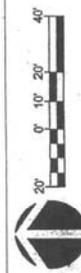
# CIVIC CENTER PARK SITE MAP (PREFERRED PLAN)



**LEGEND**

- Lawn
- Groundcover
- Proposed Tree
- Existing Tree
- Project Limit of Work
- Trash/Recycling
- Drinking Fountain
- Existing Light
- Proposed Light

Hatched Area  
 Dotted Area  
 Solid Area



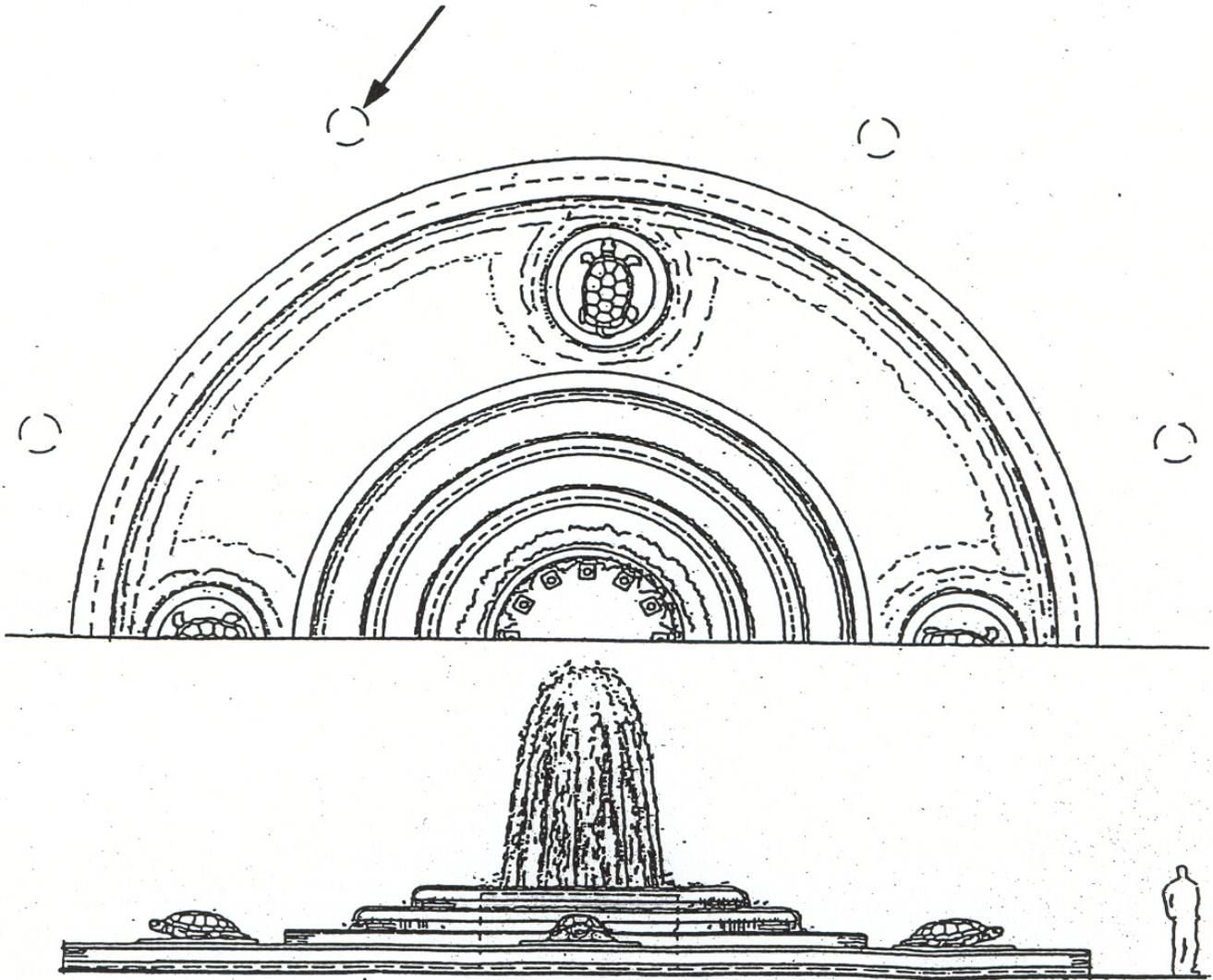
## Preferred Plan

MARTIN LUTHER KING JR. PARK / CIVIC CENTER

CITY OF BERKELEY, CA

# FOUNTAIN LAYOUT

Proposed Medallions to be Located  
in Plaza Paving, Typ.



# Turtle Island Monument



# Turtle Island Monument

A Public Art Proposal and Collaboration

presented by Scott Parsons

February 16, 2005

*Designed to honor and recognize Native American history  
commemorating the end of 500 years of resistance  
and the beginning of 500 years of rebuilding.*

## THE TURTLE ISLAND STORY

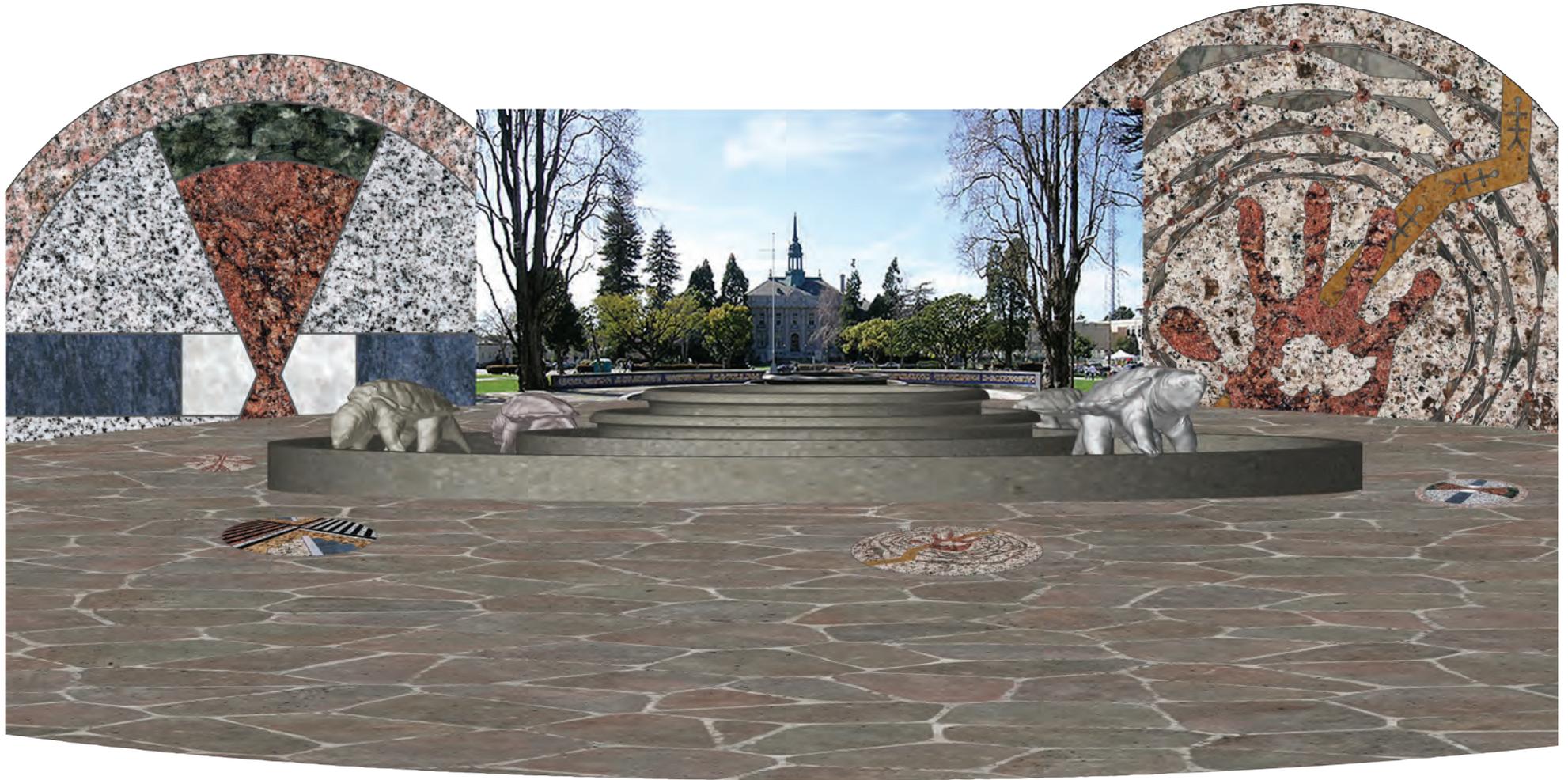
Long, long, time ago, a great tree in the Sky World had been uprooted and an empty hole took its place. One day, Sky Woman was peeking into that empty hole to a place far below. She fell into the hole and tumbled

rapidly down. At the world below there was only water and water animals. The first to see her falling were the graceful geese. They spoke amongst themselves saying: "Why is she falling straight into the water so fast that she will surely die!" So they flew beneath her and spread their wings that it might slow her descent; and it did.

Down upon the water, some animals called out to a Giant Turtle because his back was the strongest thing in the watery world. The Giant Turtle placed himself directly beneath the falling being, and so ever so gently Sky Woman landed upon his back. But there was barely room for her long slender legs and arms, her feet and hands fell into the water.

The animals all knew that deep beneath the water was something firmer, brown and gloppy. So one by one, they dove deep beneath the water trying to bring mud up to the turtle to make more room for poor Sky Woman.

None were successful until finally Muskrat, with his dying breath, came out of the water with a tiny bit of mud in his tail. The animals spread this mud all around the turtle, it began to spread all on its own, and then they brought up more. And when Sky Woman had fallen from her lofty world, there had been seeds from the Great Tree which caught in her skirts; these seeds fell upon the mud and grew. And soon the world which had been just water, was very different; it was Turtle Island. It grew and nurtured the native people for many generations.



## Table of Contents

|                             |    |
|-----------------------------|----|
| Abstract .....              | 1  |
| Concept .....               | 2  |
| Fabrication.....            | 3  |
| Installation.....           | 3  |
| Maintenance .....           | 4  |
| Plan View.....              | 5  |
| Turtle Designs .....        | 7  |
| Medallion Designs .....     | 9  |
| Timeline .....              | 13 |
| Budget.....                 | 14 |
| Artists Biographies .....   | 15 |
| Scott Parsons' Resume ..... | 18 |

## The Beginning

Once a woman fell from the sky...

Once she told him the stars spoke a language  
akin to the plains of her home,  
a language like rocks.”

Joy Harjo, “The Woman Who Fell From the Sky”

## Abstract

“This Monument will consist of four turtles placed on the true north, south, east and west axis, mounted in the lower pool of an existing historical fountain; and eight medallions incorporated into the surrounding plaza surface.”

All of the medallion images will be made by living Native artists. This circle of contemporary images with traditional references will serve to make a connection to the turtle sculptures which will have historical images and maps of the Americas on their shells. I am designating the inner circle as one to honor the past peoples and ancestors. The medallions are a way of thinking about and honoring the past as tangible and immediate, in the here and now—serving as a connection or bridge for those who will visit this park and come to learn, maybe unexpectedly, but to learn from these images the story of Turtle Island.

Foremost to this project is a vision of reconciliation that is living, honest, and authentic. The *connection* of First Peoples to the land and the creation of Turtle Island is primary. This proposal offers an unprecedented multi-visionary approach to the making of this public art monument. Eight contemporary Native artists will create the medallions, each to commemorate his or her own people, the beauty of, and the survivability of Turtle Island. Scott Parsons will sculpt the four turtles and coordinate the overall project.

## The Turtles

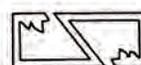
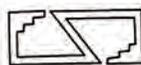
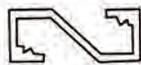
*The connection to history and to water.*

The four turtles represent the ancient record. Each turtle will be sculpted and cast in stone. Stone is a very traditional medium, it is an ancient material, it connects the artwork to the historic fountain, to geologic time, and to the earth itself. Each turtle will be approximately four feet in length and weigh 2600 pounds.

The turtles are based on the large alligator snapping turtle represented in Plains and Woodlands cultures as a symbol of power and defense. The snapping turtle is both a land and water turtle, capable of navigating under water for more than twenty minutes between breathes. It can weigh 180 pounds or more and live for more than 100 years. The claws of a helper turtle in some traditions of the Turtle Island story describe how the crevices and carved landscapes still seen today were made made when the smaller turtle applied mud to the Great Turtles shell.

The Turtle Island story is a very old story. It has been told many times and in many ways. The challenge is to make the story current with meaning and to recreate the turtles so they are different and come alive and draw people in with interest. The base for each turtle will be slightly below water level. All four turtles will stand with their legs in the water. Three of the four turtles will be taking a drink of water. Their mouths and tongues connecting one to another. The fourth turtle will be posed leaving his platform with his front legs on the exterior lower wall of the fountain.

The shells of the turtles will contain both cast and carved images. The surfaces will be manipulated in a creative, poetic way using an iconography of resistance, such as the double-headed key motif which was brought back into use by the women of Kotyiti during the Pueblo revolts of the 1680s and recalls an even more ancient use of this symbol. The cast images will be cast from separately in stones of different colors. All the imagery on the turtle shells as well as the ring of turtles are part of the ancient record of the Americas.



### The Medallions

*The connection to First Peoples and the land.*

The medallions in turn, connect the present with the past. They form a larger concentric ring, a living circle of contemporary artists' expressions of their traditional cultures' beliefs and artwork. These medallions serve as a way to connect the present to the past and then to make the connection to the present again real and lived. Each medallion will be designed by a separate artist and cut from stone, principally granite, with some marble and other stone inlays. Each medallion will measure three feet in diameter and be in the form of a circle.

The circle of medallions is a symbol of unity and protection for the land and native cultures. Several medallions contain imagery from painted drum heads which recall songs, stories, dancing and ceremonies. The drum resides as a sacred element of the universe, past and present. Other imagery includes shields for the protection of the land and culture. The imagery expresses an interest in physical bodies, animals, elements, the lay of the land, and silhouettes. Together these images are meant to honor the past with a shared vision of the present.

### Creating the Turtles

The first turtle will be sculpted in Plastilina or clay. The Plastilina sculpture will be the basis for the four cast turtles. A steel armature will be created inside each casting—this is an epoxy-coated steel that will reinforce the cast stone. Casting is done from a single mold. The stone mix is pressure-injected and consists of carefully graded and washed natural gravel and sands combined with crushed graded stone such as granite, marble, quartz or limestone. The stone is formed in an accelerated natural stone formation process with a polymer added to strengthen the resulting stone to 10,000 PSI—which is well above marble, right up there with granite—and capable of supporting kids and adults alike whom might take to climbing on them. Pigments will be introduced into the stone mix to naturally color each turtle in (subtle) colors of the four directions: white, black, red and yellow.

There will be some intentional variation between the four turtles to make them more alive and interesting, positioning the legs, neck and head differently. I will rework each shell so that each turtle shell will be unique and contain different designs in their shells. Some of these designs will be sculpted in the Plastilina. Other geometric motifs will be cast with a second or third color of stone. These cast stone symbols will be cast first, and then the entire turtle will be cast around these designs. This will allow the integrity of the shell to be continuous in form, across different colors and surfaces.

Constant exposure to water is no problem, there are many cast stone pieces which are permanently installed underwater.

### Creating the Medallions

The medallions will be digitally redrawn from the original designs and converted into CAD files. The medallions will be cut by a waterjet machine which cuts the stone from a concentrated stream of water and ruby powder. The larger stone shapes will have a thermal or flamed (textured) exterior surface. Some small areas of the design may have a polished or smooth surface to the stone pieces. All of the cut stones will be epoxied together, so that each medallion can be installed as a single disk unit on site.

### Installing the Turtles

Artworks Foundry in Berkeley will be contracted to install the turtles. Each turtle will weigh approximately 2,600 pounds. We will use a forklift to lift each sculpture into place on their base. Each piece will be gently set and marked for precise fitting, then lifted while holes are cut in the base and then reset and epoxied into position. This specification may change to meet the City of Berkeley's requirement for removability. Final specs will be drawn by a licensed engineer and approved by the City of Berkeley prior to installation.

### Installing the Medallions

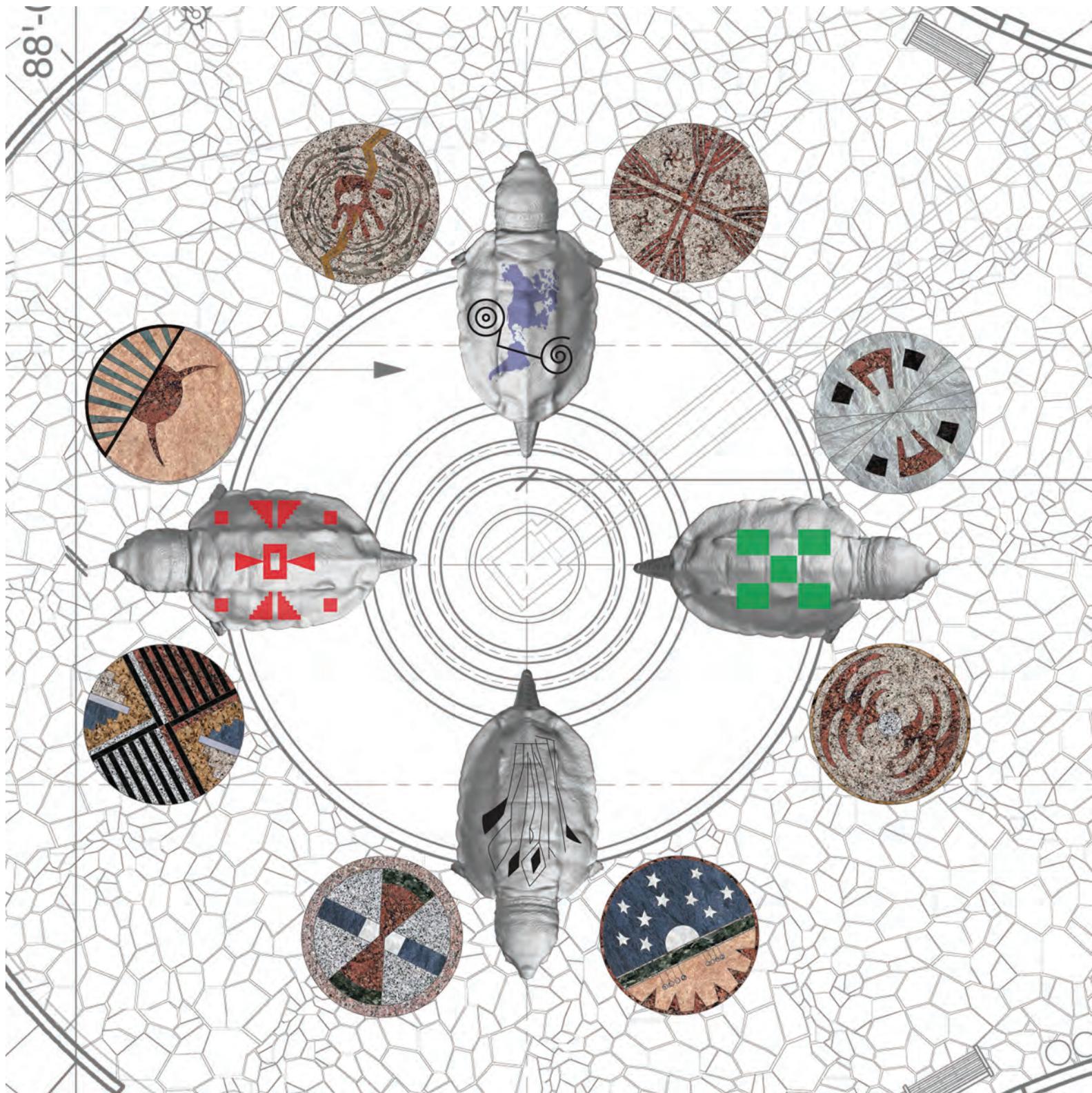
I will coordinate with the City's design consultant and contractor for the installation. I would prefer to obtain some of the paver flagstone material beforehand and have the circle shapes cut into these surrounding stone pieces at the same time the medallions are waterjet cut. This will facilitate a perfectly cut circle surrounding each art medallion.

A licensed tile and flooring contractor will be subcontracted for the installation. An industry standard dry-pack concrete technique will be used to permanently bond each medallion to the dry-pack and subfloor beneath as a single solid piece. The medallions will be 36 inches in diameter and  $\frac{3}{4}$  to  $1\text{-}\frac{1}{4}$  inch thick stone slab. Some tile pieces may also be used.

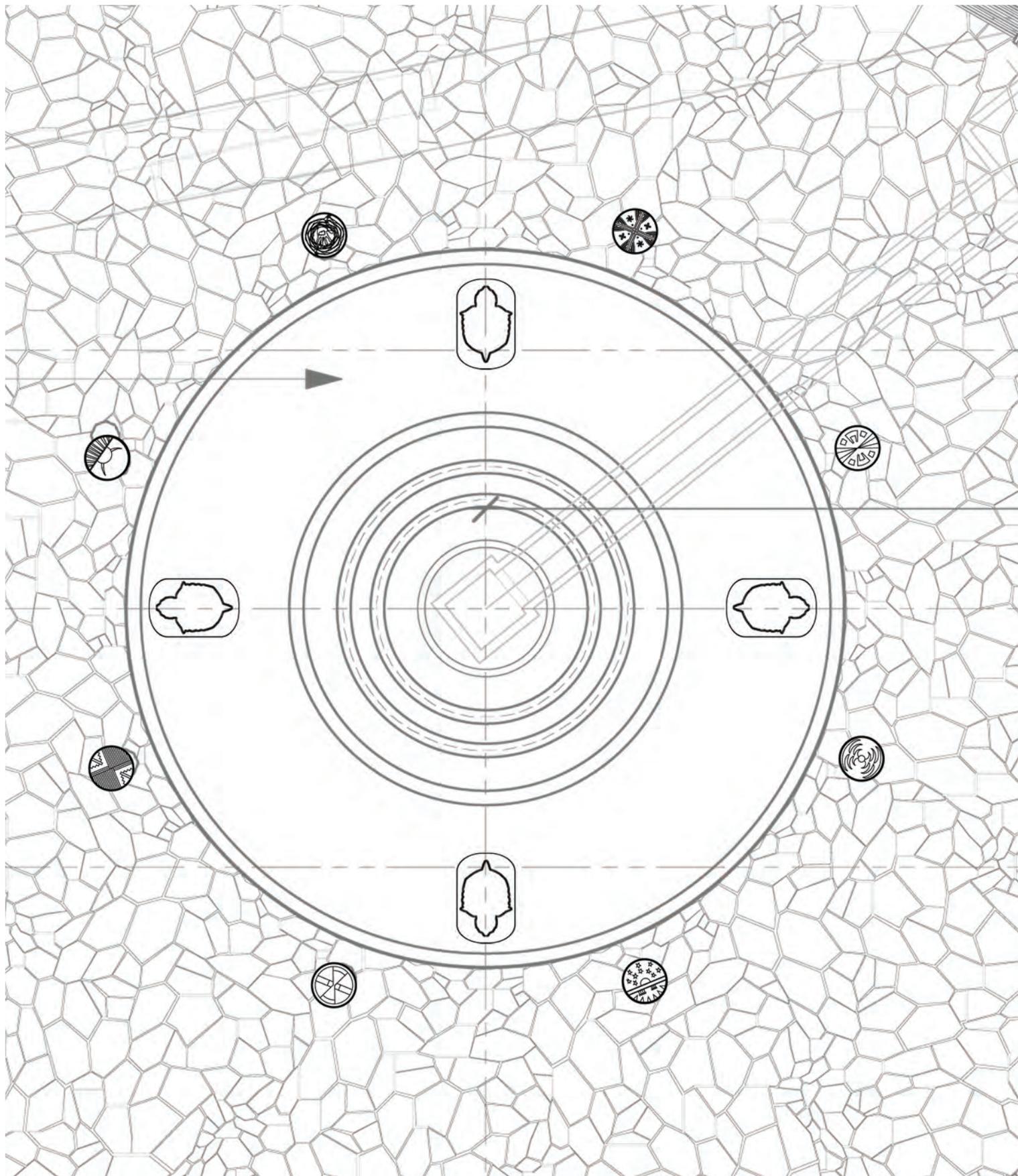
### Maintenance

The cast stone turtles should remain maintenance free. They are as hard as granite and will weather as stone. The geometric patterns on the turtles' shells are cast stone as well, and will not fade or peel, or wear off.

Regular cleaning is required for the medallions. Spills should be cleaned when they occur. Dirt may be hosed off with water or a pressure washer. Gum and other debris must be scraped and removed, consistent with the maintenance schedule for the rest of the Park. Colored liquids, like coffee, soda, or oil, left to dry on the surface of the stone will stain the medallions. A periodic treatment of the stone with a color enhancer and sealer is suggested to maintain the vivid coloration of the stone. Long-term: maintenance of the grout may require re-grouting in 15–20 years time.



*Not to scale*



*To scale*

### The Northern Turtle

As the migrations began to end, the record of the people's wanderings was left engraved on rocks over the face of the land. The people at Gila Bend, Arizona, were on their third round when this symbol was inscribed, but stayed for some time, as indicated by the connecting line.

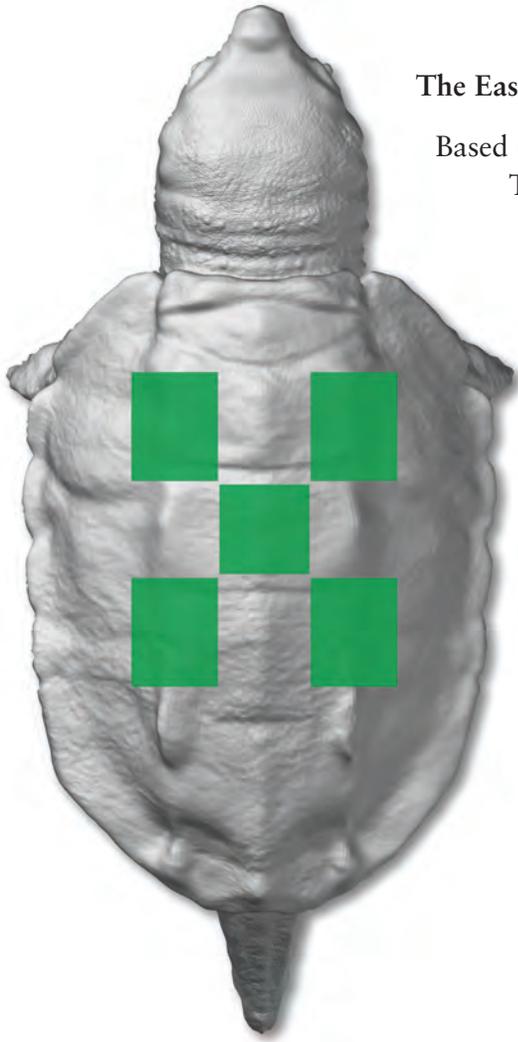
Frank Waters, *The Book of the Hopi*, 1972



### The Southern Turtle

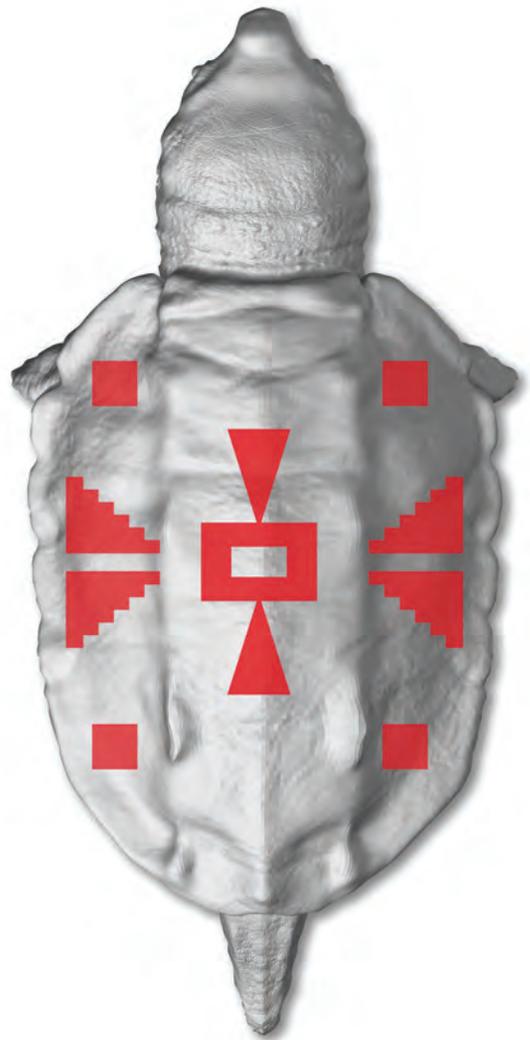
This is the oldest known art in the Americas. These marks were carved in a stone about the size of your palm. They are believed to be part of a horizon just at 12,000 years ago, from the Gault site in Texas. I drew the design from an actual cast of the piece.

This is absolutely the oldest art we have in the New World. The Clovis culture dates to 11,500–11,600 years before the present..



### The Eastern Turtle

Based on a 19th-century solidly beaded Arapaho moccasin design. The five squares in quincunx on a white ground are a turtle.



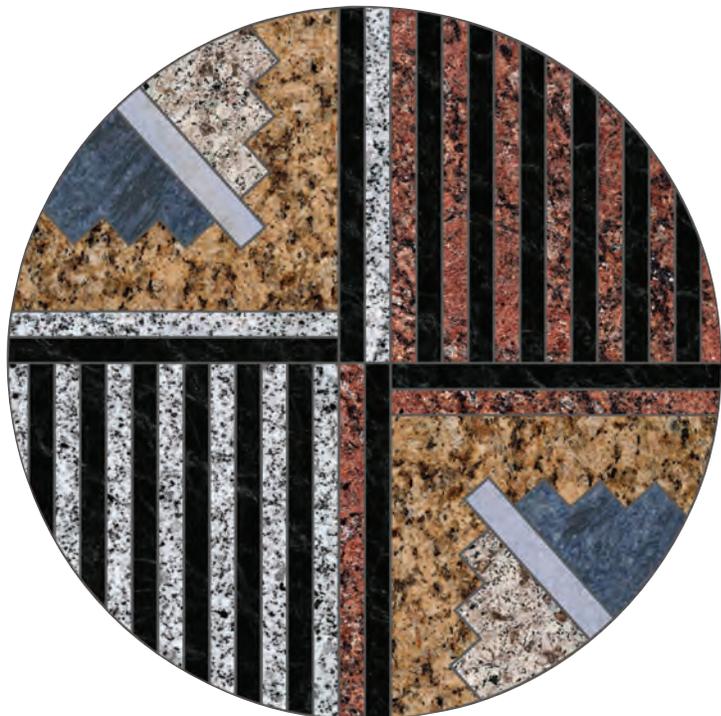
### The Western Turtle

Based on a 19th-century solidly beaded Arapaho moccasin design. The center square is the life symbol (hiiteni). The red triangles touching hiiteni are tipis. The small squares are rabbit tracks in snow. The triangular figures represent seats (çioku'utaana").

Alfred Kroeber, *The Arapaho*, 1902–1907

**Choctaw/Delaware  
David Jones (Buffalo Horn)**

David Jones is from the Turtle Clan, his Father, a Choctaw; and his Mother, a full blood Delaware, were of the Turtle Clan. This design comes from a hand drum he painted. The Drum Head is in the shape of a medicine wheel. In most tribes, the Medicine Wheel is for the “four directions” North, South, East & West. Many of the colors chosen are colors used by the Choctaw tribe. The red and black lines are the colors of the Warrior. In the Delaware beliefs, the Turtle was a symbol of Mother Earth and the first of all living things. The upper left and lower right are the Mound—“Nanih Wiya”, from which the Great Spirit created the first of their Choctaw people, who then crawled through a cave into the light of day. The brown granite is meant to be the color of rawhide, a light tan.



**Cheyenne River Lakota Tribe (Hohwoju)  
Harley Zephier (Wanbli Hoksila)**

The hand represents a human being’s commitment to his people. Spiritual powers were asked to accompany the man on his journey.

The spiral is our path through the Creator’s world. All life crosses our path. The stripe is the people’s presence on earth. We were visible, then we seem to have disappeared, but are now protecting our future.

The Lakota Oyate (People), a spiritual existence on Unci Maka (Grandmother earth). Within the Creator’s circle, they lived with all beings.

The world was in balance and a wonderful civilization flourished. Preserving culture, tradition and nature became our responsibility.

commitment to the people’s needs first, was asked of many. These human beings would risk their lives in service to this way of life.





Ohlone  
Linda Ohlone

Linda Yamane and I will select an historical Ohlone basket design for this medallion. This is one example. These baskets were originally made of little, circular shell beads which were attached into the coil stitch on the surface. In between the beads were stitched in feathers of the red acorn woodpecker and green Mallard feathers on the exterior. The Ohlone nation are the original inhabitants of the area now known as Berkeley.



Mapuche Kultrung (drum)

Painted drum head design, early 20th century, from Chile, which refers to the four directions of the world.

National Museum of the American Indian, *Native Universe*, 2004



Cochiti Pueblo  
Mateo Romero

Tewa shield design created for this project.

Shoshone-Bannock  
Ramon Murillo

“Star Drum”

Upper half: Natural stars in dark blue background represents the universe.

Center green horizontal thin rectangle represents mother earth.

Lower center black thin lines connected to a circle represents rain-clouds.

Bottom half: Red-brown triangles surrounded by yellow ochre represent mountains.





**Shoshone-Bannock  
Ramon Murillo**

“Shoshone Hand Drum”

Vertical center: The red-brown triangle represents a mountain and tipi, and when repeated makes a classic hour-glass design found in bead work of the 1800s Plains designs.

The six black lines represent the six direction (four cardinal points, mother earth, and the Great Spirit).

The horizontal light blue rectangles represent the sky and water.

**Absaloka  
TR Glenn (Pretty Elk)**

This design commemorates the relationship between the Hidatsa and Absaloka (Crow Agency, MT) nations who were once one people.

The Absaroka and Hidatsa both utilize the sun symbols depicted in this design.

The thin vertical triangles represent the two nations lodges: the Absaroka tipi and the Hidatsa earthen lodge.

The four black squares symbolize the unique four-pole construction of the lodges. Four is the most sacred number to both nations.

The Absaloka acquired horses during their migration and shared them with the Hidatsa during their reunion. This event is symbolized in the red horse tracks on the left and right.



## Artist Bios



Mateo Romero (Cochiti Pueblo) grew up in Berkeley, California and hung out in the “Park” while attending high school at Berkeley High. Mateo is collected by many museums, including the Denver Art Museum and was part of the “Reservation X” exhibit at the Hood Museum and elsewhere. His MFA is from the Institute of American Indian Arts in Santa Fe. He currently resides at the Pueblo of Pojoaque in New Mexico.

“I am always looking. Through catalogues, Museum shows galleries, newspapers, and other artist’s studios. I am looking for art that is central, forceful, honest. Things that are true about life, elements of a larger human condition, to view, absorb, ingest, and remake as artwork. As I believe in myself, and my need to do this, I also believe in a reconstructive agenda for art and that ultimately things can get better.”

My name is Mary Longman and my Aboriginal name is Aski-Piyewiskwew. I am Saulteaux and a member of Gordon First Nation in Saskatchewan. I have received a DFA at the Emily Carr Institute of Art and Design in Vancouver, a MFA at the Nova Scotia College of Art and Design in Halifax, and currently, I am a Ph.D. candidate in the Faculty of Education at the University of Victoria. My dissertation topic is: “Deconstructing Colonial Ideology: Contemporary First Nations Art in Canada.”

As a professional artist, I have been exhibiting my art work consistently for the past twelve years. Some of the galleries that I have exhibited my work in are; the National Gallery of Canada, the Vancouver Art Gallery, the Canadian Museum of Civilization, and the Smithsonian, National Museum of the American Indian.



TR Glenn (Pretty Elk) is a Master Jeweler who fabricates exquisite contemporary jewelry featuring traditional Crow designs using overlay and inlay techniques on silver and gold. Pretty Elk is able to replicate distinctive Crow color design using semi-precious stones, ivory, shell, and buffalo horn. He works out of his studio on the Crow reservation in south central Montana.

Years ago Pretty Elk was relocated to Redwood City, California, as part of a government program, and later moved to San Jose. He attended the Institute of American Indian Arts in Santa Fe. His son is a Ph.D. candidate at the University of California at Berkeley.



Ramon Murillo is a member of the Shoshone-Bannock tribe. His Native American heritage permeates his imagery. Tribal and personal symbols derived from his dreams and participation in various ceremonies lead him on a continual journey depicting life as a human being living in harmony with the Earth and Spirit World.

The 1992 show entitled “Decolonizing the Human Mind” (Seattle, Washington) describes Ramon as having produced profound images that convey the changes he believes is the body and spirit of Indian Country and himself, which is a major test to any peoples’ vision.

Ramon received his MFA in Printmaking from the University of Oregon, and BFA from Idaho State University. He is the first Native art instructor to be employed full-time by Northwest Indian College.

Harley Zephier is an enrolled member of the Cheyenne River Lakota Tribe (Hohwoju) in South Dakota. He lives near Thunder Butte, the north west portion of the Cheyenne River reservation. Harley is also of the Yankton Dakota people of southeastern South Dakota.

Harley has a love and respect for the plains, her peoples, the Lakota/Dakota traditions, and cultures. He envisions all peoples working together, communicating, and practicing in balance with one-another. Being a self-taught artist has allowed him to create unique works of art. His art is created through his heart’s appreciation of the peoples he comes from. The hands are gifts of expression. The senses enrich the finished piece of work. Harley seeks knowledge and direction from the Creator. His greatest influence in pursuing ways of his people was his maternal grandmother. She instilled pride, and gave life lessons to follow his heart.

Harley uses earth-given mediums from Creation, as artful expression. To authentically represent the works of the people, he thanks you for your pursuit of art and life.

Pilamiya, (Thank You)

Mitakuye Oyasin (All My Relatives)



Linda Yamane, Ohlone basketweaver, singer and storyteller, traces her ancestry to the Rumsien Ohlone, the native people of the Monterey area. She has been active in researching and retrieving Rumsien language, song, folklore and basketry. Traditions that were once thought lost. Linda works as a freelance writer, illustrator and graphic designer, and is the newsletter editor for the California Indian Basketweavers Association. She is also a contributing editor to *News From Native California* magazine.



Linda is the author of *Weaving a California Tradition* and co-author of *In Full View- Three ways of Seeing California Plants*. She has researched, compiled and illustrated two collections of Ohlone stories, *When the World Ended, How Hummingbird Got Fire* and *How People Were Made and The Snake That Lived in the Santa Cruz Mountains & Other Ohlone Stories*.

Her thirty years of experience in enrichment education has included training classes for teachers and docents throughout the San Francisco and Monterey Bay areas, six years as an outdoor education teacher for the Youth Science Institute in San Jose, classroom programs and school assemblies, GATE art teacher for San Jose Unified School District, guest speaker in college and university courses, and UC Santa Cruz Extension Instructor.



David Jones is my Christian name. My Choctaw name is Buffalohorn. My family's Choctaw name is Hardwood. We are of the Turtle Clan; I am a full-blood Choctaw/Delaware Indian and a registered artist of the Choctaw Nation of Southern Oklahoma. I spent 17 years in the Marine Corp; several years as the Director of Emergency Medical Services on the Navajo Nation.

My life changed in a single day sixteen years ago, when I was reflecting on my tribal heritage. The inspiration came to me that I was to make a pipe. I did not know where to begin, but I began by finding Catlinite, the red stone generally used for pipe bowls. Having no mentor, and being self-taught was a long process.

Since then I have studied and researched the many different styles of Native American Art, including but not limited to pipes, dance rattles, the breast plate, the pipe axe and other items, most generally used by the Choctaw nation. My work has been distributed around the world and is on display in museums and Universities.

All of my pieces are original, made with my own hands and personal tools. I use only genuine materials. All of my art comes from inspiration—there are no patterns for anything I create.



### Scott Parsons

I am an artist who creates metaphors that open the experience of the built environment to new understandings of history, siting, and the flow of people and their relationship to a site. I received an MFA from the University of Colorado at Boulder in 1990. My experience in public art includes percent-for-art and private commissions for museums, research facilities, university buildings and transportation centers. I work in precast concrete, stone, light (solstice markers), glass, ceramic mosaic, terrazzo and stone in walls, floors, sidewalks and plazas. My design experience includes 3D pre-visualization, fabrication, design-team collaboration and early integration public art planning. My work is reviewed in *Art in America*, *Sculpture*, *Art Papers*, and *Public Art Review*.

| *Public Art*

- 2006** Boehnen Memorial Museum and Visitor's Center  
60 ft. dia. outdoor granite plaza.  
Mitchell Prehistoric Indian Village, Mitchell, SD  
Group II, PC
- 2002** *Algorithmic Tapestry*  
Engineering Centers Building  
10,200 sq. ft. terrazzo floor.  
University of Wisconsin, Madison  
Kohn Pederson Fox Associates, PC, and Flad, PC  
*Wingscape*  
Hurst Hall  
175 ft. stone frieze; 13,000 piece ceramic tile murals.  
Western State College, Gunnison, CO  
Davis Partnership, PC  
*Community, Technology, and Innovation*  
The National Cable Television Center and Museum  
Five 50 x 12 ft. digital output murals.  
University of Denver, Denver, CO
- 2000** *Solstice Window*  
Center of Southwest Studies  
Precast concrete window aligned to the summer  
solstice sunrise.  
Ft. Lewis College, Durango, CO  
Klipp Colussy Jenks DuBois Architects, PC
- 1998** *Biomatrices*  
Two 17 ft. diameter stone floor rosaces  
Laboratory and Radiation Services Building  
Colorado Department of Public Health  
and the Environment, Denver, CO  
The Davis Partnership, Architects, PC
- 1997** *Ha-no-oo: Star Calendar*  
500 sq. ft. outdoor granite sidewalk  
16th & California Street Light Rail Station  
Regional Transportation District, Denver, CO
- 1992** *Quincentenary Project*  
100 burnt tips and 29 historical markers  
Denver Civic Center Park and State capitol lawn  
Fourth World Center, UCD, Denver, CO and the American  
Indian Movement of Colorado  
*Reconciliation Project*  
22 burnt tips and 9 historical markers  
Nobel Institute Peace Prize Forum  
Augustana College, Sioux Falls, SD

| *Bibliography*

- 2004** *The Sourcebook of Architectural and Interior Art 19*, Madison: The Guild
- 2003** NTMA, "Honor Award: Job of the Year," *Architectural Record*, September  
"2002 in Review: Public Art," *Art in America*, August
- 2002** Jacob Stockinger, "Exhibit Turns Spotlight on Percent for Art," *Wisconsin Week*, November 20  
Jacob Stockinger, "A Pittance for Beauty," *The Capital Times*, October 30  
Karen Rivedal, "Science Into Art," *Wisconsin State Journal*, July 10
- 2001** "Recent Projects," *Public Art Review 25*, Fall/Winter  
Roberta Bloom, "Art in Public Places," *Colorado Visions*, Fall  
Mary Voelz Chandler, "'101 Vampires' a Mouthful," *Rocky Mountain News*, October 5  
Michael Paglia, "Summertime Views," *Westword*, July 26  
Mary Voelz Chandler, "Gallery Stages 'Group Portrait'," *Rocky Mountain News*, July 13  
Judith Reynolds, "Artwork Shines at FLC Solstice Celebration," *Durango Herald* (front page),  
June 22  
"Best Bets," *Denver Post*, June 22
- 2000** Roberta Bloom, "Our Public Art Collection: An Expression of Colorado," *Colorado Visions*, Spring
- 1999** Scott Parsons, "Artist's Statement" *Leonardo*, MIT Press, 32:3  
*The Sourcebook of Architectural Art 14*, Madison: The Guild
- 1998** Joe Miller, "Stereotype This: Concrete Amnesia," *Art Papers*, November/December  
"Recent Projects," *Public Art Review 19*, Fall/Winter  
*Art in Public Places 1977-1998* (incl. cover image), Colorado Council on the Arts  
"Commissions-in-Brief," *Sculpture*, October  
"Biomatrices," *Colorado Visions*, Fall  
"Recent Projects," *Public Art Review 18*, Spring/Summer  
Romalyn Tilghman, "Around and About," *Arts Rag*, January  
Roberta Kaserman, "Art in Public Places," *Colorado Visions*, January
- 1997** Lucy R Lippard, *The Lure of the Local: Place in a Multicentered Society*, New York: The New Press  
Deborah Karasov, "American Grounding: Comments on the Art of Elegy," *Public Art Review 17*,  
Fall/Winter  
Jeff Bradley, "Stories Spice Walkway's Dedication," *Denver Post*, October 22  
Helen Davis, "Stars Under Their Feet," *Denver Post* (front page), October 21  
David Gregg, News 4, KCNC-TV Denver, October 20  
David Gregg, First News, KCNC-TV Denver, September 29
- 1994** Steven Rosen, "Grants a Reward to Colorado Artists for Creative Innovation," *Denver Post*,  
November 20  
Ed Greene, "Interview with Jacquie Creazzo," KCNC-TV Denver, April 22  
Kathy Kaiser, "Panorama Picks: The Lure of the Local," *Boulder Weekly*, April 7
- 1993** Julie Jargon, "Eerie 'Hallow's Eve' Exhibit Opens at umc Galleries," *Campus Press*, October  
21-27  
Tom Noel, "Aim Aims to End Columbus Day Clashes with Aspen in Civic Center," *Denver Post*,  
October 16  
"Dia de las Brujas," *Silver & Gold Record*, October 14  
Mark A Sills and Glenn T Morris, Eds, *Indigenous Peoples' Politics*, Denver: University of  
Colorado  
Lucy R Lippard, "Sniper's Nest: Folding the Tents," *Z Magazine*, May  
Denise Uyehara, "Counter-Memorial," *High Performance*, Spring  
Mary Motian-Meadows, "Reflections on Native American Art in Colorado," *Colorado Arts*,  
December-January
- 1992** Glenn T Morris, "American Indian Movement of Colorado Stops Columbus Day Parade in  
Denver," *American Indian Anti-Defamation Council Newsletter*, December  
Ken Abbott, "Tepee Display Symbolizes Indian Massacre," *Chronicle of Higher Education*,  
October 28  
"Burnt Offering," *Colorado Daily*, October 21  
"Tepees of Protest," *Boulder Daily Camera*, October 20  
"In the Spirit of Crazy Horse," *Campus Press* (CU-Boulder), October 15  
CNN, October 13  
Gemma Lockhart, "A Day to Come Together," *usa Today*, October 12  
Patrick O'Driscoll, J Sebastian Sinisi, Jim Carrier, "Columbus Parade Canceled," *Denver Post*,  
October 11  
Ward Merchant, "Columbus Parade Canceled," *Associated Press*, October 11  
Michael Mehle, "Tepee Skeletons to Haunt Parade Route," *Rocky Mountain News*, October 10  
Jim Carrier, "Marchin' Orders Out for Parade," *Denver Post*, October 10  
Mosaic: Special on the Quincentenary, KCNC-TV Denver, October 10  
KCNC-TV News, KUSA-TV News, KMGH-TV News, Denver, October 9-10  
"Indians, Italians Discuss Parade," *Associated Press*, September 23  
Jim Carrier, "Collision Course for Parade, Tepees," *Denver Post* (front page), September 22  
Doug Detisch, "Professor Captures Life through Photos," *St. Peter Herald*, February 6
- 1990** Manu Ghasfari, "Latin American News", KGNU-Boulder Radio, August 5  
Carmen Atilano, "Images of El Salvador," *Quinto Sol*, March
- 1987** Charles Nauman, "Painter Depicts Struggle, Hope in Latin America," *Rapid City Journal*,  
September 20

**Scott Parsons**

scottkparsons@yahoo.com

802 Santa Fe Drive, Unit 4, Denver, CO 80204 USA  
303-902-0625

**| Exhibitions**

- 2003 Museum of New Mexico: Museum of Fine Arts, Santa Fe, NM  
William Havu, Denver, CO
- 2002 Gallery of Design, UW-Madison, WI
- 2001 William Havu, Denver, CO  
GOOG, Denver, CO
- 1999 Dulaney Architecture, Denver, CO (one-person show)
- 1998 Art Directors Club of Denver Annual Show, CO  
Dulaney Architecture, Denver, CO (one-person show)  
Arts on Vine, Denver, CO  
Canyon Crossing Gallery, Brattleboro, VT
- 1997 Iac Contemporary Art, Albuquerque, NM
- 1996 William King Regional Arts Center, Abingdon, VA  
Guadalupe Fine Art, Santa Fe, NM
- 1995 Nicolaysen Art Museum, Casper, WY  
Eide/Dalrymple, Sioux Falls, SD  
Hays Arts Center, Hays, KS  
Robert A. Peck Arts Center, Riverton, WY
- 1994 Umc Gallery, Boulder, CO
- 1993 Umc Gallery, Boulder, CO  
CORE Gallery, Denver, CO  
Long Island Arts Council, Freeport, NY
- 1992 Gustavus Adolphus College, St Peter, MN (one-person show)  
Umc Gallery, Boulder, CO
- 1991 Core Gallery, Denver, CO
- 1990 Cu Art Galleries, Boulder, CO (one-person show)  
Rocky Mountain Peace Center, Boulder, CO  
Pirate 2/C, Denver, CO  
Chicano Humanities & Arts Council, Denver, CO  
Sioux City Arts Center, Sioux City, IA
- 1989 Rochester Fine Arts Center, Rochester, MN  
Colorado Institute of Art, Denver, CO
- 1987 Dahl Fine Arts Center, Rapid City, SD  
Gallery 306, Sioux Falls, SD  
Augustana College, Sioux Falls, SD

**| Lectures**

- 2002 Beyond Bricks & Mortar, School of Human Ecology, UW-Madison,  
October 27  
Wisconsin Tile & Terrazzo Expo, International Masonry Institute,  
Milwaukee, August 16
- 2001 Gallery Talk, William Havu Gallery, Denver, June 30
- 1999 Phantoms of the High Plains, SD Humanities Council, Augustana  
College, May 7

**Scott Parsons****scottkparsons@yahoo.com**

802 Santa Fe Drive, Unit 4, Denver, CO 80204 USA

303-902-0625

**| Education**

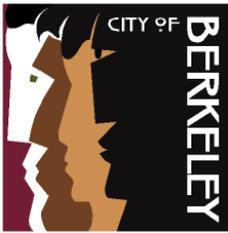
- 1995 Computer Graphics  
Platt College, CO  
Highest Honors
- 1990 MFA—Painting  
University of Colorado at Boulder, CO  
*Magna cum laude*
- 1987 BA—Spanish, Art and Anthropology  
Augustana College, Sioux Falls, SD  
*Magna cum laude*
- 1986 Latin American Studies in Bogotá, Colombia  
Hamline University
- 2004 Golden Trowel Award  
International Masonry Institute
- 2002 Job of the Year  
National Terrazzo and Mosaic Association
- 2001 Work Sample Finalist  
Creative Capital
- 2000 Research Grant: The Lost Medicine People:  
A Northern Arapaho Oral History  
Colorado Endowment for the Humanities
- 1999 Artist Project Grant: The Colorado Powwow Highway  
Colorado Council on the Arts
- 1998 Open Studio: The Arts Online  
Colorado Council on the Arts  
Annual Show—Award of Excellence  
Art Directors Club of Denver, CO
- 1996 Tier III Award  
Scientific and Cultural Facilities District, Denver, CO
- 1995 COVisions Project Grant  
Colorado Council on the Arts
- 1994 Fellowship  
Art Matters, Inc, NY
- 1992 Quincentenary Award  
Chinook Fund, Denver, CO  
Lakota Wopila—Honoring Dance  
American Indian Movement of Colorado
- 1987 Harold Spitznagle Medal of Fine Art  
Augustana College, Sioux Falls, SD
- 1972 International Lego Building Contest  
Third Place (Age 7)
- 1970 International Lego Building Contest  
Tenth Place (Age 5)

**| Teaching**

- 1996–2005 Platt College, Aurora, CO  
Art History, Computer Graphics, Drawing, Illustration, Multimedia, Web,  
Typography
- 1995 Denver School of the Arts, Denver, CO  
Photography
- 1994–95 Denver Public Schools, CO  
Art, Spanish (Substitute Teacher)
- 1992–93 Gustavus Adolphus College, St Peter, MN  
Drawing, Painting, Photography, Screenprinting
- 1988–90 University of Colorado at Boulder, CO  
Drawing (Graduate Part-time Instructor)

**| Languages**

English, Spanish, Northern Arapaho



## INFORMATION REPORT TO CIVIC ARTS COMMISSION

**Meeting Date: July 23, 2025, 6pm**

**Subject: Turtle Island Monument Project – Contract Negotiation Impasse**

**Prepared by: Jennifer Lovvorn, Chief Cultural Affairs Officer**

---

### SUMMARY

Following extensive and years-long discussions with Indigenous artists Lee Sprague and Marlene Watson regarding the Turtle Island Monument (TIM) project, negotiations have reached an impasse. Regrettably, the gap between artists' demands and reasonable municipal contract terms cannot be bridged and therefore, the City has concluded that the Turtle Island Monument project cannot proceed with these artists due to the negotiation impasse under current circumstances. Despite multiple proposal iterations and significant accommodation efforts, the gap between the artists' stated requirements and municipal contracting capabilities has proven insurmountable. This report documents the most recent negotiation process, proposals offered, and factors leading to this decision.

---

### PROJECT BACKGROUND

#### *Historical Context*

In the 1990s, the Turtle Island Monument (TIM) project was first proposed to the City by Lee Sprague as artist and Marlene Watson as project designer. Both Lee Sprague and Marlene Watson worked with the City of Berkeley and Indigenous communities internationally to develop the monument's design – merging an Indigenous ethic and aesthetic with the requirements provided by the City and its Commissions.

On July 7, 1992, Berkeley City Council approved the recommendation from the Berkeley Peace and Justice Commission for "the creation of the Turtle Island Project, as the native Nation's monument within the Peace Wall circle at Martin Luther King Civic Center Park, as adopted by the Berkeley City Council in the Resistance 500 Task Force Proposal and with the support of the Landmarks Preservation and the Civic Arts Commissions." Also in 1992, the City of Berkeley became the first city in the U.S. to declare and institute Indigenous Peoples Day, to coincide with the 500th anniversary of the arrival of Columbus in the Americas on October 12, 1492.

The original proposal for the Turtle Island Monument project dated 1992 included "a round base of granite with entry from the East. In the center of the circle will be a bronze turtle ... Around Turtle Island will be a circle of water... round tiles with the names of Indigenous nations and people engraved on them. Many of the tiles will be blank, to represent the people who are no longer with us, languages that are not heard anymore, and nations that have ceased to exist since 1492."

In 1997, the City of Berkeley Landmark Preservation Commission initiated a Landmark Application of Civic Center Park<sup>1</sup>, and the general concept of the Turtle Island fountain/monument was further described in it as such: "In recent years, the "Turtle Island" fountain design has been revised to incorporate some of the concentric ring arrangement of the current fountain, and reduce the size of the composition to the center of the terrace rather than the entire terrace space. Water would flow outwards and pathways would lead inward, representing the migration of peoples to the Americas across the surrounding oceans." In the Landmark Application, this concept is attributed to Lee Sprague, Potawatomie from Michigan, of the Little River Band of Ottawa Indians, as the original Turtle Island Monument artist.

As stated in the Landmark Application of Civic Center Park, the park has been the site of numerous cultural and civic events of importance to Berkeley's history. Civic Center Park was renamed Martin Luther King Jr. Civic Center Park in 1983, and the park is listed on the National Register under this name.<sup>2</sup>

### ***Previous Challenges***

The project faced significant delays and complications over the past three decades, including:

#### **Late 1990s-Early 2000s:**

- Following initial approvals, there was a long delay in advancing the project, during this time Lee Sprague and Marlene Watson left the Bay Area to pursue work elsewhere, while the fountain constructed in 1942 remained inoperable.
- There were numerous project approvals related to the Turtle Island Monument (TIM) in the 1990s and then an appeal of the proposed project was filed as part of EIR process on March 22, 2002). City Council dismissed the appeal on July 9, 2002, after which the project left the domain of public documents.

---

<sup>1</sup> Landmarks Preservation Commission, Notice of Decision for Meeting on November 3, 1997. Landmark Application for "Civic Center Park, Civic Center Plaza, Provo Park" dated August 27, 1997. Records available for viewing by request to the Planning Department.

<sup>2</sup>Access the National Register listing of Berkeley's *Martin Luther King Jr. Civic Center Park* online: <https://catalog.archives.gov/id/123858157>, National Archive Identification District Number (NAID): 123858157.

**2003-2006:**

- 2004: The City of Berkeley approved a master plan for a renovation of the Martin Luther King Jr. Civic Center Park with construction of TIM to start in the park.
- Instead of notifying the original TIM artists Lee Sprague and Marlene Watson, the City sought new artists and architects to work on a revised redesign for the Turtle Island Monument at the park's existing (inoperable) fountain.
- 2005: The City underwent a public procurement process to commission artist Scott Parsons to create four bronze oceanic turtle sculptures and facilitate the creation of eight stone art medallions by North, Central and South American Indigenous artists and international tribal representatives.
- 2006: Artist Scott Parsons created and delivered four bronze turtles and eight stone medallions, but they were never installed at the TIM site because the project was paused due to funding shortages.
- Since delivery, in 2006 the eight stone medallions (art pieces) have been in storage at City facilities (Corp Yard and currently 2180 Milvia storage) and the four bronze turtles have been on display at 2180 Milvia Street (Lobby and 5<sup>th</sup> Floor) waiting to be installed as part of the Turtle Island Monument at Martin Luther King Jr. Civic Center Park.

**2017-2021 Turtle Island Garden Efforts:**

- 2017-2018: Three Berkeley community members conducted advocacy (which consisted largely of visiting many City of Berkeley Commissions and Councilmembers) to convert the inoperable 1942 fountain into "Turtle Island Garden," a new design that did include the four turtles and eight stone medallions delivered by artist Scott Parsons, but did not include water.
- At the time, City staff were not aware of the prior 1990s "Turtle Island Monument" design by artists Sprague and Watson.
- On December 4, 2018, the Berkeley City Council adopted a resolution directing the City Manager to develop a plan for the "Turtle Island Garden" located in the same place as the Turtle Island Monument (the inoperable fountain in Martin Luther King Jr. Civic Center Park).
- On March 21, 2022, the City received a \$591,666 *Clean California Local* grant from CalTrans for the "Turtle Island Garden" and upper civic center plaza improvements.<sup>3</sup> The funding for the grant included a date of June 30, 2024, by which the project was originally to be completed.

---

<sup>3</sup> CalTrans, Clean California Local Grant Projects, District 4, Online: <https://dot.ca.gov/caltrans-near-me/district-4/d4-popular-links/d4-clean-california/d4-local-grants>

- When the City held an initial "Indigenous stakeholder meeting" for the garden project, a fundamental problem emerged: the project was built on an Indigenous concept but was proposed by non-Indigenous people.
- After realizing the problem through the course of the stakeholder meetings, City staff re-engaged artists Lee Sprague and Marlene Watson for a listening session, after which Lee Sprague and Marlene Watson agreed to participate in a design charrette for the Turtle Island Monument (TIM) project.

**2022-2023: TIM Design Development and Emerging Conflict:**

- August 18 & 19, 2022: Design charrette held for development of TIM design which PGA Design was engaged to draw Lee and Marlene's vision into design documents that could be reviewed by the City of Berkeley Landmarks Preservation Commission, and other departments (including the Parks Recreation and Waterfront department) ultimately for permitting and construction.
- It was established that Turtle Island Monument was Lee Sprague and Marlene Watson's intellectual artistic property, as reported to Civic Arts Commission on December 7, 2022.<sup>4</sup>
- March 30, 2023: The City of Berkeley Landmarks Preservation Commission (LPC) grants approval of Turtle Island Monument design developed through the Design Charrette that included input from Lee Sprague, Marlene Watson, Scott Parsons, PGA Design, and others.<sup>5</sup>
- June 2023: Lee Sprague and Marlene Watson requested additional design changes to the LPC approved plan, for TIM which included adding another boulder for the "Turtle Island creation story".
- August 25, 2023, the design team consisting of Parks Recreation and Waterfront Capital Project staff, Civic Arts staff, Scott Parsons, and City's contracted landscape architect for the Civic Center Upper Plaza Improvement Project, met with Lee Sprague and Marlene Watson to attempt to reconcile the proposed design changes, with the approved design and the project schedule. However, the scope of possible changes was limited due to the funding deadline imposed by the Cal Trans Grant. The meeting ended without agreement on feasible design changes.

---

<sup>4</sup> City of Berkeley, Civic Arts Commission, Staff Report to Civic Arts Commission, December 7, 2022, Item 5 a. Online: <https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/Civic%20Arts%20Commission%20Meeting%20Late%20Attachments%2012-7-22.pdf>

<sup>5</sup> City of Berkeley, Landmarks Preservation Commission, Meeting Minutes, March 30, 2023, Item 7. Online: [https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-03-30\\_LPC\\_Action%20Minutes\\_FINAL.pdf](https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2023-03-30_LPC_Action%20Minutes_FINAL.pdf)

**2023-2025: Project Crisis Attempted Resolution and Continued Challenges:**

- September 2023: Lee Sprague disavowed the design he and Marlene Watson had helped create and accused the City of violating the Indian Arts and Crafts Act by falsely representing Scott Parsons' artwork under his name.

***(November 2023-December 2024):***

- November 2023: Outside consultants (Kristen Bennett and Jackie De La Cruz) were brought in to work with Lee Sprague and Marlene Watson to resolve issues so that contracts could be agreed to.
- Late 2023 – early 2024: The Upper Civic Center Park improvements are separated from the TIM project to ensure that the CalTrans grant funding was not lost.
- Late 2023 – early 2024: CalTrans grants an extension to June 30, 2025, for project completion. The park improvements include bringing stubbed utilities to the fountain site in preparation for when a contract with the TIM artists (Sprague and Watson) could be executed.
- October 2024: Construction contract for Martin Luther King Jr. Civic Center Park - Upper Plaza Improvements Project is authorized by City Council.<sup>6</sup>
- While the consultants and artists reviewed many proposed contracts over these years, no contract agreements with the TIM artists were reached during this time. By December 2024, the project entered "hibernation" status with no resolution.

---

**RECENT NEGOTIATION TIMELINE**

***Recent Reengagement (April-May 2025)***

In April 2025, the City made renewed efforts to reengage with the TIM artists to identify a viable path forward for project completion. Following email negotiations between Jennifer Lovvorn and the TIM artists, staff presented and emailed new "path forward" proposal iterations to the artists (Sprague and Watson) and met twice on Zoom (May 2 and May 9, 2025).

As negotiations progressed, a significant TIM gap emerged between the artists' demands and what the City could reasonably accommodate. The meetings became increasingly contentious and uncomfortable, with the artists issuing a public press release (May 12, 2025 – Attachment 1) alleging violations of the Indian Arts and Crafts Act and presenting additional conditions for creating the TIM artwork that substantially exceed the City's capacity to fulfill.

Additional Requirements demanded by the artists Included:

---

<sup>6</sup> Berkeley City Council, [Item 12](#), October 29, 2024.

- Establishment of a City of Berkeley certification policy relative to the Indian Arts and Crafts Act (communicated verbally May 9, 2025)
- Formal apology from the City (communicated by email May 8, 2025, and verbally May 9, 2025)

In late May 2025, staff discussed with City leadership options for resolution, including discussion of a “path forward plan” dated May 21, 2025 (Attachment 2) that addressed many of Lee Sprague and Marlene Watson’s concerns and represented a viable path for project completion.

***Key points of “Path Forward Plan” Proposals Offered by the City (dates October 2024 – May 2025)***

Comprehensive Project Implementation Plan

- Resolution Correction: Formal rescission of incorrect historical attributions
- Project Control: Artists' primary role in design development with City providing implementation support
- Procurement for landscape architect for Turtle Island Monument design documents with extensive familiarity and experience working with Indigenous communities
- The exclusion of Scott Parson’s artwork elements (four bronze turtles, eight mosaics) from Turtle Island Monument, as they were not part of the original Turtle Island Monument concept created by Lee Sprague and Marlene Watson in the 1990s.

Multiple Plan Iterations were developed with the Initial plan development starting October 2024 and continuing with multiple revisions through May 2025 addressing artist feedback. The “path forward plan” and the preceding multiple plan iterations always put forth a comprehensive approach centering addressing artistic vision and compensating the artists fairly while maintaining City requirements.

The final path forward plan shared with Lee Sprague and Marlene Watson on June 27, 2025 included a generous fee at a fixed amount to mitigate the risk of not reaching an agreed upon fee with the artists should the amount be determined at a later point in the project:

- Artist Compensation: Fixed \$100,000 per artist for consultation during development of Turtle Island Monument. This amount is inclusive of fee and travel.

Some of Lee Sprague and Marlene Watson listed concerns and demands were not included in the “path forward plan” because they were outside the purview of a public art contract negotiation. City leadership determined that the artists' expanded requirements could not be accommodated within standard municipal contracting procedures and despite good faith efforts on behalf of the City, the negotiations had reached an impasse with no realistic path to working successfully with these artists on this project.

## DECISION FACTORS

### *Demands Outside Contract Scope*

The artists' expanded requirements included elements beyond the scope of municipal contract negotiations:

- Indian Arts and Crafts Act Certification Policy: Request for City to establish certification policy relative to IACA compliance – A new certification policy would require broader municipal policy modifications rather than project-specific contract terms
  - Formal City Apology: Request for official municipal apology for past handling of the project. This would be a decision that is beyond the scope of contract negotiations.
- 

## CONCLUSION AND NEXT STEPS

### *Project Status*

The Turtle Island Monument project is formally concluded due to a negotiation impasse - the inability to reach mutually acceptable contract terms between the artists and the City despite extensive good faith negotiations. The City sent notification to the artists regarding the project conclusion on June 27, 2025 (Attachment 3).

### *City's Position*

- The City respects the artistic vision and contributions of Lee Sprague and Marlene Watson
- Multiple reasonable proposals were developed and offered through extensive iterations from October 2024 through May 2025, in addition to efforts undertaken in the years prior (2022-2024)
- Certain artist demands fell outside the scope of contract negotiations and required broader policy changes beyond project parameters
- The decision reflects procedural limitations rather than lack of commitment to the vision of these artists for a Turtle Island Monument in Berkeley

### *Public Process*

This Information Report provides public transparency about the negotiation process and decision factors. The artists have been invited to participate in public comment during this meeting should they wish to provide their perspective.

No Commission action is required, as this is provided for informational and transparency purposes.

Meeting Information: July 23, 2025, 6pm – Agenda posted July 16, 2025

Public Comment is available for input on this matter in writing ahead of the meeting or at the meeting

---

**Attachments:**

1. Turtle Island Monument Press Release issued by John Curl (May 12, 2025)
2. Turtle Island Monument “Path Forward” Project Plan (May 21, 2025)
3. Correspondence with artists (June 27, 2025)



**TURTLE ISLAND MONUMENT COMMITTEE**

**BERKELEY, CALIFORNIA**

From: **Turtle Island Monument Committee**

FOR IMMEDIATE RELEASE: May 12, 2025

Contact: John Curl, press liaison, (510) 847-3431

The artists Lee Sprague and Marlene Watson are available for interviews.

## **Berkeley's Turtle Island Monument Fountain, dedicated to Native America 33 years ago, will finally replace the broken Civic Center Fountain, but Council must remove the last obstacles by acknowledging and correcting the City's past violation of the Indian Arts and Crafts Act.**

As public art, the Turtle Island Monument is the artistic and intellectual property of Indigenous artists Lee Sprague and Marlene Watson, protected under the Indian Arts and Crafts Act (IACA) of 1990, and cannot be credited to another artist. Yet that is exactly what the City flagrantly tried to do in 2005. Today we are still undoing the damage and misconceptions caused by the misappropriation of Sprague and Watson's original design.

### **History and Future of Berkeley's Turtle Island Monument Fountain (TIM)**

1992: Mayor Hancock dedicated the Turtle Island Monument, honoring Native America and representing the highest values of the people of Berkeley, at the first Indigenous Peoples Day celebration, which touched off the movement that has since spread around the country and the world. The old fountain had not been in operation for over a decade, and was viewed by all as an eyesore. The artists Lee Sprague and Marlene Watson, both Native people, presented the preliminary architectural drawings with a central turtle presenting the vision, bearing the American continents on its back. The project was enthusiastically approved by the necessary commissions and unanimously by City Council.

1996-1997: Voters approved a \$49 million bond measure which included funds for TIM. But the project was undercut when the entire historic Civic Center was landmarked to prevent unwanted development. During the long delay, Lee and Marlene both eventually left the Bay Area to pursue work elsewhere, while the old fountain remained dysfunctional.

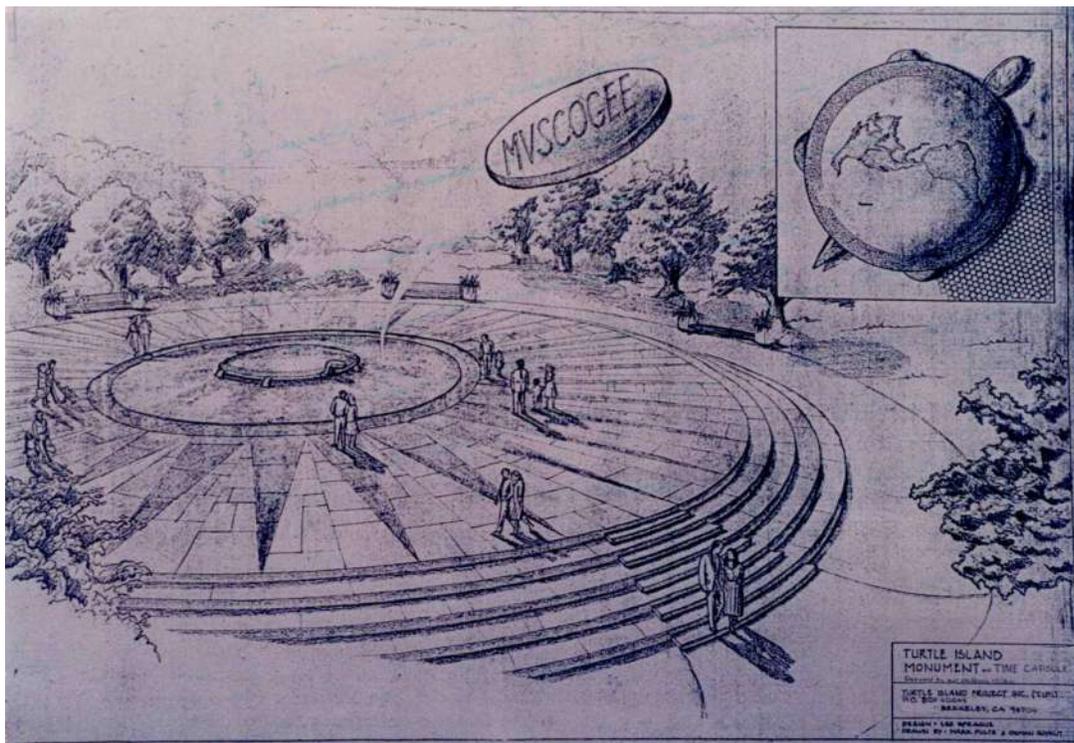
2003-2006: The City approved a master plan for park renovation with construction of TIM to start in 2004. But, instead of making any attempt to notify the artists Sprague and Watson, the

City sought new non-Native artists and architects to work on a revised redesign, in violation of the Indian Arts and Crafts Act, which protects the rights of Indigenous artists. TIM had been a 100% Indigenous concept and design, but the City in 2005 awarded a commission for four bronze turtles, which were not part of the original design, to a non-Native artist. Native people were now entirely excluded from the project, but it was then paused again due to funding.

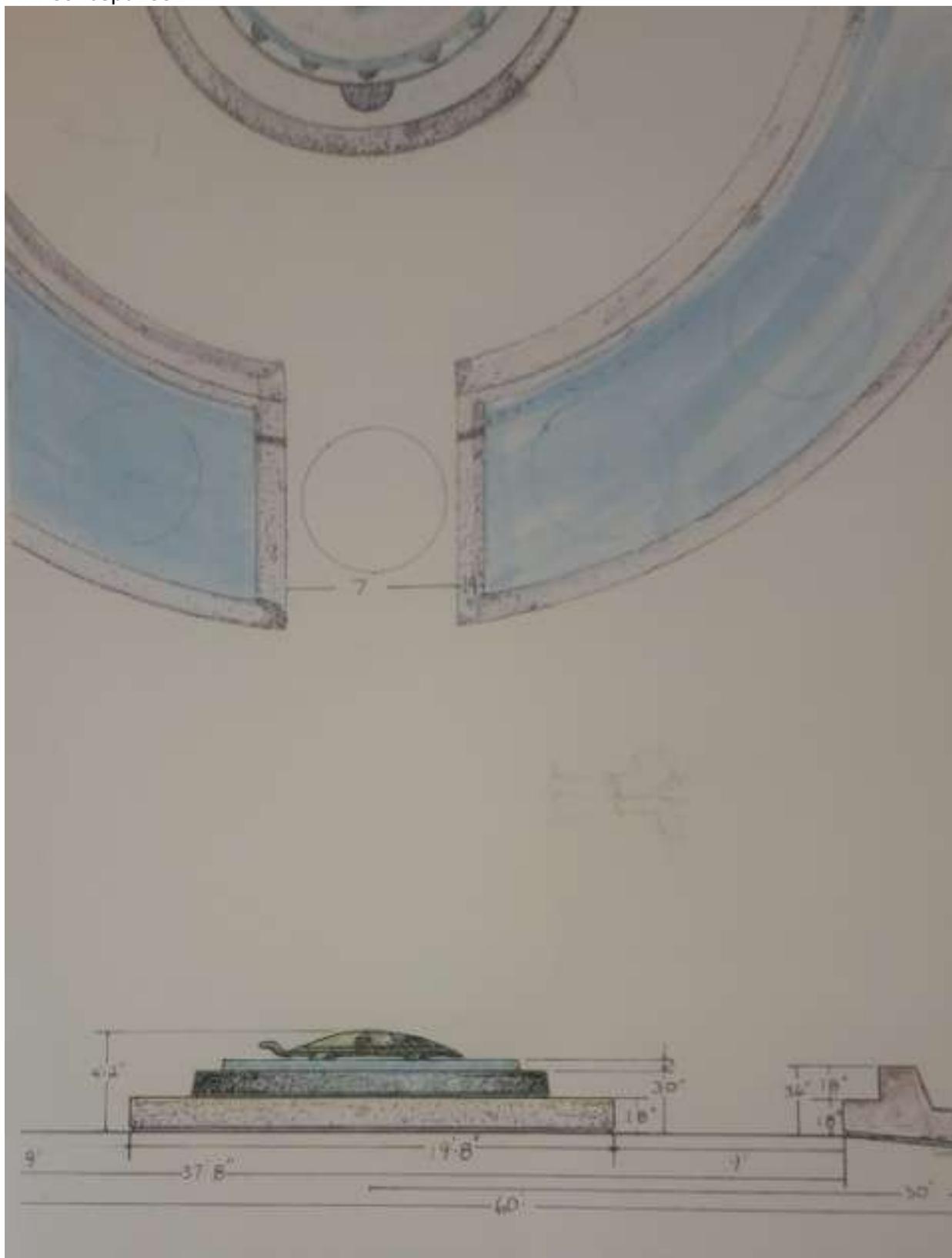
2017-2018: Council directed the City Manager to develop a plan, staff began to re-engage, and a group of non-Native people presented a new idea involving plants and gardens, but the City still made no attempt to contact the artists Sprague and Watson.

2021-2023: City of Berkeley and a non-Native landscape architectural firm began devising another TIM project design when the City finally reached out to contact Sprague and Watson. Lee and Marlene did not give consent to the latest design by the City, but shared their original concept and meaning of the central turtle design of the TIM project. The City passed another misdirected resolution naming the same non-Native artist from 2005 as primary artist for the TIM project to purchase granite stone for the center water fountain. The City needs to acknowledge and remove the four bronze sea turtles already built from any association to the TIM project and MLK Civic Center Park

2024-2025: But the project remains stalled. All past City Resolutions misappropriating TIM to this same non-Native artist need to be rescinded by Council before the TIM project can move forward again. This will open the way after over three decades to finally complete the Turtle Island Monument Fountain project with its original concept and artists, destined to become the beautiful, powerful and profound center of our city.



TIM Concept 1992



TIM Concept 2023



DEDICATING THE SITE FOR THE TURTLE ISLAND MONUMENT

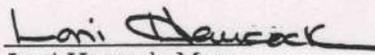
WHEREAS, the Berkeley Resistance 500 Task Force, a broad-based community group, brought the proposal for Indigenous Peoples Day and related activities and programs to the Commission on Peace and Justice, which recommended adoption of the proposal to the City Council; and

WHEREAS, the Berkeley City Council, on 22 October 1991, approved the recommendation for Indigenous Peoples Day and the designation of 1992 as the Year of Indigenous People, including educational events throughout the year and commemorative events on the weekend of 10-12 October; and

WHEREAS, the Task Force proposal also included a monument, now known as the Turtle Island Monument, and the concept for this monument and time capsule are being developed and circulated for review and approval through all necessary City boards and commissions; and

WHEREAS, the Turtle Island Monument is dedicated to all indigenous people of this hemisphere, whose societies flourished centuries before Columbus arrived and which continue on this day, which is seen as the end of 500 years of resistance and the beginning of 500 years of rebuilding;

NOW, THEREFORE, BE IT RESOLVED that I, Loni Hancock, Mayor of the City of Berkeley, do hereby dedicate this site for the Turtle Island Monument to the Native People of this hemisphere on behalf of the non-native people of Berkeley, in recognition of your care for this land long "before Columbus was discovered on our shores" and in honor of your culture and philosophy, which are needed now more than ever if the planet is to survive.

  
Loni Hancock, Mayor

2180 Milvia Street, Berkeley, California 94704 • Telephone (415) 644-6484  
TDD (415) 644-6915

## Turtle Island Monument artists Marlene Watson & Lee Sprague.

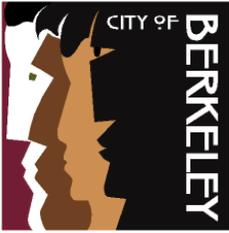


(Photo: Marc Kolsters, Digital Media Services)

"Our original designs connect the indigenous peoples from Turtle Island to the moment when Berkeley recognized indigenous Peoples Day, the first city in the world to do so. Marlene and I worked with Berkeley residents beginning 33 years ago. We are looking forward to seeing water flowing at the fountain at Civic Center, which has faced 50+years of administrative delays. Water is Life. Through our art, the unseen powers, the great mysteries, guide our footsteps and recognize Berkeley's creation of the first Indigenous Peoples Day as a shared dream for generations to come."

Lee Sprague

Mr. Sprague and Ms. Watson are available for interviews.  
John Curl, press liaison, (510) 847-3431



## **TURTLE ISLAND MONUMENT (TIM) PROJECT PLAN**

May 21, 2025

### **Transition of Authority:**

- The Civic Arts Program has authority over the project with Artwork Design Approval by the Civic Arts Commission (per Municipal Code 6.14.050) and approval of any alterations to the Fountain by Landmarks Preservation Commission (per Municipal Code 23.402.050).
- Jennifer Lovvorn will serve as project manager.
- These changes support a commitment to honor Lee Sprague and Marlene Watson's original artistic vision.

### **Plan to Address the Resolution Issue:**

- Prioritize the research on rescinding the resolutions that incorrectly named Scott Parsons as the Turtle Island Monument artist
- Jennifer Lovvorn to prepare a draft resolution for Lee Sprague and Marlene Watson's review that:
  - Explicitly acknowledges Lee Sprague and Marlene Watson as the original and current artists of Turtle Island Monument or TIM.
  - Corrects the historical record regarding the artistic vision rooted in the Historic Landmark Designation.
  - Outlines the commitment to implement the artists' (Lee Sprague and Marlene Watson)vision going forward.
- Jennifer Lovvorn to share the timeline for bringing this to the Civic Arts Commission and then to Council.
- Jennifer Lovvorn to utilize already gathered archive of historical documents pertaining to Turtle Island Monument dating back to the 1990s.
- Jennifer Lovvorn to remove the four sea turtles created by Scott Parsons from the Civic Center building located at 2180 Milvia Street.
- Once Resolution is approved, Jennifer Lovvorn to establish a Turtle Island Monument project webpage with regular updates that credit Lee Sprague and Marlene Watson as the original and current artists of TIM.

### **Project Approach:**

This project plan, now framed clearly under Civic Arts management, includes the following elements to directly address Lee Sprague and Marlene Watson's concerns:

- New landscape architect with extensive familiarity and experience working with Indigenous communities.

- Lee Sprague and Marlene Watson’s primary role in design development.
- The exclusion of Scott Parson’s artwork elements from Turtle Island Monument.
- The use of dedicated Civic Arts funds that don’t have spending deadlines to allow the project the time it needs to move forward.

### **Turtle Island Monument Scope of Project**

1. Working with Lee Sprague and Marlene Watson as the artists and with a Landscape Architect (TBD):
  - Complete design of Turtle Island Monument
  - Design approvals and permits as needed
  - Construction Document Package for Bidding
  - Conduct Construction and Specialty Artwork Fabrication Bidding
2. Adding Construction Contractor and Specialty Artwork Fabricator to the team to complete the project with consultation from Lee Sprague and Marlene Watson and Landscape Architect:
  - Construction of Turtle Island Monument
  - Fabrication and Installation of Specialty Artwork Elements

### **Project Implementation.**

1. City to establish Budgets and Council authorization for contracting and Landscape Architect RFP.
2. Lee Sprague & Marlene Watson to be placed under Sole Source Artist Contracts for \$100,000 each covering all project related expenses including travel to consult and guide the development of the Turtle Island Monument, and consultation during construction and fabrication of the Turtle Island Monument. Their scopes of work would be consulting and the artist contracts would not hold any subcontracts. The contract would include the narrative description of Turtle Island Monument from the 1997 Landmark Application language as the basis for the design work.
3. Artwork Foundry to be placed under Sole Source Contract (for Design Phase only) with the City so that their model maker can work with Lee Sprague and Marlene Watson during the design phase to create a model of the central turtle and its relationship to the fountain under Lee Sprague and Marlene Watson’s creative guidance.
4. City to go out to bid for a Landscape Architect with extensive familiarity and experience working with Indigenous communities. The Landscape Architect’s scope of work would be: Working with Lee Sprague & Marlene Watson as advisors throughout entire scope from approvals, through development of Construction Bid Documents and review during construction.
5. Approvals:
  - a. All phases of Artwork Design must be approved by Civic Arts Commission.
  - b. Any structural alterations to the historic fountain must be approved by Landmarks Preservation Commission.
  - c. All contracts over \$50,000 must be authorized by City Council.
6. Bid Documents: Once all approvals are obtained, development of Construction Bid Documents used to bid for the construction of Turtle Island Monument and separate Specialty Artwork Element Construction Documents to bid the fabrication of any specialty artistic elements such as the central bronze turtle and any pavers.
7. Construction Bidding

8. Artwork Fabrication Bidding
9. Council authorization of contracts
10. Award Construction Contract
11. Award Artwork Fabrication Contract
12. Construction of Turtle Island Monument
13. Fabrication and Installation of Specialty Artwork Elements
14. Dedication Ceremony

**Civic Center Site – Current Conditions:**

The Upper Plaza Improvement Project is currently moving forward as a capital project managed by the Parks Recreation and Waterfront Department with an anticipated completion date of June 2025. The footprint of the fountain has been excluded from the Upper Plaza Improvement Project and reserved for the future Turtle Island Monument to be implemented according to an agreed upon Turtle Island Monument Project Plan. As part of the scope of work of the Upper Plaza Improvement Project, utilities and infrastructure to support the implementation of the Turtle Island Monument are being provided: capped irrigation line for any future plantings, empty electrical conduit for future electrical needs, empty conduit sleeves under the pavers leading to fountain edge for any other needed utilities at the fountain, and the tunnel under the fountain can be utilized for any other needed utilities for the Turtle Island Monument.

**Lovvorn, Jennifer**

---

**From:** Lovvorn, Jennifer  
**Sent:** Friday, June 27, 2025 5:49 PM  
**To:** Lee Sprague; Marlene Watson  
**Cc:** John Curl  
**Subject:** Turtle Island Monument Project - Conclusion of Contract Negotiations  
**Attachments:** Turtle Island Monument Path Forward Plan 5-21-25.pdf

Dear Lee and Marlene,

Over the past couple months, I have been excited to reengage with you both to explore how we might move the Turtle Island Monument (TIM) forward after more than three decades. As you know, the City has made substantial efforts to address your concerns and develop a viable path for project completion.

I was hopeful that the proposed "path forward plan" shared with you starting in October 2024 and developed through many iterations until May 2025 had sufficiently addressed your concerns. There were, however, certain additional concerns and demands, such as the establishment of a City of Berkeley certification policy relative to the Indian Arts and Crafts Act and a formal apology from that City that you made verbally (May 9, 2025) and by email (May 8, 2025), which are not in the purview of a contract negotiation. Because these concerns and demands are not in the purview of a contract negotiation, I cannot feasibly address them. Correspondingly, your concerns and demands asking for the establishment of a City of Berkeley certification policy relative to the Indian Arts and Crafts Act and a formal apology from that City, cannot be included in the plan. What is included in "path forward plan" (attached) is a feasible approach to move the project forward. It aligns with the spirit of the project as described in the press release that John Curl distributed on May 12, 2025.

Please note that the attached plan is substantially the same as the version that was shared with you on May 6, 2025 with the exception of the artist fee determination, which changed from "a yet to be determined" amount to a fixed amount, the text changes are indicated in underline below: *Lee Sprague & Marlene Watson to be placed under Sole Source Artist Contracts for \$100,000 each covering all project related expenses including travel to consult and guide the development of the Turtle Island Monument.*

After extensive discussion and careful consideration of your position and additional requirements relative to what the City can reasonably accommodate through our standard municipal contracting processes, there remains too significant a gap between your demands and what the City can realistically provide.

While I had hoped we could reach an agreement that would allow this important project to move forward in alignment with what the City can responsibly deliver, I must unfortunately inform you that we will not be able to proceed with the Turtle Island Monument (TIM) public art project at this time.

As part of our commitment to transparency and public process, I will be presenting an Information Report about the conclusion of these negotiations to the Civic Arts Commission at their meeting on **July 23, 2025, at 6pm**. This meeting is open to the public and includes an opportunity for public comment. Should you wish to participate in public comment, either remotely via Zoom or in person, please let me know and I will arrange the appropriate connection details. The agenda will be posted on the [Civic Arts Commission Agenda webpage](#) by July 16, 2025.

I want to acknowledge the significance of this project and your long-standing commitment to it. The City's decision reflects the practical realities of municipal contracting requirements and our responsibility to follow established procedures for public projects, rather than any lack of respect for your artistic vision or contributions.

I am attaching the most recent project implementation plan that was under discussion for your reference.

If you have any questions about the Civic Arts Commission meeting or the public comment process, please don't hesitate to contact me.

Respectfully,

**Jennifer Lovvorn**

Chief Cultural Affairs Officer

City of Berkeley

---

**Attachment:** Turtle Island Monument Project Plan (May 21, 2025)





Housing Advisory Commission  
Civic Arts Commission

# 02a.32

ACTION CALENDAR  
October 28, 2025

To: Honorable Mayor and Members of the City Council  
From: Housing Advisory Commission and Civic Arts Commission  
Submitted by: Leah Simon Weisberg, Chairperson, Housing Advisory Commission  
Cameron Woo, Chairperson, Civic Arts Commission  
Subject: Affordable Housing for Artists Report

## RECOMMENDATION

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

## FISCAL IMPACTS OF RECOMMENDATION

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

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

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

## CURRENT SITUATION AND ITS EFFECTS

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

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

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

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

1. Adopt an ordinance implementing AB 812, which allows up to 10% of Below Market Rate (BRM) units within cultural arts districts to be set aside for low-income artists.
2. Integrate policies to incentivize affordable housing and affordable commercial space for artists and arts organizations in study areas already identified in the City's Housing Element, specifically the *San Pablo Specific Plan* and the *Corridors Zoning Update: North Shattuck, College and Solano Ave.*
3. Place an affordable housing bond measure on the 2028 ballot.
4. Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary to kick-start such a project.
5. Implement the short- and medium-term strategies recommended in the *Berkeley Social Housing Study - Draft - May 2025*.
6. Adopt a standardized process for designating local cultural districts and applying for State cultural district designation.
7. Preserve the funding for a Guaranteed Basic Income (GBI) pilot project and explore the feasibility of including low-income artists and cultural workers as a category of eligible participants in the pilot project.

These seven recommendations include practical and necessary strategies, policies, and programs to undertake if the city is to truly address the affordable housing needs of low-income artists and cultural workers. The city has undertaken several studies and surveys in the past to better understand the needs of its cultural workforce, and

affordable housing is consistently identified as the number one challenge facing these workers. Therefore, it is imperative that the city move the needle on this issue by implementing the report's recommendations. As part of approving the report, it is recommended that the City Council direct the City Manager to evaluate and implement the report's recommendations as appropriate.

### BACKGROUND

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

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

The [City's Housing Element](#) also recognizes the need for affordable housing for artists. Policy H-8 calls for developing workforce housing for low- and moderate-income households, including teachers, *artists*, and other residents who work in the city of Berkeley, underpinning the idea that artists, who are often teachers as well, contribute to the economy and vibrancy of the community and that high housing costs are placing the community's thriving cultural sector at increasing risk of displacement.

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

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

Providing housing for all income groups and economic sectors promotes a sustainable Berkeley.

RATIONALE FOR RECOMMENDATION

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

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

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

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions were considered.

CITY MANAGER

The City Manager takes no position on the recommendations which can be evaluated if ranked highly enough through the RRV process.

CONTACT PERSON

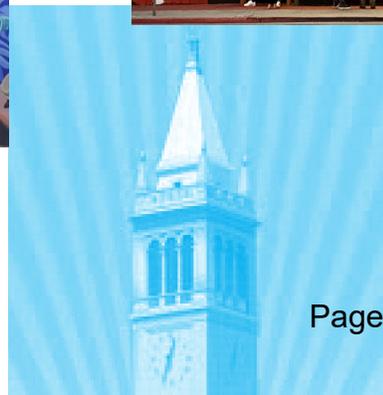
Snow Zhu, Housing Advisory Commission Secretary, (510) 981-7774  
Jennifer Lovvorn, Civic Arts Commission Secretary, (510) 981-7533  
Mike Uberti, Senior Community Development Project Coordinator, HHCS,  
(510) 981-5114

Attachment:

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

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

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



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

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

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

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

## Overview of Policy Recommendations

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

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

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

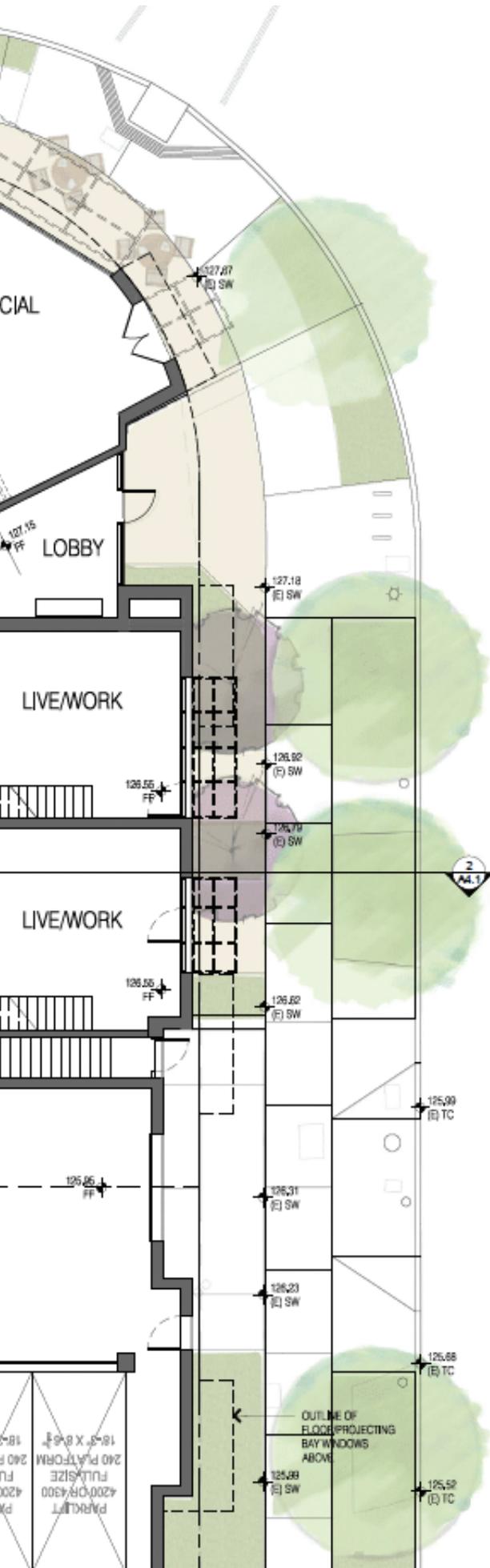
**4** Partner with regional arts and affordable housing organizations to identify a large site, or multiple small sites, for an affordable housing project (new-build or existing properties) for low-income artists, provide technical assistance, pre-development funding and/or other resources as necessary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

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

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

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

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



## Making the Case for Artist Housing in Berkeley

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

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

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

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

## Current Housing Funding Landscape

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

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

## Artists as Economic Contributors and Vulnerable Workers

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

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

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

.....

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

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

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

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

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

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

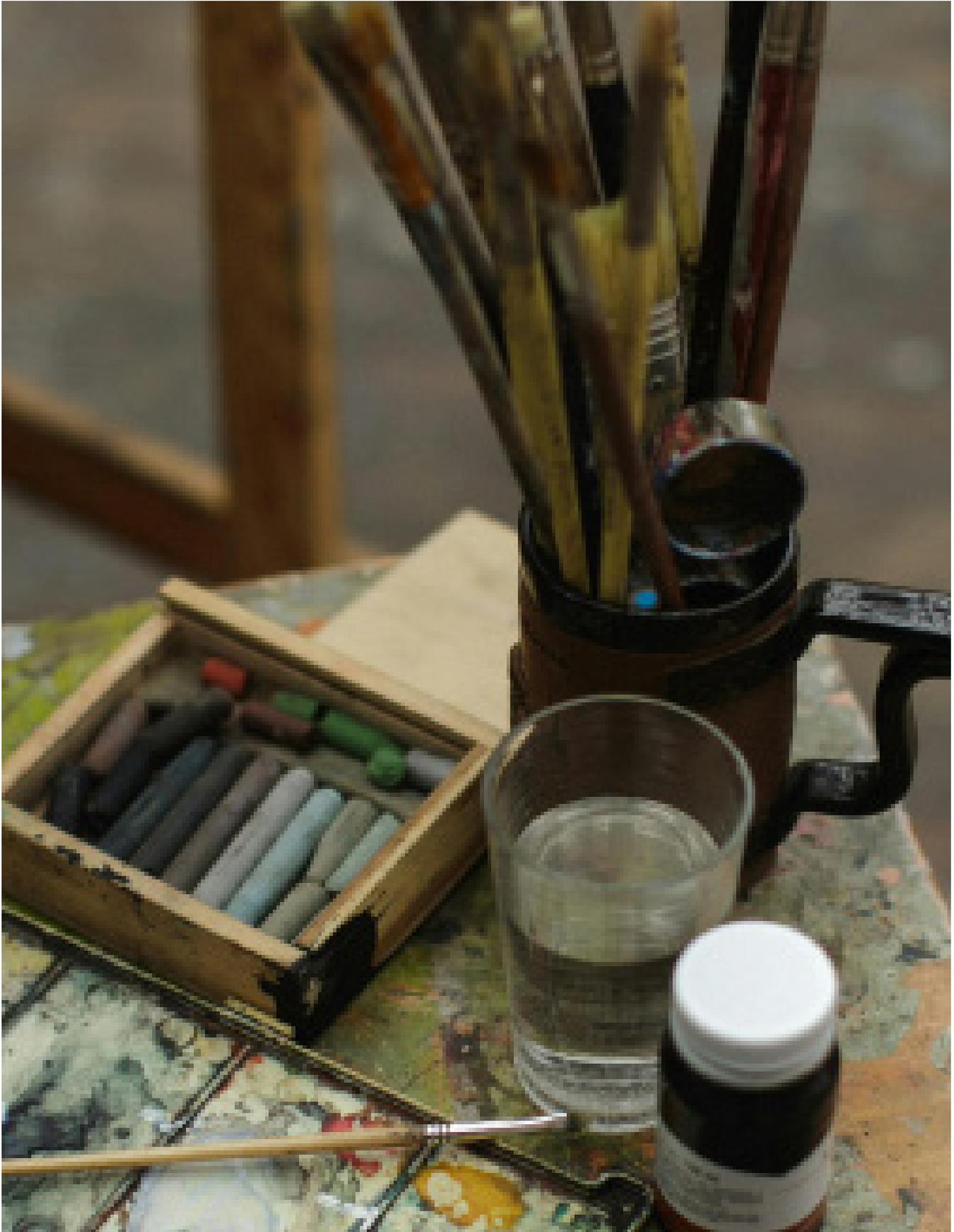
**Musical Arts** such as musicians, composers, singers, choir members, band members, or ensemble members.

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

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

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

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



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

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

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

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

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

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

HAC and the Civic Arts Commission share the following recommendations:

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

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

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

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

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

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

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

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

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

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

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

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

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

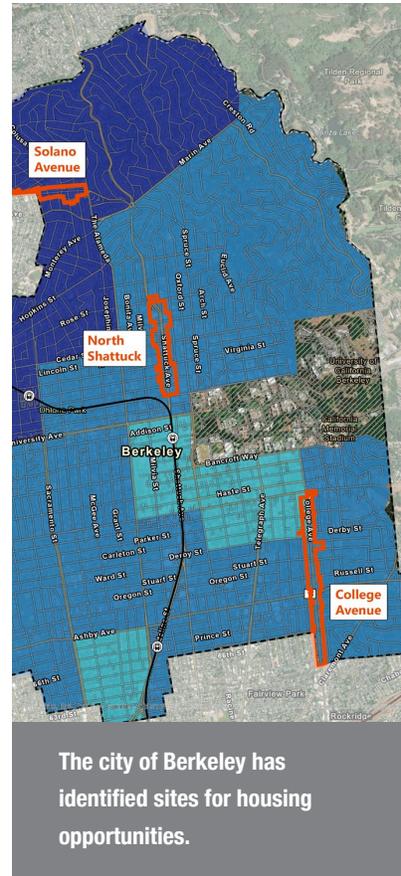
The Corridors Zoning Update is focused on land use and zoning standards that enhance housing capacity and address development barriers to advance fair housing and augment housing capacity, with a focus on equity and inclusion. The re-zoning effort launched earlier this year, and it is estimated to be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

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

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

Affordable housing should be prioritized and incentivized:

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

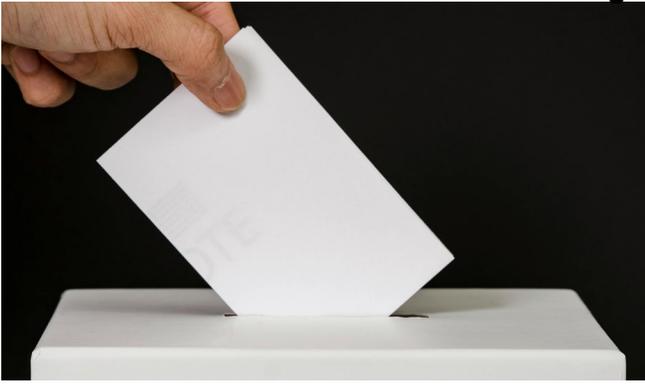


### 3 Place an affordable housing bond measure on the 2028 ballot.

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

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

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



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

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

A 2028 bond measure can ensure funding for:

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

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

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

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

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

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



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

Specific activities might include:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

### **Conclusion**

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

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

## APPENDIX A

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

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

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

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

Section 23.328.010

Findings and Purpose.

Section 23.328.010 is amended to add the following:

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

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

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

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

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

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

Section 23.328.020

Definitions

Section 23.328.020 is amended to add the following:

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

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

**APPENDIX A ... continued**

Section 23.328.030 Affordable Housing Regulations

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

A. Requirement to Construct Affordable Units.

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

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

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

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

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

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

**Credits/ Art and Photographs**

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

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

Page 5: Photograph by Pexels/Cottonbro

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

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

Page 12: Photograph by Pexels/Pixabay



Civic Arts Commission

**02a.36**

INFORMATION CALENDAR

October 28, 2025

To: Honorable Mayor and Members of the City Council  
From: Civic Arts Commission  
Submitted by: Cameron Woo, Chairperson, Civic Arts Commission  
Subject: Civic Arts Commission FY26 Work Plan

INTRODUCTION

The Civic Arts Commission has updated its work plan, which outlines Commission objectives for Fiscal Year 2026 (FY26) based upon goals articulated in the *City of Berkeley Arts & Culture Plan (2018 - 2027 Update)* and reflective of previously initiated projects that are already under way. This civic arts work plan includes a variety of objectives in three areas: Policy, Grants, and Public Art.

CURRENT SITUATION AND ITS EFFECTS

At its regular meeting on June 25, 2025, the Civic Arts Commission approved the final FY26 Civic Arts Commission Work Plan, which is used to guide the Commission's work throughout the year.

Action Item: Civic Arts Commission FY26 Work Plan

M/S/C (Bullwinkel/Blecher) to approve Civic Arts Commission FY26 Work Plan.

Vote: Ayes — Bachrach, Blecher, Bullwinkel, Montgomery, Woo; Nays — None; Abstain — None; Absent — Pineda, Scott.

Public Comment: 1

BACKGROUND

See work plan (Attachment 1).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental sustainability or climate impacts identified as a result of this plan.

POSSIBLE FUTURE ACTION

Based on Commission research, public meetings, and new initiatives other additional recommendations to City Council may be submitted to City Council at such time deemed necessary.

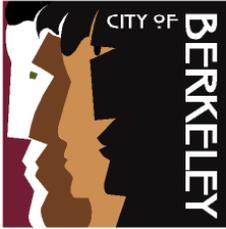
FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

No fiscal impacts determined at this time.

CONTACT PERSON

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

Attachment: 1: FY26 Civic Arts Commission Work Plan



Civic Arts Commission

## **Civic Arts Commission FY26 Work Plan (July 1, 2025 – June 30, 2026)**

6/25/2025 Civic Arts Commission meeting

### **Policy Subcommittee**

1. Continue participation with staff and in consultation with the Housing Advisory Commission to advise on the development of policies and initiatives to create affordable housing for Artists and Cultural Workers in the City of Berkeley culminating in a report to Council with recommendations related to affordable housing for the arts and culture sector.
2. In response to Council Referral, develop and send to Council a cohesive policy for the establishment of any new Cultural Arts Districts and revision to the existing Cultural Arts Districts to bring them into alignment with the new policy.
3. Advocate for the designation of a Cultural Arts District in West Berkeley.
4. Advise on application to the California Arts Council for a State-designated Cultural Arts District in the City of Berkeley.

### **Grants Subcommittee**

1. Advocate to Council for the restoration of the Community Festivals grant funding level back up to \$200,000.
2. Review and develop Civic Arts guidelines for Arts Programs, Community Festivals, General Operating Support, and Individual Artist Projects grant categories for the FY27 grant cycle with Civic Arts staff; make final guidelines recommendations to Civic Arts Commission.
3. Review funding scenarios for grant awards based on scores, number of applicants, and available funding; make final grant funding recommendations to Civic Arts Commission.

### **Public Art Subcommittee**

1. Participate with Civic Arts staff and a consultant in the development of a *Public Art Strategic Plan* for the City of Berkeley. The Plan will outline the steps, strategies, and actions required to shape, reinforce, or transform the Civic Arts Public Art Program. The Plan will include strategies to stabilize and sustain the Public Art Program to better serve the community and will recommend best practices, policy updates, and project prioritization. The Plan will build on the Background of previous policy achievements and planning efforts adopted by City Council.
2. Review and approve completion of *List of Public Art Projects Included in Previous Fiscal Years (FY19 – FY25) Work Plans and Council Referrals* (Attachment 1) and the *Public Art Strategic Plan* before recommending new public art projects for implementation.
3. Review and approve public art projects at required development milestones.

**Attachment 1: List of Public Art Projects Included in Previous Fiscal Years (FY19 – FY25) Work Plans and Council Referrals**

Active (Listed Alphabetically):

1. Aquatic Park tile wall COMPLETION IN 2026
2. BART Plaza Sound Installation (Ongoing programming and equipment repair)
3. Framed Art Purchases for City Buildings COMPLETION IN 2025
4. Home sculpture de-installation COMPLETION IN 2026
5. Jean LaMarr sculptural seating and grinding rock at Ohlone Park COMPLETION IN 2026
6. Lara Kaur artwork at West Service Center COMPLETION IN 2025
7. Measure T-1: MLK Youth Service Center COMPLETION IN 2027
8. Measure T-1: Willard Clubhouse COMPLETION IN 2026
9. Peace Wall Conservation COMPLETION IN 2025
10. Po Shu Wang Signage and Bell COMPLETION IN 2025
11. Re-installation of Romare Bearden artwork COMPLETION IN 2026
12. Turtle Island Monument
13. Utility Box Mural Program (Assessment and Implementation of Recommendations)
14. William Wareham sculpture conservation and reinstallation COMPLETION IN 2026

Not Started (Listed in Prioritized Order):

1. Eric Powell Gates Conservation COMPLETION IN 2026
2. Santa Fe Right of Way Park COMPLETION IN 2027
3. Dona Spring Memorial (Council Referral)
4. Measure T-1: South Berkeley Senior Center COMPLETION IN 2028
5. Measure T-1: African American Health Resource Center COMPLETION IN 2028
6. Aquatic Park sculpture
7. City Flag, Song, and Motto (Council Referral)
8. Hidden Gems: Berkeley Hills Stairways
9. Mural Commemorating Black Lives Matter Movement
10. Telegraph Avenue Public Art Project
11. Telegraph Crosswalk Murals (Council Referral)
12. Harrison Street Corridor Project
13. Replacement Mural for Center for Independent Living (Council Referral)
14. Family Friendly Art (Council Referral)
15. Upcoming: Transfer Station Replacement
16. Upcoming Dreamland Park
17. Upcoming Waterfront Ferry Terminal



Civic Arts Commission

**02a.37**

INFORMATION CALENDAR  
October 28, 2025

To: Honorable Mayor and Members of the City Council  
 From: Civic Arts Commission  
 Submitted by: Cameron Woo, Chairperson, Civic Arts Commission  
 Subject: Fiscal Year 2026 Public Art Budget

INTRODUCTION

Attached is the City of Berkeley's Public Art Budget for Fiscal Year 2026 (FY26). The Civic Arts Commission-approved FY26 Public Art Budget will guide the City's public art investments and project management for the upcoming fiscal year, implemented by the Office of Economic Development's Civic Arts Program, in collaboration with other City departments, consultant teams, commissioned artists, project stakeholders, and communities.

The FY26 Public Art Budget was adopted by the Civic Arts Commission at its regularly scheduled meeting on June 25, 2025, as follows: M/S/C (Blecher/Woo) to approve FY26 Public Art Budget. Vote: Ayes — Bachrach, Blecher, Bullwinkel, Montgomery, Woo; Nays — None; Abstain — None; Absent — Pineda, Scott. In this fiscal year, the Civic Arts Commission has prioritized ensuring adequate funding for current public art projects underway, completion of the current multiyear and not yet started public art projects identified in previous fiscal years, and conducting a *Public Art Strategic Plan* before initiating new public art projects.

CURRENT SITUATION AND ITS EFFECTS

The annual budget for public art projects is approved by the Civic Arts Commission every fiscal year. The approved Public Art Budget for FY26 pertains to funding for public art projects located in two distinct funds: Fund 148 (Cultural Trust Fund); and Fund 150 (Public Art Fund):

*Fund 148: Cultural Trust Fund Budget for FY26* (Attachment 1) includes a total of \$2,860,919 to be used for public art. The City's Percentage for Public Art on Private Projects Ordinance (Berkeley Municipal Code Chapter 23.316, established in 2016) generates in-lieu fees from private development to the Cultural Trust Fund (Fund 148) valued at 0.8% of a private development's construction costs for any of the following: new multifamily residential projects of five or more dwelling units; new commercial structures; new industrial structures; and all construction of building additions exceeding 10,000 square feet. This budget includes committed and uncommitted rollover of the

FY25 Cultural Trust Fund balance (\$2,243,397) and the sum of any new funds (\$617,522) collected in the prior fiscal year for inclusion in the FY26 budget.

The Cultural Trust Fund Budget contains projected expenditures totaling \$2,860,919 including, but not limited to:

- Commissioning artwork for Santa Fe Railroad Right of Way;
- Pilot Utility Box Mural Program;
- Completion of Mosaic artwork for Aquatic Park; and
- Artwork exhibitions in the City's "Cube Space" gallery in the Center Street Garage.

The budget includes artwork conservation contracts to maintain and repair public art owned by the City; administration funds set-aside; and a contingency amount for use during the implementation of the FY26 projects. The FY26 budget also includes funds for a *Public Art Strategic Plan* for the City of Berkeley which will commence in late 2025. This planning process will garner input from the community and other stakeholders in order to develop a framework to evaluate how new public art projects are funded and a recommended process to evaluate the funding of community-initiated public art projects. Any unspent funds from the FY26 budget will be carried forward and available for public art in FY27.

*Fund 150: Public Art Fund Budget for FY26 (Attachment 2)* includes a total of \$527,202 to be used for public art based upon eligible municipal construction projects in the Capital Improvement Budgets from FY23 through FY25. The City's Appropriation for Public Art for Municipal Capital Improvement Projects (CIP) Ordinance (Berkeley Municipal Code Chapter 6.13, established in 2022) requires that 1.75% of the estimated cost of construction of City capital improvement projects are reserved for public art for integration on-site within the CIP project or for publicly accessible City-owned sites. For large City CIP projects with substantial art set-aside amounts, onsite public art is typically integrated into the overall project. For smaller CIP projects, the arts funds are typically aggregated for deposit into the Public Art Fund. Funds may be expended on public art at any appropriate site within the City. Funds from two or more CIP projects may be pooled to fund a single work of art. Funds may be used for permanent or temporary public art. Per BMC Chapter 6.14, the Civic Art Commission makes the final determination on publicly-accessible sites for art funded through this policy. Per BMC Chapter 6.13, the Civic Arts Commission shall supervise and control the expenditure of all funds appropriated for public art.

The Public Art Fund Budget contains projected expenditures totaling \$527,202 including, but not limited to:

- Installation of the William Wareham sculpture at the Downtown Berkeley BART Plaza;

- Public Art for Telegraph Avenue; and
- City flag project.

The budget also includes artwork conservation funds to maintain and repair public art owned by the City; administration funds set-aside; and a contingency amount for use during the implementation of the FY26 projects. Any unspent funds from the FY26 Public Art Fund Budget will be carried forward and available for public art in FY27.

### BACKGROUND

The City's public art funding policies require the Civic Arts Commission to develop an annual budget for public art projects. The Public Art on Private Development policy also requires a regular annual public process for deciding how the Cultural Trust Funds will be allocated in accordance with the priorities of the Arts and Cultural Plan, following the Guidelines for Public Art in the City of Berkeley. Each year, Civic Arts staff works with the Civic Arts Commission's Public Art Subcommittee and other City departments to develop these budgets simultaneously.

Last fiscal year (FY25), the Civic Arts Program implemented a portfolio of public art projects valued at \$696,808 with funds allocated in the FY25 Public Art Program budgets. Those projects included:

- Completed the commissioning and installation of 76 framed works by photographer Lara Kaur and organized an unveiling event at the West Berkeley Family Wellness Center Open House (June 27, 2025).
- Finalized the design and construction approval of a mosaic artwork by Julie W. Chang and coordinated artwork proposal display as part of the Willard Park Clubhouse ribbon cutting and open house (June 25, 2025).
- Completed the purchase and installation of 24 framed works by Bay Area artists curated by Kala Art Institute and installed new artwork signage at 2180 Milvia Street and 1947 Center Street (June 16, 2025).
- Issued a nationwide RFQ and selected artist Sorell Raino Tsui for the Martin Luther King Jr. Youth Services Center/Young Adult Project public art commission at Grove Park.
- Developed an approved Project Plan for two free-standing public art structures as part of the Santa Fe Trackbed-to-Park conversion.
- Executed a contract with artist Masako Miki for a public art installation at the Aquatic Park pathway wall.
- Presented four quarterly exhibitions featuring emerging and mid-career Bay Area artists at the Cube Space gallery (2010 Addison Street).
- Issued a nationwide RFP for a *Public Art Program Strategic Plan* and received twelve proposals.

- Performed ongoing maintenance of the City’s Public Art Collection, including restoration of *Mak Roote*, a collaborative work by John Wehrle and poet Betsy Davids at the Berkeley Amtrak Station.
- Completed the restoration of the “*World Wall for Peace*” in conjunction with the Civic Center Upper Plaza Improvements (Reopened August 21, 2025).
- Across these projects, the Public Art Program received 283 RFQ responses, collected 1,204 public input surveys, engaged 33 community stakeholders, and remunerated 38 artists.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

POSSIBLE FUTURE ACTION

The budgets include likely future expenditures on potential public art projects in the City. The Civic Arts Commission may make modifications to this budget over the course of the fiscal year as additional needs and funding opportunities arise.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

All future public art revenues and expenditures will be tracked and accounted for. If necessary, an additional Information Report will be submitted to the City Council.

CONTACT PERSON

Jennifer Lovvorn, Secretary, Civic Arts Commission, 981-7533

Attachments:

- 1: Fund 148 Public Art Budget for FY 2026
- 2: Fund 150 Public Art Budget for FY 2026

| PUBLIC ART ON PRIVATE DEVELOPMENT FUNDS BUDGET - FY26   |                                                             |                                                       | Budget                |
|---------------------------------------------------------|-------------------------------------------------------------|-------------------------------------------------------|-----------------------|
| Fund 148 (Cultural Trust Fund)                          |                                                             |                                                       |                       |
| Approved at June 25, 2025 Civic Arts Commission meeting |                                                             |                                                       |                       |
| FY26 FUNDING                                            |                                                             |                                                       | Amount                |
| 1                                                       | FY25 Carryforward Total Balance                             |                                                       | \$2,243,397.30        |
| 2                                                       | FY25 "Art" Carry Forward Balance                            | \$131,710.62                                          |                       |
| 3                                                       | Art Committed Carryforward from FY25                        | \$1,611,454.56                                        |                       |
| 4                                                       | FY25 "Administration" Carry Forward Balance                 | \$459,201.35                                          |                       |
| 5                                                       | Admin Encumbrance Carry Forward from FY25                   | \$0.00                                                |                       |
| 6                                                       | FY25 "Conservation" Carry Forward Balance                   | \$41,030.77                                           |                       |
| 7                                                       | Conservation Encumbrance Carry Forward from FY25            | \$0.00                                                |                       |
| 8                                                       | In-Lieu Payments for FY26                                   |                                                       | \$552,576.42          |
| 9                                                       | 2127 Dwight (2127-2159)                                     | \$125,476.26                                          |                       |
| 10                                                      | 3030 TELEGRAPH                                              | \$156,056.16                                          |                       |
| 12                                                      | 2538 Durant                                                 | \$132,000.00                                          |                       |
| 13                                                      | 2587 Telegraph                                              | \$139,044.00                                          |                       |
| 14                                                      | Bayer Community Benefit Payment for FY26                    | 148-21-208-252-0000-000-000-441310-                   | \$64,946.00           |
| 15                                                      | <b>TOTAL FUNDS AVAILABLE FOR FY26</b>                       |                                                       | <b>\$2,860,919.72</b> |
| PUBLIC ART FUND ADMINISTRATION FUNDING                  |                                                             |                                                       | Available Funding     |
| 16                                                      | FY26 Available Admin Funding                                | \$582,705.83                                          | Budget                |
| 17                                                      | Projected Admin Costs FY26 (CAC)                            |                                                       | \$116,780.00          |
| 18                                                      | Encumbrance Carryforward: Jeremy Kaplan                     | Admin                                                 | \$2,948.53            |
| 19                                                      | Encumbrance Carryforward: Chandra Cerrito                   | Admin                                                 | \$30,000.00           |
| 20                                                      | Cube Space Curator: Kevin Chen                              | Admin                                                 | \$11,200.00           |
| 21                                                      | Public Art Coordination Services                            | Admin                                                 | \$100,000.00          |
| 22                                                      | Unallocated Admin in FY26                                   | Carryforward to FY27                                  | \$321,777.30          |
| 23                                                      | <b>Subtotal</b>                                             | <b>\$0.00</b>                                         | <b>\$582,705.83</b>   |
| FY26 BUDGET PROJECTS                                    |                                                             |                                                       |                       |
| CONSERVATION PROJECTS                                   |                                                             |                                                       | Budget                |
| 24                                                      | FY26 Available Conservation Funding                         | \$102,783.01                                          |                       |
| 25                                                      | Preservation Arts New Encumbrance                           | As-Needed Services - Conservation                     | \$47,500.00           |
| 26                                                      | ARG Conservation New Encumbrance                            | As-Needed Services - Conservation                     | \$47,500.00           |
| 27                                                      | Wehrle graffiti abatement                                   | Routine Graffiti Abatement                            | \$6,400.00            |
| 28                                                      | Unallocated Available Funds in FY26                         |                                                       | \$1,383.01            |
| 29                                                      | <b>Subtotal</b>                                             | <b>\$0.00</b>                                         | <b>\$102,783.01</b>   |
| ART PROJECTS                                            |                                                             |                                                       | Budget                |
| 30                                                      | FY26 Available Art Funding                                  | \$2,175,430.87                                        |                       |
| 31                                                      | CUBE SPACE                                                  |                                                       |                       |
| 32                                                      | Cube Space Artist Fees                                      | 2000 x 4                                              | \$8,000.00            |
| 33                                                      | Cube Space Signage                                          | 450 x 4                                               | \$1,800.00            |
| 34                                                      | Cube Space Photography                                      | 500 x 5                                               | \$2,000.00            |
| 35                                                      | Cube Space Window Cleaning                                  | 400 x 4                                               | \$1,600.00            |
| 36                                                      | GENERAL PUBLIC ART COSTS                                    |                                                       |                       |
| 37                                                      | Photography of public art projects                          |                                                       | \$25,000.00           |
| 38                                                      | Graphic Design (Exhibition Announcements + Signage)         |                                                       | \$15,000.00           |
| 39                                                      | Installers Collections and Signage                          |                                                       | \$10,000.00           |
| 40                                                      | Gizmo Art Productions New Encumbrance                       | As-Needed Services - Art Fabrication and Installation | \$200,000.00          |
| 41                                                      | Turtle Island Monument                                      | Reserve for Potential Project Implementation          | \$300,000.00          |
| 42                                                      | Contingency and unallocated                                 |                                                       | \$576.31              |
| 43                                                      | Carryforward Projects (Budgeted and started in FY25)        |                                                       |                       |
| 44                                                      | Aquatic Park Tile                                           | Masako Miki Contract (budget install in FY26)         | \$47,000.00           |
| 45                                                      | Wang Po Shu - Earthsong Bell Sign                           |                                                       | \$15,454.56           |
| 46                                                      | Jean LaMarr Project at Ohlone Park                          | Artist design contract                                | \$12,000.00           |
| 47                                                      | Fabrication of Jean LaMarr artwork elements                 | Fabricated through as-needed contract (\$105,000)     |                       |
| 48                                                      | Santa Fe Railroad Right of Way                              | Panelist fees and artist proposal fees and travel     | \$15,000.00           |
| 49                                                      | Santa Fe Railroad Right of Way                              | Artist contract                                       | \$150,000.00          |
| 50                                                      | Add funds to Measure T1 Artworks                            |                                                       |                       |
| 51                                                      | MLK Youth Service Center                                    | Funds from 148 to augment Measure T-1 Funds           | \$337,000.00          |
| 52                                                      | African American Health Resource Center                     | Funds from 148 to augment Measure T-1 Funds           | \$150,000.00          |
| 53                                                      | South Berkeley Senior Center                                | Funds from 148 to augment Measure T-1 Funds           | \$150,000.00          |
| 54                                                      | Public Art Strategic Plan Consultant                        |                                                       | \$110,000.00          |
| 55                                                      | Dona Spring Memorial                                        |                                                       | \$150,000.00          |
| 56                                                      | Aquatic Park Sculpture New Selection Process                |                                                       | \$15,000.00           |
| 57                                                      | Aquatic Park Sculpture                                      |                                                       | \$400,000.00          |
| 58                                                      | Utility Box Mural Program (Pilot Reboot)                    |                                                       | \$60,000.00           |
| 59                                                      | Other Projects from Work Plan (Not Yet Started or Budgeted) |                                                       |                       |
| 60                                                      | Hidden Gems (Berkeley pathways and stairs)                  | \$175,000.00                                          | \$0.00                |
| 61                                                      | BLM Mural on Gilman on BART column                          | \$75,000.00                                           | \$0.00                |
| 62                                                      | Harrison Street Artwork                                     | \$75,000.00                                           | \$0.00                |
| 63                                                      | <b>Subtotal</b>                                             | <b>\$0.00</b>                                         | <b>\$2,175,430.87</b> |
| 64                                                      | <b>Total Budget</b>                                         | <b>\$0.00</b>                                         | <b>\$2,860,919.72</b> |

| PUBLIC ART FUND BUDGET - FY26                           |                                                                     |                                                                | Budget              |
|---------------------------------------------------------|---------------------------------------------------------------------|----------------------------------------------------------------|---------------------|
| Fund 150 (Public Art Fund)                              |                                                                     |                                                                |                     |
| Approved at June 25, 2025 Civic Arts Commission meeting |                                                                     |                                                                |                     |
|                                                         |                                                                     |                                                                |                     |
| FY26 FUNDING                                            |                                                                     |                                                                | Amount              |
| 1                                                       | FY25 Carryforward Total Balance                                     |                                                                | \$66,192.41         |
| 2                                                       | FY25 "Art" Carry Forward Balance                                    | \$19,121.64                                                    |                     |
| 3                                                       | FY25 "Administration" Carry Forward Balance                         | \$ 26,138.14                                                   |                     |
| 4                                                       | FY25 "Conservation" Carry Forward Balance                           | \$ 15,432.63                                                   |                     |
| 5                                                       | Committed Carried Forward from FY25                                 | \$5,500.00                                                     |                     |
| 6                                                       | FY26 Total Allocations                                              |                                                                | \$461,009.65        |
| 7                                                       | FY26 PW 1.75% Allocation (Annual Capital Budget June 2024)          | \$137,288.00                                                   |                     |
| 8                                                       | FY26 1.75% Allocation (Annual Capital Budget June 2024)             | \$75,993.75                                                    |                     |
| 9                                                       | FY23 & FY24 PW Transfer from Fund 501 to Fund 150 posted March 2025 | \$192,541.05                                                   |                     |
| 10                                                      | FY24 PRW Transfer from Fund 138 to Fund 150 posted March 2025       | \$ 55,186.85                                                   |                     |
| 11                                                      | PW Reconciliation FY25 1.75% Allocation                             | TBD                                                            |                     |
| 12                                                      | PRW Reconciliation FY25 1.75% Allocation                            | TBD                                                            |                     |
| <b>TOTAL FUNDS AVAILABLE FOR FY26</b>                   |                                                                     |                                                                | <b>\$527,202.05</b> |
|                                                         |                                                                     |                                                                |                     |
| FY26 BUDGET EXPENSES                                    |                                                                     |                                                                | Budget              |
|                                                         |                                                                     |                                                                |                     |
| PUBLIC ART FUND ADMINISTRATION FUNDING                  |                                                                     |                                                                | Available Funding   |
|                                                         |                                                                     |                                                                | Budget              |
| 13                                                      | FY26 Available Admin Funding                                        | \$118,340.07                                                   |                     |
| 14                                                      | Projected Admin Costs FY26                                          |                                                                | \$49,030.43         |
| 15                                                      | Unallocated Admin Funds carry forward to FY27                       |                                                                | \$ 69,309.64        |
| <b>Subtotal</b>                                         |                                                                     |                                                                | <b>\$0.00</b>       |
|                                                         |                                                                     |                                                                |                     |
| CONSERVATION PROJECTS                                   |                                                                     |                                                                | Available Funding   |
|                                                         |                                                                     |                                                                | Budget              |
| 16                                                      | FY26 Available Conservation Funding                                 | \$61,533.59                                                    |                     |
| 17                                                      | Unallocated Conservation Funds in FY26                              | If not used, will carry forward to next year                   | \$ 61,533.59        |
| <b>Subtotal</b>                                         |                                                                     |                                                                | <b>\$0.00</b>       |
|                                                         |                                                                     |                                                                |                     |
| ART PROJECTS                                            |                                                                     |                                                                | Available Funding   |
|                                                         |                                                                     |                                                                | Budget              |
| 18                                                      | FY26 Available Art Funding                                          | \$347,328.39                                                   |                     |
| 19                                                      | BART Plaza Ambient Sound Installation Commission                    | Spiritual Technologies (4 +\$1,500 video + \$1,500 travel)     | \$ 7,000.00         |
| 20                                                      | James McKee encumbrance carryforward                                | Sound Contract - \$1500 still encumbered                       | \$ 1,500.00         |
| 21                                                      | BART Plaza Sound Compositions                                       | 2 sound installations at \$5,000/each - Contract for 2 in FY26 | \$ 10,000.00        |
| 22                                                      | BART Plaza Artwork Plaques                                          | 3 signs at \$200 ea.                                           | \$ 600.00           |
| 23                                                      | BART Plaza Sound Installations Technician                           | Technical Assistance with System/Component Replacement         | \$ 50,000.00        |
| 24                                                      | Xian contract carryforward                                          | Home Sculpture Removal - Transport                             | \$ 4,000.00         |
| 25                                                      | Collection Signage Program                                          |                                                                | \$ 30,000.00        |
| <b>Other Projects from Work Plan (Not Yet Started)</b>  |                                                                     |                                                                |                     |
| 26                                                      | Council Referral for City Flag                                      | Estimate                                                       | \$ 25,000.00        |
| 27                                                      | Telegraph Ave crosswalk/street murals                               |                                                                | \$25,000.00         |
| 28                                                      | Telegraph Ave Art Plan                                              |                                                                | \$125,000.00        |
| 29                                                      | Contingency Unallocated Art Funds in FY26                           | If not used, will carry forward to next year                   | \$ 69,228.39        |
| <b>30 Subtotal</b>                                      |                                                                     |                                                                | <b>\$0.00</b>       |
| <b>31 Total Budget</b>                                  |                                                                     |                                                                | <b>\$0.00</b>       |

| Upcoming Worksessions and Special Meetings |                                                             |
|--------------------------------------------|-------------------------------------------------------------|
| Scheduled Dates                            |                                                             |
| Oct 28 (4pm)                               | Ashby BART East Lot RFP                                     |
| Nov 6 (6pm)                                | San Pablo Avenue Specific Plan, and Corridors Zoning Update |
| Nov 18 (4pm)                               | PAB/ODPA Annual Report                                      |
| March 10, 2026 (4pm)                       | Economic Dashboards (OED)                                   |

| Unscheduled Presentations and Special Meetings                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. Presentation on City's Unfunded Liabilities</li> <li>2. Presentation on City's Deferred Infrastructure Needs (September - TBD)</li> <li>3. Presentation: DEI Status Report</li> </ol> |

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

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

| CITY CLERK DEPARTMENT                                       |                      |                       |                   |
|-------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS            |                      |                       |                   |
| BEFORE THE CITY COUNCIL                                     |                      |                       |                   |
| Address                                                     | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                            |                      |                       |                   |
|                                                             |                      |                       |                   |
|                                                             |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                            |                      |                       |                   |
| 2109 Virginia Street (Demolish 2-story commercial building) | ZAB                  |                       | 1/27/2026         |
|                                                             |                      |                       |                   |
|                                                             |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                               |                      |                       |                   |
|                                                             |                      |                       |                   |
|                                                             |                      |                       |                   |
| <b>Notes</b>                                                |                      |                       |                   |
|                                                             |                      |                       |                   |
|                                                             |                      |                       |                   |
|                                                             |                      |                       |                   |

10/9/2025

