



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, JANUARY 5, 2026
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: 161 148 7581**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

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

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

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

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: November 17, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 1/20/2026 – Regular City Council Meeting
- 3. Adjournments In Memory**

Scheduling

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

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

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

Adjournment – Next Meeting Monday, January 12, 2026

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

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

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

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

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

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

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

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

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on Wednesday, December 31, 2025.


Mark Numainville, City Clerk

Communications

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

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, NOVEMBER 17, 2025

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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

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

Public Comment – 7 speakers

Review of Agendas

1. Approval of Minutes: November 3, 2025

Action: M/S/C (Humbert/Taplin) to approve the minutes of 11/3/2025.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 12/2/2025 – Regular City Council Meeting

Action: M/S/C (Taplin/Humbert) to approve the agenda of 12/2/2025 with the changes noted below.

- *Item Added: Gifts Report (O’Keefe/BOLT) – added to Consent Calendar*
- *Item Added: Re-Appointment (O’Keefe/BOLT) – added to Consent Calendar*
- *Item Added: Adaptation Plan Grant (City Manager) – added to Consent Calendar*
- *Item Added: Pathways Program Grant (City Manager) – added to Consent Calendar*
- *Item 22 Kwanzaa Toy Drive (Bartlett) – revised item submitted*
- *Item 31a\ b Loan Modification (Commission/City Manager) – moved to Consent Calendar*
- *Item 32 a\ b Affordable Housing (Commission/City Manager) – moved to Consent Calendar*
- *Item 33 Pepper Spray (Kesarwani) – referred to Public Safety Committee*
- *Item 34 Air Support and Canine Units (Kesarwani) – referred to Public Safety Committee*
- *Item 35 Unionization (Taplin) – moved to Consent Calendar*
- *Item 36 Vibrant Storefronts (Tregub) – moved to Consent Calendar*
- *Item 37 Project Notification (Blackaby) – moved to Consent Calendar*
- *Item 38 Goals and Metrics (Blackaby) – referred to HLEEC Committee*

Order of Action Items

Item 25 Elmwood BID

Item 26 Solano BID

Item 27 Fire Code

Item 28 WUI Code

Item 29 Zoning Amendments

Item 30 Sale of ADUs

Vote: All Ayes.

3. Adjournments In Memory

- Evie Wozniak, Community Activist

Scheduling

4. Council Worksessions Schedule – received and filed

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

6. Land Use Calendar – received and filed

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

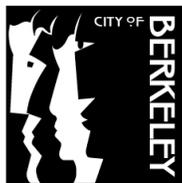
Adjourned at 3:01 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee Meeting held on November 17, 2025.

Mark Numainville, City Clerk

Communications

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, January 20, 2026
6:00 PM

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE

DISTRICT 6 – BRENT BLACKABY

DISTRICT 7 – CECILIA LUNAPARRA

DISTRICT 8 – MARK HUMBERT

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

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Preliminary Matters

Roll Call:

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

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

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

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

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

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

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

Consent Calendar

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

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

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

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

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

Recess Items

- Contract No. 32100053 Amendment: Orsolya Kuti, DVM to Provide On-site Veterinary Services for Berkeley Animal Care Services**
From: City Manager
Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to amend Contract No. 32100053 with Orsolya Kuti for on-site veterinary services for Berkeley Animal Care Services (BACS), increasing the contract amount by \$45,000 for a new total not to exceed amount of \$273,000, and extending the contract term to June 30, 2028.
Financial Implications: See report
Contact: Peter Radu, City Manager's Office, (510) 981-7000

Recess Items

2. Ratification of City Manager Action to Execute a Contract with Lake Research Partners for Community Survey Services in Support of Potential November 2026 Ballot Measures

From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during Council recess to execute a contract in an amount not to exceed \$100,000 with Lake Research Partners to develop and administer up to two community surveys of registered Berkeley voters in support of potential ballot measures for the November 3, 2026, General Municipal Election.

Financial Implications: See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

3. Ratification of City Manager Action to Accept a Grant from Americans for the Arts (AFTA) for \$20,000 to Support the "Arts Programs" Grants Category

From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager to accept a grant from the Americans for the Arts (AFTA) National Arts Relief fund during recess to receive \$20,000 for the Civic Arts grants program; and to execute any resulting grant agreements and any amendments. The funds will support the Arts Programs Grant category and will be regranted to nonprofit organizations for arts and cultural programming within the City of Berkeley.

Financial Implications: See report

Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000

4. Revenue Agreement: Alameda Alliance for Health Provider Recruitment Initiative

From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to accept a grant award, and execute any resultant agreements and amendments, in the amount of \$20,000 for Fiscal Year 2026, from the Alameda Alliance for Health Provider Recruitment Initiative to support the development of the City of Berkeley's Health, Housing, and Community Services Department's Community Health Worker (CHW) Program.

Financial Implications: See report

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

Recess Items

5. **Contract No. 32500142 Amendment: Azul Works, Inc. for the Ohlone Park Restroom and Lighting Project**

From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during the City Council recess to execute an amendment to Contract No. 32500142 with Azul Works Inc. for the Ohlone Park Restroom and Lighting Project, increasing the contract amount by \$39,000, for a total amended amount not to exceed \$921,278. Ratify the action taken by the City Manager during the City Council recess to execute an amendment to Contract No. 32500142 with Azul Works Inc. for the Ohlone Park Restroom and Lighting Project, increasing the contract amount by \$39,000, for a total amended amount not to exceed \$921,278.

Financial Implications: Measure T1 Fund - \$921,278

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

6. **Contract No. 32600020 Amendment: Throne Lab Portable Toilet Pilot Program**
From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess to execute an amendment to contract 32600020 with Throne Lab, Inc. to extend the pilot program by four months with one portable toilet unit for a total not to exceed contract amount of \$130,000.

Financial Implications: Various Funds - \$130,000

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

7. **Contract: Bauman Landscape and Construction, Inc. for Adeline Street Landscaping Improvements Project**

From: City Manager

Recommendation: Adopt a Resolution ratifying the action taken by the City Manager during recess: 1. Approving the plans and specifications for the Adeline Street Landscaping Improvements Project; and 2. Accepting the bid of the lowest responsive and responsible bidder, Bauman Landscape and Construction Inc.; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions or other change orders until completion of the project in accordance with the approved plans and specifications, with Bauman Landscape and Construction Inc. for the Adeline Street Landscaping Improvements Project, in an amount not to exceed \$357,000 which includes a contract amount of \$297,500, and a 20% contingency in the amount of \$59,500.

Financial Implications: Various Funds - \$357,000

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

Consent Calendar

- 8. Amendments to Title 23 (Zoning) to Allow the Retail Sale of Alcohol in the Telegraph Avenue Commercial (C-T) Zoning District**
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 7,996-N.S. amending the BMC Title 23 Section 23.204.020 to allow the retail sale of alcohol in the Telegraph Avenue Commercial (C-T) zoning district.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400
- 9. Amend Berkeley Municipal Code Chapter 14.68 – Bicycle Registration and Licensing**
From: City Manager
Recommendation: Adopt first reading of an Ordinance repealing Berkeley Municipal Code (BMC) Chapter 14.68, Sections 14.68.020–100 (bicycle licensing and registration), Article II (bicycle establishment permits and dealer reporting), and Article III (general licensing regulations), while retaining definitions (§14.68.010) and operating provisions (§14.68.110–200, including sidewalk restrictions).
Financial Implications: Staff time
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
- 10. Amend Berkeley Municipal Code 14.40.100 – Disability Parking Standards and Accommodations**
From: City Manager
Recommendation: Adopt first reading of an Ordinance amending Berkeley Municipal Code (“BMC”) Section 14.40.100 to align the City’s disability parking provisions with the Americans with Disabilities Act and California Vehicle Code § 295.5; clarify that exempt parking privileges apply when a qualifying disabled individual is either the driver or a passenger; and eliminate duplicative local sticker and identification card requirements by deferring to the California Department of Motor Vehicles (“DMV”) for issuance and administration of disability placards and license plates.
Financial Implications: See report
Contact: Carianna Arredondo, City Manager's Office, (510) 981-7000
- 11. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on January 20, 2026**
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: Various Funds - \$1,530,000
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

12. 1740 San Pablo Ownership Transfer

From: City Manager

Recommendation: Adopt a Resolution: 1. Approving the transfer of the general partner for 1740 San Pablo, LP from an affiliate of BRIDGE Housing Corporation to Resources for Community Development or their affiliate; and 2. Extending the project's existing \$4,496,669 reservation of Measure U1 general funds for 24 months; and 3. Authorizing the City Manager or designee to execute all original or amended documents to effectuate this action.

Financial Implications: See report

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

13. Request for Proposals for Capacity Building for Emerging Nonprofit Affordable Housing Developers

From: City Manager

Recommendation: Adopt a Resolution authorizing a Request for Proposals (RFP) for \$400,000 (\$200,000 per year for Fiscal Years 2027 and 2028) to support capacity building for emerging nonprofit affordable housing developers.

Financial Implications: See report

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

14. Acceptance of Fiscal Year 2026 Donations from Meals on Wheels of Alameda County (MOWAC) for the Berkeley Meals on Wheels Program

From: City Manager

Recommendation: Adopt a Resolution accepting donations for the Berkeley Meals on Wheels Program from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2026 (FY2026).

Financial Implications: See report

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

15. Reestablish and Revise Job Class Specification and Pay Scale – Animal Services Supervisor (formerly Animal Services Operations Supervisor)

From: City Manager

Recommendation: Adopt a Resolution to reestablish and revise the job class specification and pay scale of Animal Services Supervisor (formerly Animal Services Operations Supervisor) with an hourly pay scale of \$48.4266 to \$53.3904 distributed across three steps.

Financial Implications: See report

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

Consent Calendar

16. **Contract: Clariti Cloud Inc. for a Comprehensive Permit Management System, RFP Specification No. 24-11661-C**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Clariti Cloud, Inc. for the implementation of the Permit Software Project (PSP)—including software licensing, implementation services, integrations, data migration, training, hosting, and five years of support and maintenance—in an amount not to exceed \$5,359,128.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Council Consent Items

17. **Caminos al Éxito: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**
From: Mayor Ishii (Author), Councilmember Lunaparra (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Mayor Ishii, \$250 from Councilmember Lunaparra, and \$150 from Councilmember Tregub, to the Multicultural Institute for Caminos al Éxito with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100

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.

18. Fees: Public Health Vital Statistics Vital Records

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution establishing a new fee schedule for Vital Records, effective February 1, 2026. There is a \$2.00 increase to the fee for birth, death, and fetal death certificates. This increase is mandated by California state law under Assembly Bill (AB) 64 and Health & Safety (H&S) Code 103625(f).

Financial Implications: See report

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

19. Changes to Selected Recreation and Camps Facilities and Program Fees

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select recreation programs and facility rentals; and rescinding Resolution No. 71,833-N.S. and all amendatory resolutions.

Financial Implications: See report

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

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

(Continued from December 2, 2025) (Item Contains Revised Material)

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 – Public Hearings

21. **Amendments to Title 23 (Zoning) to permit by-right approval of qualifying housing projects on sites identified in previous Housing Elements, and revisions related to Design Review**

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt a first reading of an ordinance amending Title 23 (Zoning) to permit by-right approval of qualifying housing projects on sites identified in previous Housing Elements, and revisions related to Design Review for such projects and for residential projects in the Multi-Use Residential (MU-R) zoning district.

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

22. **Refer to the City Manager the Development of Comprehensive Transportation Design Standards**

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

Recommendation: Refer to the City Manager the development of comprehensive Transportation Design Standards to enhance safety for all transportation modes, including walking, biking, and transit. Current plans, such as Vision Zero Action Plan, the Berkeley Bike Plan, the Pedestrian Plan, the Berkeley Transit-First Policy Implementation Plan, and the 5-Year Paving Plan should guide an integrated, cross-departmental approach to developing the Standards. The three-to-five-year process should be incorporated into the Fiscal Year 2027 budget process, the five-year Capital Improvement Plan, and the Measure FF Safe Streets planning.

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

23. Referral to the City Manager to Allow Tiny Homes on Wheels as Permissible Accessory Dwelling Units (ADUs)

From: Councilmember Kesarwani (Author)

Recommendation: Refer to the City Manager to create a permitting process to allow a Tiny Home on Wheels as a legal Accessory Dwelling Unit (ADU). Tiny homes on wheels are generally considered to be detached dwellings less than 400 square feet in floor area, providing independent living quarters, including basic functional areas for cooking, sleeping, toileting, and bathing. They can retain their wheels and rest on pads instead of a foundation, and are connected to water, electric, and sewer utilities through RV-style hookups.

The referral should: -Amend Berkeley Municipal Code Chapter 23.306, Accessory Dwelling Units, to incorporate tiny homes on wheels as an allowable type of ADU; -Facilitate coordination among City Departments, such as Planning (Land Use and Building and Safety) and Fire to establish a clear set of guidelines, including code requirements and standards for installation; and -Create online resources for homeowners, including a full list of requirements related to fire, safety, and installation as well as potentially pre-approved prefabricated tiny homes on wheels.

Financial Implications: Staff time

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

24. Referral to Establish a Citywide Local Density Bonus Program to Facilitate Lower-Cost Ownership Homes (Condominiums)

From: Councilmember Kesarwani (Author)

Recommendation: Refer to the City Manager to develop a citywide local density bonus modelled after the state density bonus that would incentivize new condominium development by allowing condo projects to take advantage of the same densities, bonuses, waivers, and concessions available under state density bonus law. Under the local density bonus, however, condo projects would be able to pay the current in-lieu affordable housing fee to the City's Housing Trust Fund for all units, rather than create on-site for-sale below-market-rate condo units—a requirement under state density bonus law that renders larger-scale condo development infeasible.

The fiscal and policy goals of this proposed citywide local density bonus are to help stalled rental residential projects in our downtown reach feasibility as condo projects, which will provide affordable housing in-lieu fee revenue, property tax revenue, serve as an economic force multiplier for our downtown, and provide much-needed ownership opportunities for young families seeking a starter home and aging residents seeking to downsize. Further, the citywide local density bonus should apply to projects that have received a zoning permit since Jan. 1, 2024 or another retroactive date as appropriate to help jumpstart stalled rental development projects.

Financial Implications: Staff time

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

Action Calendar – Policy Committee Track Items

25. Resolution to Amend Berkeley City Council’s 2020 Direction to Reinstate Berkeley Police Department’s Use of Tear Gas in Limited Situations and Lift the COVID-19 Moratorium on the Use of Smoke and Oleoresin Capsicum (OC) Spray

From: Councilmember Kesarwani (Author)

Recommendation: Adopt a resolution amending the Berkeley City Council's June 9, 2020 direction regarding smoke, OC spray, and tear gas to allow the Berkeley Police Department’s Special Response Team (SRT) to use tear gas under circumstances in which there is a significant risk of injury or death, maintain the prohibition on the use of tear gas for crowd control, and lift the temporary moratorium on the use of smoke and OC spray.

Financial Implications: See report

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

26. Entertainment Zone Ordinance

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

Recommendation: Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley:

Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads:

- 1) Downtown Downtown Business Association
- 2) Gilman Gilman District Merchants Association
- 3) South Side Telegraph Business Improvement District
- 4) San Pablo University Avenue Association

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

27. Citywide Guidelines on Artificial Intelligence

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

Recommendation: Refer to the City Manager to develop official, citywide guidelines for the secure, ethical, and effective use of Artificial Intelligence (AI) tools by City of Berkeley employees. The policy should align with Berkeley's values, promote innovation and progress, and safeguard privacy and public trust.

The City Manager should review policies adopted by other California cities and develop Berkeley-specific principles to guide staff usage of AI. The following principles should form the foundation of Berkeley's policy:

1. Create safeguards against introduction of bias through use of AI systems
2. Protect data privacy and ensure cybersecurity compliance
3. Maintain human oversight and accountability
4. Explore opportunities to integrate AI into operations management
5. Foster collaboration and cross-departmental exchange of AI knowledge
6. Ensure transparency and compliance with Public Records Laws
7. Periodic review and improvement

Developing a clear and responsible AI policy will help the City of Berkeley harness emerging technologies to better serve the community while upholding equity, integrity, and public confidence in city operations and services.

Financial Implications: Staff time

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

28. City Council Employee Recognition Program

From: Councilmember Blackaby (Author), Mayor Ishii (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)

Recommendation: Adopt a Resolution to institute a City Council led Employee Recognition Program.

Financial Implications: None

Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Information Reports

29. Small Sites Program Update

From: City Manager

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

30. Landmark Preservation Ordinance Notice of Decision: 1929 Martin Luther King Jr. Way/#LMIN2025-0002

From: City Manager

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

31. Surveillance Technology Ordinance Report Update

From: City Manager

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

Public Comment – Items Not Listed on the Agenda

Adjournment

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

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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:

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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.



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

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CONSENT CALENDAR

January 20, 2026

To: Honorable Members of the City Council

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

Subject: Caminos al Éxito: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$250 from Mayor Ishii, \$250 from Councilmember Lunnaparra, and \$150 from Councilmember Tregub, to the Multicultural Institute for Caminos al Éxito with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

Entering its second year of programming, Caminos al Éxito, is a one day parent and student conference on February 21, 2026, meant to provide resources pertaining to life after high school. Through a series of designated workshops, guest speakers, and resources translated in both English and Spanish, this conference is designed to support all Berkeley families.

This endeavor is done through the collective collaboration with the UC Berkeley's Chicanx Latinx Student Development Center (CLSD), Berkeley City College, Berkeley Unified School District, the Multicultural Institute, and Latinos Unidos de Berkeley (LUB). Hosted on Berkeley City College campus, families are going to be engaging with a variety of resources meant to demystify the college-going process, offer essential resources, and build community support for families navigating often unfamiliar or inaccessible educational systems.

FINANCIAL IMPLICATIONS

No General Fund impact; \$250 is available from Mayor Ishii's and Councilmember Lunaparra's and \$150 from Councilmember Tregub's budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Adena Ishii

510-981-7100

Attachments: Resolution for Council Expenditures

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

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

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

WHEREAS, a California non-profit tax-exempt corporation, Multicultural Institute, seeks funds from the City of Berkeley not to exceed \$500 per Councilmember, including the amount of \$250 from the office of Mayor Adena Ishii to Caminos al Éxito to provide the following service to support all Berkeley families; and

WHEREAS, entering its second year of programming, Caminos al Éxito, is a one day parent and student conference providing resources pertaining to life after high school; and

WHEREAS, through designated workshops, guest speakers, and resources translated in both English and Spanish; and

WHEREAS, through the collective collaboration UC Berkeley's Chicax Latinx Student Development Center (CLSD), Berkeley City College, Berkeley Unified School District, the Multicultural Institute, and Latinos Unidos de Berkeley (LUB); and

WHEREAS, at Berkeley City College, families are going to be engaging with a variety of resources meant to demystify the college-going process, offer essential resources, and build community support.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the Multicultural institute to fund the following service of offering aid to families in Berkeley through a one day student and parent conference.





CONSENT CALENDAR  
January 20, 2026

To: Honorable Members of the Berkeley City Council

From: Mayor Adena Ishii (Author), Councilmember Lunaparra (Co-Sponsor),  
Councilmember Taplin (Co-Sponsor)

Subject: Refer to the City Manager the Development of Comprehensive  
Transportation Design Standards

RECOMMENDATION

Refer to the City Manager the development of comprehensive Transportation Design Standards to enhance safety for all transportation modes, including walking, biking, and transit. Current plans, such as Vision Zero Action Plan, the Berkeley Bike Plan, the Pedestrian Plan, the Berkeley Transit-First Policy Implementation Plan, and the 5-Year Paving Plan should guide an integrated, cross-departmental approach to developing the Standards. The three-to-five-year process should be incorporated into the Fiscal Year 2027 budget process, the five-year Capital Improvement Plan, and the Measure FF Safe Streets planning.

BACKGROUND

On December 2, 2025 the Berkeley City Council adopted the second reading of the 2025 California Fire Code Standards with local amendments “to refer Sections 503.2.1, 503.2.2, and 503.4.1 and Appendix D, including section D105.2, to the City Manager and the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee to develop and recommend revisions for Council consideration by April 2026. The mayor will submit an agenda item for a meeting in January 2026 with a referral for staff to develop Transportation Design Standards.”

The recommendation to refer to the City Manager the development of Transportation Design Standards is a direct outgrowth of the December 2nd City Council meeting, where it became clear that having easy to understand, transparent design standards would help the City ensure vibrant, safe, sustainable streets that meet the operational needs of the Public Works Department, Emergency Services, AC Transit and other road users.

The development of comprehensive Transportation Design Standards is intended to enhance safety for all transportation modes, including walking, biking, and transit. Current plans, such as the Vision Zero Action Plan, the Berkeley Bike Plan, the

Pedestrian Plan, the Berkeley Transit-First Policy Implementation Plan, and national best practices for urban street design should guide an integrated, multi-departmental approach to developing the Standards. The three-to-five-year process should include a phased-in approach with proposed benchmarks for implementation and be incorporated into the Fiscal Year 2027 budget process and the five-year Capital Improvement Plan.

The City Council encourages staff to incorporate a research phase that explores examples and promising practices from other cities, such as, but not limited to: Austin, Texas; Portland, Oregon; Seattle, Washington; and Oakland, California. Additionally, staff should involve the appropriate commissions and identify other opportunities for the Berkeley community to engage in the planning process.

Funding for the development of the Transportation Design Standards aligns with the goals of Measure FF Safe Streets and should be incorporated into the FF and Fiscal Year 2027 budget adoption process.

#### FINANCIAL IMPLICATIONS

Development of Transportation Design Standards will require staff and consultant time over a multiyear effort. The planning should leverage Measure FF Safe Streets. Staff are also encouraged to seek grant funding from the public and/or private sector.

#### ENVIRONMENTAL SUSTAINABILITY

The environmental impacts associated with the recommendations in this report will be determined by the Transportation Design Standards.

#### CONTACT PERSON

Mayor Adena Ishii 510-981-7100



Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

January 20, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Referral to the City Manager to Allow Tiny Homes on  
Wheels as Permissible Accessory Dwelling Units (ADUs)

**RECOMMENDATION**

Refer to the City Manager to create a permitting process to allow a Tiny Home on Wheels as a legal Accessory Dwelling Unit (ADU). Tiny homes on wheels are generally considered to be detached dwellings less than 400 square feet in floor area, providing independent living quarters, including basic functional areas for cooking, sleeping, toileting, and bathing. They can retain their wheels and rest on pads instead of a foundation, and are connected to water, electric, and sewer utilities through RV-style hookups.

The referral should:

- Amend Berkeley Municipal Code Chapter 23.306, Accessory Dwelling Units, to incorporate tiny homes on wheels as an allowable type of ADU<sup>1</sup>;
- Facilitate coordination among City Departments, such as Planning (Land Use and Building and Safety) and Fire to establish a clear set of guidelines, including code requirements and standards for installation; and
- Create online resources for homeowners, including a full list of requirements related to fire, safety, and installation as well as potentially pre-approved prefabricated tiny homes on wheels.

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<sup>1</sup> City staff may want to consider using San Jose's amendments to their municipal code as a model: San Jose Municipal Code, 20.200.327: Dwelling, Tiny Home on Wheels.  
[https://library.municode.com/ca/san\\_jose/codes/code\\_of\\_ordinances?nodeId=TIT20ZO\\_CH20.200DE\\_20.200.327DWTIHOWHTH](https://library.municode.com/ca/san_jose/codes/code_of_ordinances?nodeId=TIT20ZO_CH20.200DE_20.200.327DWTIHOWHTH)

## **CURRENT SITUATION AND ITS EFFECTS**

***Accessory Dwelling Units (ADUs) Are Naturally More Affordable Than Other Home Options.*** Innovations in constructing ADUs, such as modular (fully pre-fabricated) designs that can be installed with a crane or panel kits that allow the walls, roof, and sometimes floors to be delivered to the site as ready-to-assemble sections (panels), are bringing down the cost to construct an ADU. Further, a 2022 report from the Association of Bay Area Governments found that 19 percent of ADUs statewide are rented to family members at no cost, and another 16 percent statewide are rented to family and/or friends.<sup>2</sup> Tiny homes on wheels are even more affordable than other types of ADUs, taking just weeks to install (for permitting and hookups), rather than six months or longer for a typical ADU. Many come certified from a factory instead of having to be built from scratch and thus require fewer inspections.<sup>3</sup>

***Other California Cities Have Permitted Tiny Homes on Wheels.*** The effort to legitimize use of tiny homes on wheels to address housing needs in California began as early as 2016. Fresno was the first city to permit tiny homes on wheels as a permanent, rentable additional unit,<sup>4</sup> followed not long after by San Luis Obispo.<sup>5</sup> The City of Los Angeles began permitting tiny homes on wheels in 2019<sup>6</sup> with San Jose and San Diego close behind in 2020. In 2022, the City of Santa Cruz adopted an ordinance to allow tiny homes on wheels as both a type of ADU and as primary dwellings.<sup>7</sup> This widespread appeal throughout California and other states to legally permit tiny homes on wheels is understandable given the current housing crisis. These units are quicker, easier and cheaper to install, saving both owners and renters time, effort and costs.<sup>8</sup>

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<sup>2</sup> Association of Bay Area Governments, Final Affordability of Accessory Dwelling Units, June 13, 2022: [https://abag.ca.gov/sites/default/files/documents/2025-04/ADU\\_Affordability\\_Report\\_June\\_13\\_2022.pdf](https://abag.ca.gov/sites/default/files/documents/2025-04/ADU_Affordability_Report_June_13_2022.pdf)

<sup>3</sup> Peters, Adele, What's better than a tiny house? A tiny house on wheels?, 09 November 2020, <https://www.fastcompany.com/90572129/whats-better-than-a-tiny-house-a-tiny-house-on-wheels>

<sup>4</sup> KQED California Report: "Fresno Passes Groundbreaking 'Tiny House' Rules," Sasha Khokha, January 19, 2016: <https://www.kqed.org/news/10833592/fresno-passes-groundbreaking-tiny-house-rules>

<sup>5</sup> The San Luis Obispo Tribune: "Tiny Homes are now Legal in SLO. What the New Rules Say About Building One," Nick Wilson, November 28, 2018: <https://www.sanluisobispo.com/news/local/article222318655.html>

<sup>6</sup> Tiny House Blog, January 2019, "Tiny Houses NOW Legal in Los Angeles: <https://tinyhouseblog.com/announcement/tiny-houses-now-legal-in-los-angeles/>

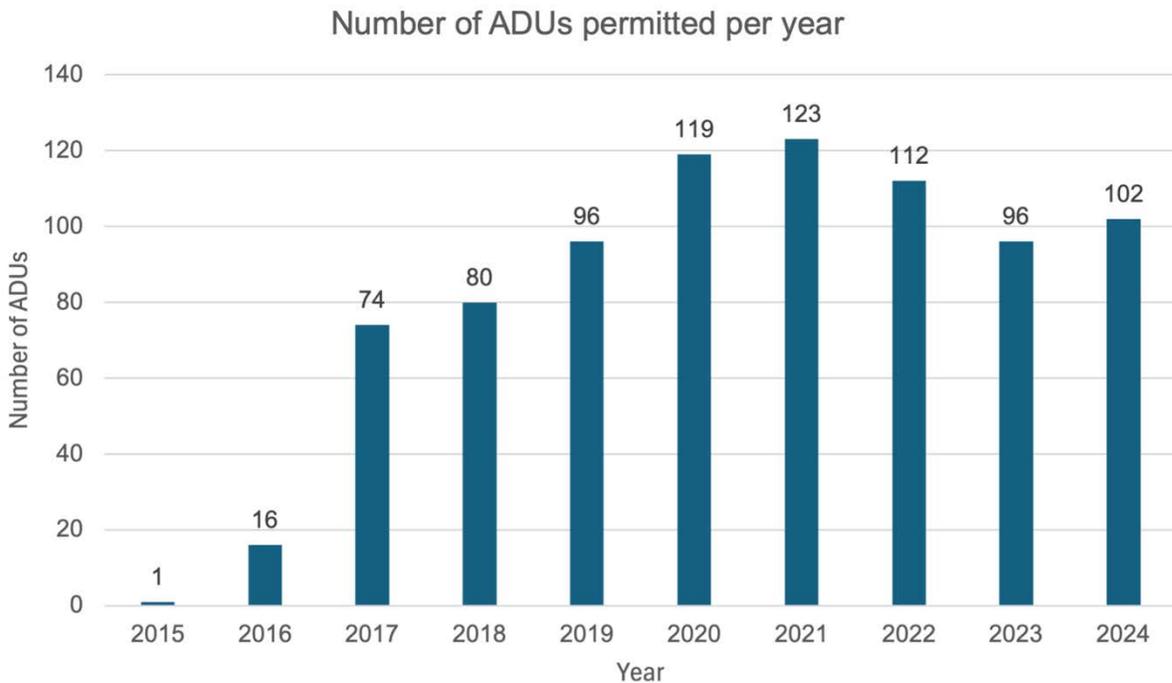
<sup>7</sup> Santa Cruz County, Board of Supervisors Amending ORD-5413, December 6, 2022 <https://sccoplanning.com/Portals/2/County/Planning/policy/Tiny%20Homes%20on%20Wheels/Ordinance%205413%20Tiny%20Homes%20on%20Wheels.pdf>

<sup>8</sup> "Sightline Institute: Homes on Wheels are Filling a Big Gap in Portland," Katie Gould, September 11, 2025: <https://www.sightline.org/2025/09/11/homes-on-wheels-are-filling-a-big-gap-in-portland/>

**BACKGROUND**

***Permitted ADUs in Berkeley Have Steadily Increased Over Time.*** In Berkeley, the number of Accessory Dwelling Units (ADUs) permitted by the City has steadily increased over the past few years, as shown in Exhibit 1. A total of 16 ADU construction permits were approved in 2016, rising to 102 in 2024—more than a sixfold increase.<sup>9</sup> The consistent and sizeable number of ADUs being built each year highlights their importance as a more affordable alternative to traditional housing types.

**Exhibit 1: Number of ADUs Permitted in the City of Berkeley Has Steadily Grown**



Source: City of Berkeley staff, and Housing Element and General Plan Annual Progress Reports (2023-2024)<sup>10</sup>

<sup>9</sup> Note: While the number of ADUs permitted in 2023 was lower than in 2022, 91 units received certificates of occupancy compared to the 72 in 2022. This significantly higher number indicates continued progress in the completion and availability of ADU units despite a slight decrease in new permits issued.

<sup>10</sup> Note: The numbers for ADUs per year from 2015-2022 were provided by staff, numbers for 2023 and 2024 were extracted from the respective Housing Element and General Plan Annual Progress Reports.

**RATIONALE FOR RECOMMENDATION**

The proposed recommendation for adding tiny homes on wheels as a type of ADU is intended to make it easier for property owners to add a legally permitted tiny home on wheels on their property in a timely manner at a competitive price.

**FISCAL IMPACT**

Time-limited staff time from relevant departments (Planning, Fire, and Public Works) to develop a standard set of requirements to satisfy all building codes and safety regulations. Additional staff time from the Planning Department would be required to incorporate tiny homes on wheels in any ADU-related permitting process online and bring staff members up to speed on information about tiny homes on wheels.

**ENVIRONMENTAL SUSTAINABILITY**

Encouraging the creation of more ADUs enables the City to make more efficient use of residential land that is generally located in close proximity to public transit. Studies show that infill development is an effective strategy for reducing greenhouse gas emissions by reducing vehicle miles traveled when compared to homes created in outlying undeveloped areas.

**CONTACT PERSON**

Councilmember Rashi Kesarwani, District 1

(510) 981-7110



Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR

January 20, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Referral to Establish a Citywide Local Density Bonus Program to Facilitate Lower-Cost Ownership Homes (Condominiums)

**RECOMMENDATION**

Refer to the City Manager to develop a citywide local density bonus modelled after the state density bonus that would incentivize new condominium development by allowing condo projects to take advantage of the same densities, bonuses, waivers, and concessions available under state density bonus law. Under the local density bonus, however, condo projects would be able to pay the current in-lieu affordable housing fee to the City's Housing Trust Fund for all units, rather than create on-site for-sale below-market-rate condo units—a requirement under state density bonus law that renders larger-scale condo development infeasible.

The fiscal and policy goals of this proposed citywide local density bonus are to help stalled rental residential projects in our downtown reach feasibility as condo projects, which will provide affordable housing in-lieu fee revenue, property tax revenue, serve as an economic force multiplier for our downtown, and provide much-needed ownership opportunities for young families seeking a starter home and aging residents seeking to downsize. Further, the citywide local density bonus should apply to projects that have received a zoning permit since Jan. 1, 2024 or another retroactive date as appropriate to help jumpstart stalled rental development projects.

**CURRENT SITUATION AND ITS EFFECTS**

***At Least Eight Recent Rental Residential Development Projects Are Stalled in Berkeley's Downtown, Sometimes Creating Blight.*** Currently, there are at least eight rental residential development projects that have received a zoning permit, the initial step that allows a project to apply for a building permit, as shown in Exhibit 1. However, only four of these eight projects have received a building permit and none

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E-Mail: rkesarwani@cityofberkeley.info

have broken ground due to unfavorable economic conditions. According to a May 2024 residential feasibility analysis for the City of Berkeley, most development prototypes cannot support the current cost of development in today's market.<sup>1</sup> The report states, "This is being driven by increased construction and financing costs that are outpacing projected rental revenue relative to the required rate of return developers must provide to finance a project."

**Exhibit 1: Eight Recent Proposed Rental Residential Development Projects in Downtown Have Received a Zoning Permit, But Have Not Broken Ground**

| Address                                       | Date Zoning Permit Was Received | Number of Proposed Units |
|-----------------------------------------------|---------------------------------|--------------------------|
| 2128 Oxford                                   | Oct. 4, 2024                    | 456                      |
| 2190 Shattuck                                 | April 28, 2023                  | 325                      |
| 2274 Shattuck                                 | April 22, 2025                  | 277                      |
| 2015 Blake                                    | Sept. 25, 2023                  | 219                      |
| 2100 Milvia                                   | July 1, 2025                    | 205                      |
| 2037 Durant                                   | June 19, 2024                   | 74                       |
| 2138 Kittredge                                | Oct. 20, 2025                   | 66                       |
| 2210/2211 Harold Way <sup>1</sup>             | Dec. 10, 2020                   | 38                       |
| <b>Total Number of Proposed Units Stalled</b> |                                 | <b>1,660</b>             |

Source: City of Berkeley, <https://berkeley.buildingeye.com/building>

<sup>1</sup>Note: Harold Way site has broken ground but is currently stalled.

For the eight proposed projects listed above that received a zoning permit, four projects went on to receive a building permit (2210/2211 Harold Way, 2190 Shattuck, 2128 Oxford, and 2138 Kittredge) but have not broken ground. We note that another three projects not listed above (2113 Kittredge, 1998 Shattuck, and 2450 Shattuck) submitted a pre-application but never received a zoning permit. Some of these stalled projects are creating blighted conditions in our downtown:

- The 2128 Oxford Street stalled project has caused a once vibrant block of small businesses to remain shuttered, with boarded up storefronts and fencing for an extended period;
- 2210/2211 Harold Way project is the site of an unsightly pit of dirt; and
- 2274 Shattuck is the site of the shuttered United Artists Theatres.

<sup>1</sup> Ernst, Margot, "Residential Feasibility Analysis and In-Lieu Fee Recommendations," City of Berkeley Worksession, May 21, 2024, <https://berkeleyca.gov/sites/default/files/documents/2025-02-25%20Item%2014%20Inclusionary%20Housing%20Ordinance.pdf>

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***A Local Density Bonus Would Alter the Financial Feasibility of Larger-Scale Condominium Development, Allowing Stalled Rental Projects to Move Forward as Condominium Projects.*** Establishing a local density bonus for stalled rental residential projects that received a zoning permit since Jan. 1, 2024 could enable these projects to move forward as condo projects. A local density bonus can provide the benefits of the state density bonus (in terms of densities, bonuses, concessions, and waivers) that helps projects reach economic feasibility, while also providing the option to pay the in-lieu affordable housing fee for *all* condo units on site. These funds can then be used to fund 100 percent below-market-rate affordable housing elsewhere in Berkeley, such as at the Ashby East Parking Lot that is now owned by the City. The requirement under the state density bonus to provide below-market-rate units on site for condo developments currently renders these types of projects infeasible, as the for-sale price for below-market-rate condos is too low to be absorbed by the project's market-rate units. Costs for purchasing a condo unit can be considerable as they include mortgage loan payments, homeowner's insurance payments, property taxes and assessments, homeowner's association fees, utilities allowances, insurance premiums, etc., making ownership units much more costly to subsidize than rental units.<sup>2</sup> A local density bonus exclusively for condo projects could allow some of the stalled rental projects to convert to condo developments, providing the City with affordable housing in-lieu fee revenue that it cannot otherwise realize for stalled rental projects under current economic conditions.

***Creating a Local Density Bonus to Jumpstart Stalled Residential Development Provides Fiscal Benefits to City and Economic Development in Downtown.*** By developing a citywide local density bonus, the City of Berkeley can help to ensure that some of the stalled rental projects can move forward as condo projects, providing significant fiscal benefits to the City. The City would realize affordable housing in-lieu fee revenue to fund 100 percent affordable housing as well as property tax revenue to support baseline City services. Further, new condominiums will bring new residents to our downtown who will patronize downtown small businesses, restaurants, and arts venues—acting as an economic force multiplier.

***Condo Development in Downtown Offers Starter Homeownership Opportunities for Young Families and Downsizing Opportunities for Empty Nesters That's Walkable to Amenities and Public Transit.*** The City's median home price of \$1.3 to \$1.5 million remains out of reach for all but the wealthiest families. This is an issue of public concern because our community must be able to provide long-term viable home options for the families of middle-class workers who serve our community, including police officers, firefighters, teachers, and health care workers. For aging empty nesters living in larger homes in the hills, there are virtually no opportunities to remain in the

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<sup>2</sup> Meyers|Nave 2024 California Developers' Toolkit: Density Bonus Law, Housing Laws, & Strategies for Success, p. 4: [https://www.meyersnave.com/wp-content/uploads/2024.10-California-Developers-Toolkit\\_Density-Bonus-Law.pdf](https://www.meyersnave.com/wp-content/uploads/2024.10-California-Developers-Toolkit_Density-Bonus-Law.pdf)

community and downsize to a smaller home that is walkable to amenities like grocery stores and public transit. A local density bonus for stalled rental projects seeking to convert to condo projects addresses the need to create smaller and more affordable ownership units for those seeking more affordable homeownership opportunities than a single-family home.

## **BACKGROUND**

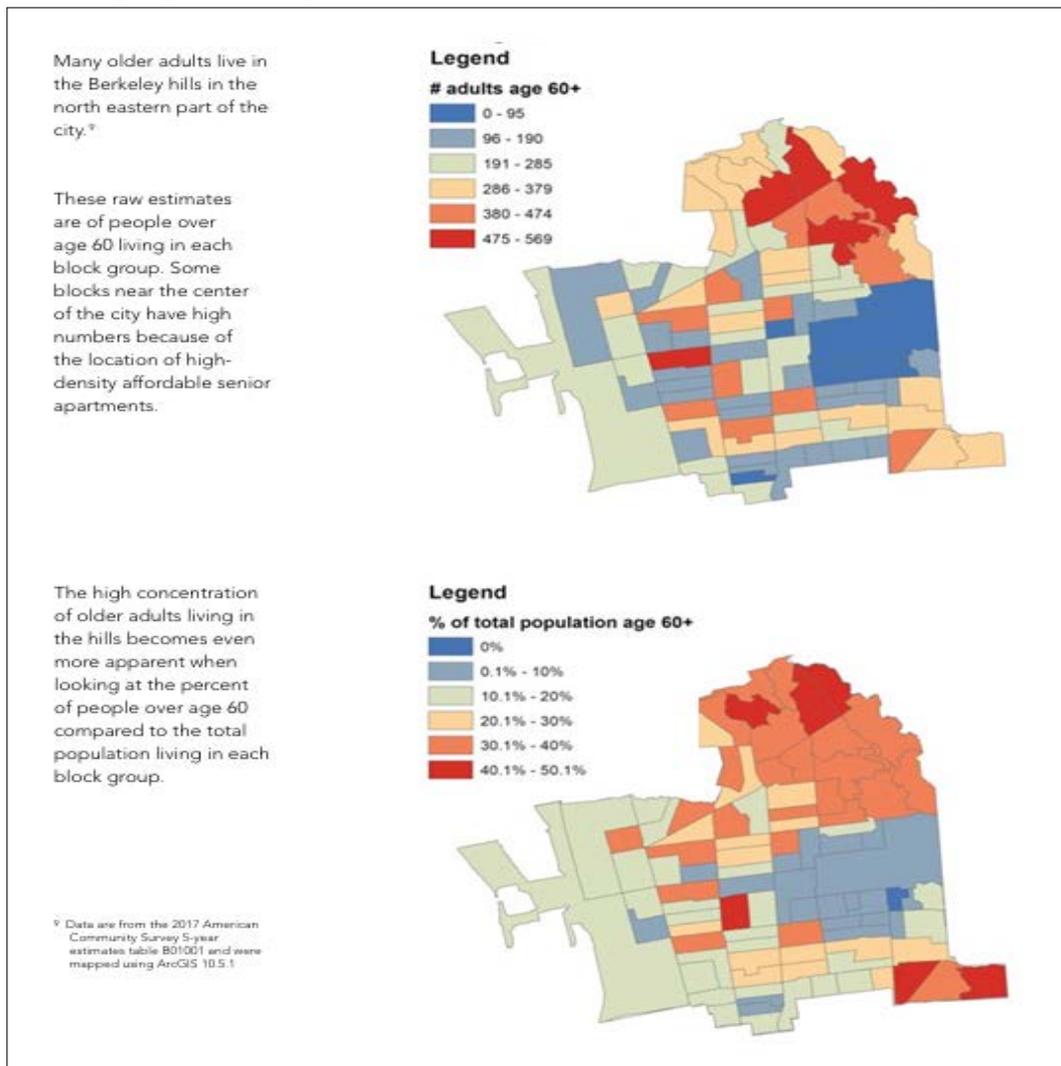
***The State Density Bonus Is a Powerful Tool to Help Residential Development Reach Feasibility.*** The state density bonus law allows developers to build more housing units than normally permitted by local zoning standards in exchange for including affordable deed-restricted units on site. Depending on the number of below-market-rate units and the affordability level, developers can increase the project's density. For example, providing 20 percent of units at a very low-income level allows a developer to utilize a 50 percent density bonus. The goal of the state density bonus law is to incentivize the creation of affordable housing by helping a project reach economic feasibility. For each project that utilize a density bonus, local jurisdictions are required to provide up to four concessions to achieve an "identifiable and actual cost reduction" per State Government Code Section 65915(k) as well as an unlimited number of waivers as long as the developer can prove that the project cannot be built without them.

***Berkeley Has a Significant Aging Population of Homeowners.*** Slightly over a quarter of all Berkeley residents are 55 and older.<sup>3</sup> A high concentration of these older residents live in the Berkeley Hills, as shown in Exhibit 2 below. For aging residents wishing to remain in the community and downsize to a home they can own that is walkable to amenities and public transit, there are few options. Some new senior housing has been developed in recent years, such as Jordan Court for low-income seniors (corner of Oxford and Cedar), The Ivy at Berkeley assisted living and memory care home (corner of Dwight and Milvia), and Elegance Berkeley assisted living (corner of San Pablo Avenue and Addison). However, given the City's significant aging population, more ownership opportunities are needed for seniors seeking to downsize and relocate to a walkable neighborhood as they age.

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<sup>3</sup> State of Public Health in Berkeley Summary Report, Information Report presented at the June 24, 2025 City Council meeting: <https://berkeleyca.gov/sites/default/files/documents/2025-06-24%20Item%2030%20State%20of%20Public%20Health%20in%20Berkeley%20Summary%20Report.pdf>

## Exhibit 2: Aging Berkeley Residents Are Concentrated In Berkeley Hills



Source: Age-Friendly Berkeley Action Plan, 2018, : <https://berkeleyca.gov/sites/default/files/2022-01/Age-Friendly-Berkeley-Action-Plan.pdf>

**Condo Affordable Housing In-Lieu Fee Has Been Lowered To Be Equal to Rental Affordable Housing Fee, With Potential to Encourage New Condo Development.** Historically, the affordable housing in-lieu fee for condo developments has been much higher than the fee imposed on rental projects; it was calculated as 62.5 percent of the difference between the market price for each unit and the below-market-rate price for each inclusionary unit.<sup>4</sup> In January 2023, the Berkeley City Council modified the affordable housing in-lieu fee to be applied on a square-foot basis, and to be applied equally to rental and ownership units.<sup>5</sup> Effective

<sup>4</sup> Klein, Jordan and Warhuus, Lisa. "Citywide Affordable Housing Requirements," Jan. 17, 2023, <https://berkeleyca.gov/sites/default/files/documents/2023-01-17%20Item%2021%20Citywide%20Affordable%20Housing%20Requirements.pdf>

<sup>5</sup> Klein, Jordan and Warhuus, Lisa. "Citywide Affordable Housing Requirements," Jan. 17, 2023, <https://berkeleyca.gov/sites/default/files/documents/2023-01-17%20Item%2021%20Citywide%20Affordable%20Housing%20Requirements.pdf>

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July 1, 2025, the current in lieu fee is \$62.83 per square foot, with all projects receiving a discount on the first 5,000 square feet.<sup>6</sup>

***Oakland, San Francisco, and Hayward Have Implemented a Local Density Bonus To Further Policy Goals.*** In Oakland, the Zoning Incentive Program allows additional density beyond what is allowed by the Downtown Oakland Specific Plan Base Zoning in exchange for a variety of community benefits, on-site affordable housing and with the option of paying in-lieu fees.<sup>7</sup> San Francisco's local density program, HOME-SF,<sup>8</sup> allows more height than the state's density bonus in exchange for 20 to 30 percent of the units being affordable to low and moderate-income families, with 40 percent of the total units being two-bedrooms or larger, in an effort to provide more family-friendly housing. The City of Hayward allows an additional density bonus, incentives, and concessions for housing targeted to special populations, such as large families (3+ bedrooms), projects including universal design features for people with disabilities, seniors, college students, and foster youth to name several examples.<sup>9</sup>

### **FISCAL IMPACT**

The fiscal impacts of this referral would be staff time to draft municipal code updates and implement the referral. The overall fiscal benefits to the City could be notable if we are able to incentivize stalled rental projects to move forward as condo developments.

### **ENVIRONMENTAL SUSTAINABILITY**

Implementing a local density bonus for condo development will help create more infill housing in closer proximity to public transit. Studies show that infill development is an effective strategy for reducing greenhouse gas emissions by reducing vehicle miles traveled when compared to homes created in outlying undeveloped areas.

### **CONTACT PERSON**

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

<sup>6</sup> Affordable Housing Requirements for Developers, City of Berkeley, <https://berkeleyca.gov/construction-development/permits-design-parameters/design-parameters/affordable-housing#:~:text=Effective%20July%201%2C%202025%2C%20the%20rental%20or,from%20the%20Residential%20Unit%20Floor%20Area%20calculation>

<sup>7</sup> Hausrath Economics Group Memorandum: Comparative Analysis of Housing Outcomes: Downtown Oakland Specific Plan Zoning Incentive Program and California Density Bonus Law, March 10, 2023: <https://www.oaklandca.gov/files/assets/city/v/1/public-meetings/zoning-update-committee/2023/b-comparing-zip-and-sdb-housing-outcomes.pdf>

<sup>8</sup> San Francisco Planning Department: HOME-SF: <https://sfplanning.org/home-sf>

<sup>9</sup> City of Hayward, Hayward Density Bonus User Guide, June 2025: <https://www.hayward-ca.gov/sites/default/files/documents/City-of-Hayward-Density-Bonus-User-Guide-2506.pdf>

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Rashi Kesarwani  
Councilmember, District 1

CONSENT CALENDAR  
January 20, 2026

TO: Honorable Mayor and Members of the City Council  
FROM: Councilmember Rashi Kesarwani (Author)  
SUBJECT: Resolution to Amend Berkeley City Council's 2020 Direction to Reinststate Berkeley Police Department's Use of Tear Gas in Limited Situations and Lift the COVID-19 Moratorium on the Use of Smoke and Oleoresin Capsicum (OC) Spray

**RECOMMENDATION**

Adopt a resolution amending the Berkeley City Council's June 9, 2020 direction regarding smoke, OC spray, and tear gas to allow the Berkeley Police Department's Special Response Team (SRT) to use tear gas under circumstances in which there is a significant risk of injury or death, maintain the prohibition on the use of tear gas for crowd control, and lift the temporary moratorium on the use of smoke and OC spray.

**CURRENT SITUATION AND ITS EFFECTS**

Tear gas has rarely been used by the Berkeley Police Department (BPD), having only been used three times over the last several decades. One of these incidents included responding to a barricaded subject. Making tear gas available to the Special Response Team will enable BPD's preparedness for these types of extreme situations.

On June 9, 2020, the Berkeley City Council banned the use of tear gas under any circumstances by the Berkeley Police Department and outside law enforcement agencies when providing mutual aid support in the City of Berkeley.<sup>1</sup> This action also placed a temporary moratorium on the use of smoke and OC spray. This was in part due to respiratory-related concerns heightened during the COVID-19 pandemic. BPD's Policies 300 (Use of Force), 303 (Control Devices and Techniques), and 428 (First Amendment Assemblies)<sup>2</sup> governed the use of tear gas before the Council's June

<sup>1</sup> June 9, 2020 4:00pm Special Meeting Annotate Agenda:  
<https://berkeleyca.gov/sites/default/files/city-council-meetings/06-09%20Annotated%20Agenda%204pm.pdf> p. 5 of 13.

<sup>2</sup> See Berkeley Police Department Law Enforcement Manual for details of each policy:  
[https://berkeleyca.gov/sites/default/files/documents/RELEASE\\_20240301\\_T161429\\_Berkeley%20PD%20Policy%20Manual.pdf](https://berkeleyca.gov/sites/default/files/documents/RELEASE_20240301_T161429_Berkeley%20PD%20Policy%20Manual.pdf)

2020 action, and they would resume that role if the Council approves this item under consideration.

While tear gas has seldom been deployed, it remains a vital option specifically for resolving high-risk incidents involving armed individuals. Without it, the Special Response Team cannot safely extract suspects from barricaded locations, creating a significant gap in its ability to manage several types of critical scenarios that include: armed standoffs, hostage situations, and encounters where shots have been fired. The use of tear gas can prompt a suspect's compliance and can also restrict their movement or capacity to inflict harm on officers or other members of the public.

## **BACKGROUND**

Tear gas has been a law enforcement tool since the 1920s and has been available for use by the Berkeley police department for decades. Officers tasked with using this equipment are members of the department's Special Response Team (Special Weapons and Tactics/SWAT). Team members train annually using this equipment with certified department instructors and have received specific training on the safe and proper use of this equipment. Although this is an essential law enforcement tool, its use is limited to high-risk low-frequency events.

The Department reserves tear gas for limited, high-risk situations where it is necessary to safely resolve dangerous incidents and protect the public, officers, and property. Because use of this tool is reserved for these types of situations, the department has deployed this tool on only three occasions over the last 40-plus years: once in response to a barricaded subject and twice in response to crowd violence. In all instances, the objective was to compel movement out of a building or away from officers. Additionally, the department has deployed smoke once. A brief summary of each incident follows:

In the early 2000s, the Special Response Team used tear gas during a warrant service involving an armed individual who refused to surrender. The deployment created the conditions needed for officers to take the suspect into custody without injury.

In December 2014, the Department used tear gas during a large-scale riot in Berkeley. Officers were assaulted with rocks and bottles, and despite repeated warnings and lawful orders to disperse, the violence escalated. Tear gas, smoke, and OC spray were deployed to stop the assaults and ongoing property destruction. Multiple officers were injured during the incident.

In 2017, a series of politically motivated demonstrations brought opposing groups into Berkeley. Several of these events devolved into large, chaotic fights. At one spring event, an officer deployed a smoke canister into a crowd actively engaged in violent confrontations to interrupt the violence and compel the group to disperse.

In May 2020, Berkeley officers responded to an Oakland Police Department (OPD) mutual-aid request during the civil unrest following the murder of George Floyd. Officers were assigned to protect OPD's main station when several thousand individuals attempted to force their way to the station with the intention of destroying

it. Officers came under attack from rocks, bottles, Molotov cocktails, and commercial-grade fireworks. Tear gas and less-lethal munitions were deployed to protect officers from the life-threatening assaults they were facing while protecting critical infrastructure.

In the wake of the murder of George Floyd and the beginning months of the COVID-19 pandemic, the Berkeley City Council adopted a motion that prohibited BPD and mutual aid agencies from using tear gas as well as a temporary ban on smoke and pepper spray out of concern the substances would exacerbate respiratory infections. Since then, public health responses to the virus have changed dramatically and most of the local population is inoculated against this disease.<sup>3</sup> As a result, serious infection and hospitalization rates have dropped, and the state of emergency has long since ended. Therefore, the specific health concerns that necessitated the temporary moratorium on smoke and OC spray are no longer present. The combination of the reduced risk and the rare use of these tools make it appropriate to now reevaluate this decision.

There have been several significant policy and law-related developments regarding the use of tear gas that warrant a re-evaluation of our policies. Since 2020, the California legislature has added new language that clearly articulates the circumstances under which tear gas can be used that includes a focus on limiting this tool to responding to violence, an emphasis on proportional responses, and protection of free speech. These legislative updates are already reflected in the department's broader use-of-force framework.<sup>4</sup>

### **ENVIRONMENTAL SUSTAINABILITY**

There are no significant or lasting environmental concerns regarding the use of these agents. Specifically, tear gas disperses quickly once air circulation improves, and the compounds break down without leaving persistent residue in soil or water.

### **RATIONALE FOR RECOMMENDATION**

Tear gas offers law enforcement a crucial option for stopping violent behavior or prompting an armed, barricaded individual to leave a building. Because of its value in safely resolving these situations, both the California Commission on Peace Officer Standards and Training and the National Tactical Officers Association expect SWAT teams to have it available.

Key reasons it would be advantageous for BPD to have renewed access to this tool:

<sup>3</sup> According to the Vaccine Dashboard on the Alameda County website, 89.4% of the county has been fully vaccinated as of March, 2023: <https://www.alamedaca.gov/RESIDENTS/ALERTS-COVID-19/Vaccine/Vaccine-Dashboard>

<sup>4</sup> On September 20, 2021, Governor Newsom signed Assembly Bill 48 into law which was later incorporated into California Penal Code Section 13652 Section 2 in January of 2022. See: [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB48](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB48) ([https://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=PEN&sectionNum=13652](https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=PEN&sectionNum=13652)). This law embodies many principles currently in BPD's Policies 300 (Use of Force), 303 (Control Devices and Techniques), and 428 (First Amendment Assemblies) and aligns with the community's and the department's values related to the use of force.

- Tear gas is a time-and-distance de-escalation tool providing officers with a less-lethal option to gain compliance or disperse barricaded or violent suspects without having to resort to close-quarters force.
- By allowing officers to maintain distance and slow down an encounter, tear gas can reduce the likelihood of physical confrontations, serious injuries, or fatalities for both officers and community members.
- In situations where armed or dangerous suspects refuse to surrender, tear gas can compel compliance without direct physical engagement, thereby preserving life.
- Authorizing tear gas for tactical incidents is consistent with the City's and Department's commitment to de-escalation, as it provides a non-lethal alternative to firearms or physical force.
- Tear gas allows officers to influence behavior and end violence or the threat of violence without increasing the level of force.
- In prolonged, high-risk incidents, alternatives to tear gas (such as physical entry or prolonged standoffs) carry higher risks to officers, suspects, and bystanders.
- The use of tear gas offers a stand-off capability: gas can permeate rooms and reach behind barricades or enter through small openings.
- Controlled chemical deployment can resolve incidents faster and more safely, reducing neighborhood disruption and minimizing the community's prolonged exposure to danger.
- This agent can facilitate safe extractions and rescues, making it possible to remove hostages or wounded people while suspects are suppressed.
- If an incident escalates beyond BPD's control and they lack industry-standard tools, the city assumes unnecessary risk.

### **FISCAL IMPACTS**

The fiscal impacts of adopting this resolution are minimal; equipment costs associated with this recommendation pertain to inventory replacement depleted during trainings or through use or due to expiration. Replacement costs are approximately \$2,000 annually. Training costs will be nominal as associated fees will be reincorporated into existing budgeted training sessions.

### **CONTACT PERSON**

Rashi Kesarwani, Councilmember District 1

(510) 981-7110

Attachment:

1. Resolution

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

RESOLUTION REINSTATING THE BERKELEY POLICE DEPARTMENT'S ABILITY  
TO USE TEAR GAS UNDER LIMITED CIRCUMSTANCES AND LIFTING THE  
MORATORIUM ON SMOKE AND OLEORESIN CAPSICUM SPRAY

WHEREAS, on June 9, 2020, the Berkeley City Council placed a temporary ban on the use of smoke and pepper spray, and a permanent ban on the law enforcement use of tear gas; and

WHEREAS, the temporary ban on smoke and OC spray was enacted due to respiratory concerns associated with the COVID-19 pandemic, and the state of emergency for the pandemic has since ended; and

WHEREAS, the access to tear gas enables the police department to resolve dangerous and high-risk situations with less force, in a manner that supports safer outcomes for all; and

WHEREAS, the Berkeley Police Department seeks a limited, narrow use of tear gas by members of the Special Response team when responding to critical incidents that pose a significant threat to the safety of the public or officers, and that don't involve civil unrest; and

WHEREAS, the Berkeley Police Department Policies 303 (Control Devices), and Policy 300 (Use of Force) ensure proper use and oversight; and align with California Penal Code Section 13652 Section 2;

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the June 9, 2020, ban on the use of tear gas is hereby modified to authorize the Berkeley Police Department's Special Response Team to use tear gas when responding to a critical incident that poses a significant threat to public or officer safety, and excluding its use for crowd control or in connection with civil unrest, in accordance with Policies 303 and 300, and that the temporary moratorium on the use of smoke and OC spray is hereby lifted.





BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
DISTRICT 2

CONSENT CALENDAR  
January 20, 2026

To: Honorable Mayor and Members of the City Council

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

Subject: Entertainment Zone Ordinance

RECOMMENDATION

Refer for drafting to the City Attorney an ordinance enabling entertainment zones in Berkeley:

Refer to the City Manager for the initiation of a merchant stakeholder engagement process and develop entertainment zone management plans for potential zones in the vicinity of the following locations and organizational leads:

- Downtown     Downtown Business Association
- Gilman         Gilman District Merchants Association
- South Side    Telegraph Business Improvement District
- San Pablo     University Avenue Association

SUMMARY:

Establishing Entertainment Zones would increase foot traffic, stimulate local spending, and support community-building by enabling outdoor events and pedestrian-oriented commercial activity. Initial zones in Downtown, South Side/Telegraph, and Gilman would build on existing arts, food, and entertainment assets to help stimulate and invest in key commercial corridors.

FISCAL IMPACTS OF RECOMMENDATION

Ordinance Drafting and Management Plan development will require staff time over a multi month period. Drafting and development should leverage existing allocated resources. Continuing work alongside the entertainment zone leads would be covered by related fees for events and existing allocated resources. No additional funding is anticipated.

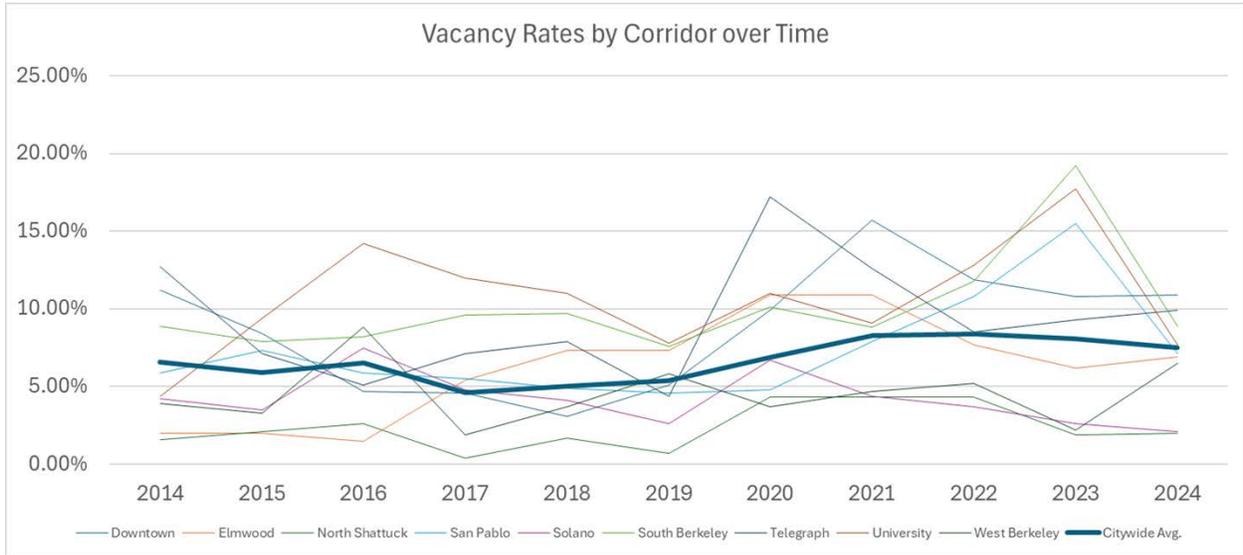
CURRENT SITUATION AND ITS EFFECTS

Since the 2020 pandemic we have seen far higher store front vacancies than in the years prior to the pandemic. While some corridors have seen improvements since pre-



# BERKELEY CITY COUNCILMEMBER TERRY TAPLÍN DISTRICT 2

pandemic levels, the citywide average continues to lag behind even the highest of pre-pandemic levels.



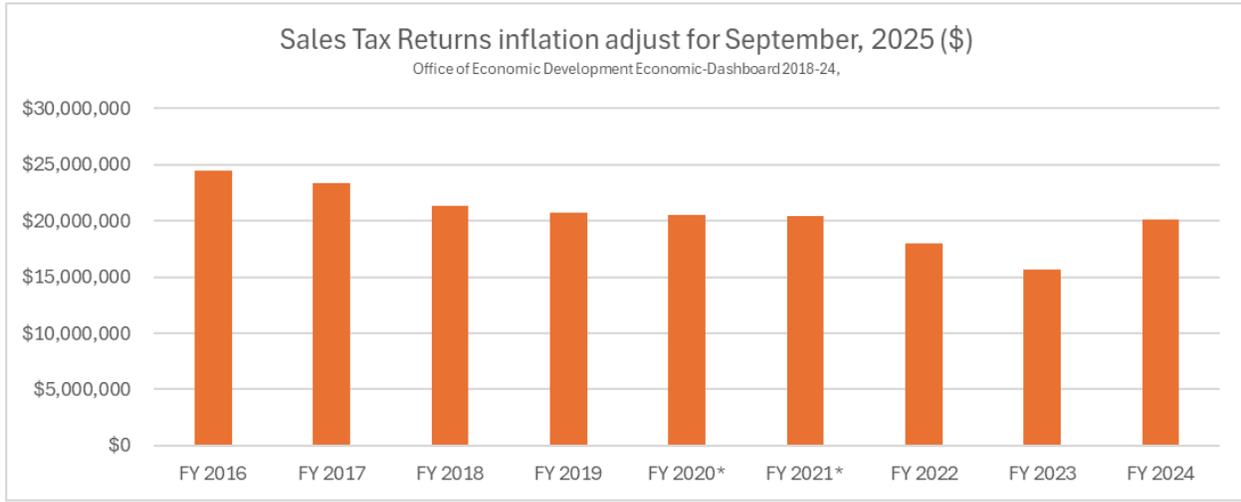
The commercial vacancy crisis has hit the entire country, the transition to online work has led many office buildings to remain low. The San Francisco Bay Area has been particularly hard with office vacancies continuing to sit above 20%<sup>1</sup>. These trends lead to a lower overall economic activity. As workers are not moving through spaces as much, they physically pass less businesses, thus spending is down<sup>2</sup>. We can see this reflected in the city’s real year over year sales tax returns. Despite an increase in July 2021, we still see waning returns particularly since the pandemic.

<sup>1</sup> <https://www.commercialcafe.com/blog/national-office-report/>

<sup>2</sup> Dinh, Emily, "Commercial Property Vacancies in American Cities" (2024). *University Honors Theses*. Paper 1505. <https://doi.org/10.15760/honors.1537>



BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
 DISTRICT 2



Implementing Entertainment Zones will lead to an increase in pedestrian activity. Opening businesses to pedestrian pathways leads to an increase in economic activities in those areas<sup>3</sup>. On top of economic growth, there is an opportunity for community development. Street closures have shown to lead to getting to know neighbours better and walking on the street being more pleasant<sup>4</sup>.

Designated areas allow for infrastructure for street closures to exist. Support for these areas would allow for the city and event planners to create permanent installations to support street events. Such as lowering bollards, street narrowing, and other accommodations.

These are the areas we are proposing to start with entertainment zones:

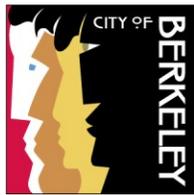
**Downtown Entertainment Zone:**

Downtown Berkeley functions as the City’s primary commercial hub. It is represented by the Downtown Business Association founded in 2012 from predecessors dating back to 1989. It represents 187 property owners on the corridor<sup>5</sup>. The district contains a high share of arts and entertainment uses, 15.3% of all ground-floor commercial space, compared with 4.8% citywide-strengthening its role as a regional destination. The Q4

<sup>3</sup> Yoshimura, Yuji, et al. “Street pedestrianization in urban districts: Economic impacts in Spanish cities.” *Cities*, vol. 120, 1 Jan. 2022, p. 103468, <https://doi.org/10.1016/j.cities.2021.103468>.

<sup>4</sup> Kingham, Simon, et al. “Streets for Transport and Health: The Opportunity of a temporary road closure for neighbourhood connection, activity and Wellbeing.” *Journal of Transport & Health*, vol. 18, Sept. 2020, p. 100872, <https://doi.org/10.1016/j.jth.2020.100872>.

<sup>5</sup> <https://www.downtownberkeley.com/about/>



BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
 DISTRICT 2

2024 ground floor commercial vacancy rate was 10.91%, up slightly from 10.78% in 2023 and higher than the 9.9% recorded in 2020.<sup>6</sup>

### **South Side Entertainment Zone:**

South Side focuses on Telegraph making up a large amount of the city's student population and businesses targeted towards the student demographic. The corridor has the city's highest percentage of food & Beverage at 32% of ground floor space. The corridor is represented by the Telegraph Businesses comprising property owners. Telegraph's ground floor inventory of retail accounts for 37.2% of the business mix, slightly more than the 31.3% observed citywide. The Q4 2024 ground floor commercial vacancy rate was 9.9%, slightly higher than 2023 (9.3% but much lower than the 17.20% recorded in 2020.<sup>6</sup>

### **Gilman Entertainment Zone:**

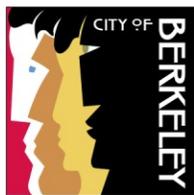
The Gilman District Entertainment Zone is focused around the series found south of Gilman along the low traffic Fourth and Fifth streets. The Gilman commercial district area is represented by the The Gilman District Merchants Association founded as a merchant's association in 2025. The area has the highest concentration of wineries in the City. Data is not currently available for the ground floor commercial vacancy rate of the neighborhood. However, with the growth of the Gilman District Street Fair and Hammerling First Fridays there is already lots of activity in street events to further invest in.<sup>6</sup>

### **San Pablo Area Entertainment Zone:**

The San Pablo Area Entertainment Zone is on the road just south of University Avenue. The zone will be represented by the University Avenue Association founded in 1969. The San Pablo Area is reported as the entire street from the borders of the city, the area in question is mostly food and beverage businesses. The Q4 2024 ground commercial vacancy has seen a drop in 2024 from 15.55% in 2023 to 7.09% in 2024, this is still above the pre-pandemic level of 4.90% but a trend in the right direction. The retail sales tax has also increased in the last year, up 13% from 2023.<sup>6</sup>

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<sup>6</sup>[https://berkeleyca.gov/sites/default/files/documents/Attachment2\\_Commercial%20District%20Dashboards\\_2024\\_Q4.pdf](https://berkeleyca.gov/sites/default/files/documents/Attachment2_Commercial%20District%20Dashboards_2024_Q4.pdf)



BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
DISTRICT 2

Each Entertainment Zone will require an individual Management Plan. The Management Plan will be written by the City Manager's office and will include legal drinking age enforcement system, days and hours of operation of the entertainment zone, types of alcoholic beverages allowed, and the approved cup types.

### BACKGROUND

In early American history, consumption of alcohol was common in all manner of places. Despite the perception of puritanism restricting alcohol availability, there were essentially no towns in which you could not find an establishment or home making a distributing alcohol. While early public consumption laws did exist, they were more targeted at public drunkenness not at public consumption.

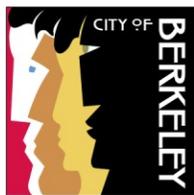
In the beginning of the 20th century, the temperance movement had started. States and counties across the country adopted stricter and stricter alcohol controls from banning sales on Sunday to allowing local municipalities to go fully dry.

The 18th amendment was ratified in 1933 and created a comprehensive national prohibition on alcohol. No sales or consumption of any alcoholic drinks were allowed in any public place. This created a nationwide ban on public alcohol consumption, the first of their kind. The 21st amendment would later repeal the 18th, allowing states to regulate their alcohol consumption laws locally. Many states or locals opted to maintain prohibition operating as dry or damp counties and continue to do so to this day.

Modern open container laws became widespread after World War II. Urban renewal pushed to regulate street behaviors and reduce perceived disorder, particularly that of lower class residents, leading to restrictions on public consumption. Vagrancy-laws failed to take hold and work arounds to target homeless people were written, such as public consumption. The rise of the automobile led to adoption of open-container-in-vehicle laws to discourage drunk driving.

California allowed its counties and municipalities to handle local open container laws while tackling age limitations at the state level. This was enforced with the California Department of Alcoholic Beverage Control (ABC) created by constitutional amendment in 1955. Major cities such as San Francisco, Los Angeles, and San Diego all enacted bans on public consumption.

In 2023 Senate Bill No. 76 was signed into law. This allowed the City and County of San Francisco to create "Entertainment Zones". These zones would be designated areas for



BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
DISTRICT 2

businesses to sell alcohol for consumption off premises. Since the bill passed, San Francisco has implemented 15 entertainment zones throughout the city.

In 204 Senate Bill No. 969 was signed into law. This expanded the Entertainment Zone items state wide. Thus far only two additional cities have implemented them: Sacramento and Santa Monica with two and one respectively. Other cities in California have begun implementing their own Entertainment Zones such as Oakland, San Jose, Auburn and others.

Entertainment Zones allow for alcoholic beverages to be consumed off the presence of an establishment selling them. Cities must decide the bounds of the entertainment zone by ordinance. The city must have a process or procedure to ensure people consuming alcohol within the zone are of legal drinking age. The following must be established in procedure and shared with California Department of Alcoholic Beverage Control:

1. A copy of the ordinance establishing (or modifying) the entertainment zone.
2. Information to identify the boundaries of the entertainment zone.
3. The days and hours of operation of the entertainment zone.
4. The types of alcoholic beverages permitted within the entertainment zone.
5. The approved nonglass and nonmetal containers in which alcoholic beverages may be authorized.

The Zones must include at least one business licensed to sell alcohol.

Before enacting the ordinance to create an entertainment zone, the city must notify local law enforcement and request feedback on:

1. Potential health and safety impacts of the entertainment zone
2. The entertainment zone;s boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved containers.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

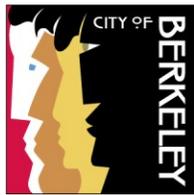
Concentration of events towards transit accessible locations could lower carbon output.

### RATIONALE FOR RECOMMENDATION

Activating public spaces in commercial districts will streamline special events, encourage arts and cultural programming, facilitate economic cross-pollination across nightlife industries, and attract commercial tenants<sup>7</sup>.

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<sup>7</sup> Behmanesh, Hossein, and Andre Brown. "Improving the design and management of temporary events in public spaces by applying urban design criteria." *Journal of Urban Management*, 5 July 2025, <https://doi.org/10.1016/j.jum.2025.06.010>.



BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLÍN**  
DISTRICT 2

ALTERNATIVE ACTIONS CONSIDERED

**No Action**

The Council could elect not to establish Entertainment Zones and continue to rely on authorizing temporary street closures and special events on a case-by-case basis without creating permanent Entertainment Zones. This option allows flexible targeted activation and would avoid new implementation efforts and costs. However, it requires repeated staff review, provides limited predictability for businesses and residents, and does not support long-term infrastructure investments or sustained activation of public space.

**Alternative Economic Development Strategies**

The Council could pursue other economic development measures—such as business assistance programs, zoning adjustments, or corridor marketing efforts—without permitting off-premises alcohol consumption. While these strategies may contribute to commercial recovery, they do not directly address pedestrian activation, cultural programming, or nightlife-related economic cross-pollination at the scale enabled by Entertainment Zones.

CONTACT PERSON

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

Attachments:

- 1: Draft Ordinance
- 2: Reference Map of Downtown Entertainment Zone
- 3: Reference Map of South Side Entertainment Zone
- 4: Reference Map of Gilman Entertainment Zone
- 5: Reference Map of San Pablo Entertainment Zone
- 6: San Francisco Entertainment Zone Ordinance
- 7: San Francisco Front Street Entertainment Zone Management Plan
- 8: Oakland Entertainment Zone Ordinance

DRAFT CITY OF BERKELEY ENTERTAINMENT ZONE ORDINANCE

## I. BMC 13.45.010 – Definitions

## A. The following definitions apply in this chapter:

1. "ABC" means the California Department of Alcoholic Beverage Control.
2. "Alcoholic beverage" has the same meaning as in California Business and Professions Code section 23004.
3. "City manager" means the city manager or designee.
4. "Entertainment zone" has the same meaning as in California Business and Professions Code section 23039.5.
5. "Entertainment zone event" means a street event during which the consumption of one or more types of alcoholic beverages is authorized on public streets, sidewalks, or public rights-of-way within the boundaries of an entertainment zone established in accordance with this chapter.
6. "Entertainment Zone Activation Plan" means a plan approved by the city manager for the management and regulation of the entertainment zone and during permitted special events.
7. "Open container" means any bottle, can, glass, jug, box, or other receptacle that is open or has been opened and contains any alcoholic beverage.

## II. BMC 13.45.020 - Entertainment zone controls

- A. No person shall conduct an entertainment zone event without obtaining a street event permit issued pursuant to chapter 13.44.
- B. The issuance of a street event permit for an entertainment zone event does not excuse a person selling alcoholic beverages from complying with all applicable state and local laws and regulations, including the following:
  1. ABC license and permitting requirements;
  2. California Business and Professions Code sections 23357, 23358, and 23396;
  3. All other laws governing the sale and consumption of alcoholic beverages;
  4. Chapter 13.44;
  5. Any conditions attached by the City Manager or designee upon issuance of a street event permit.
- C. A person may possess an open container and consume an alcoholic beverage on any public street, sidewalk, or public right-of-way within an

entertainment zone during an entertainment zone event if the open container or alcoholic beverage was purchased from either:

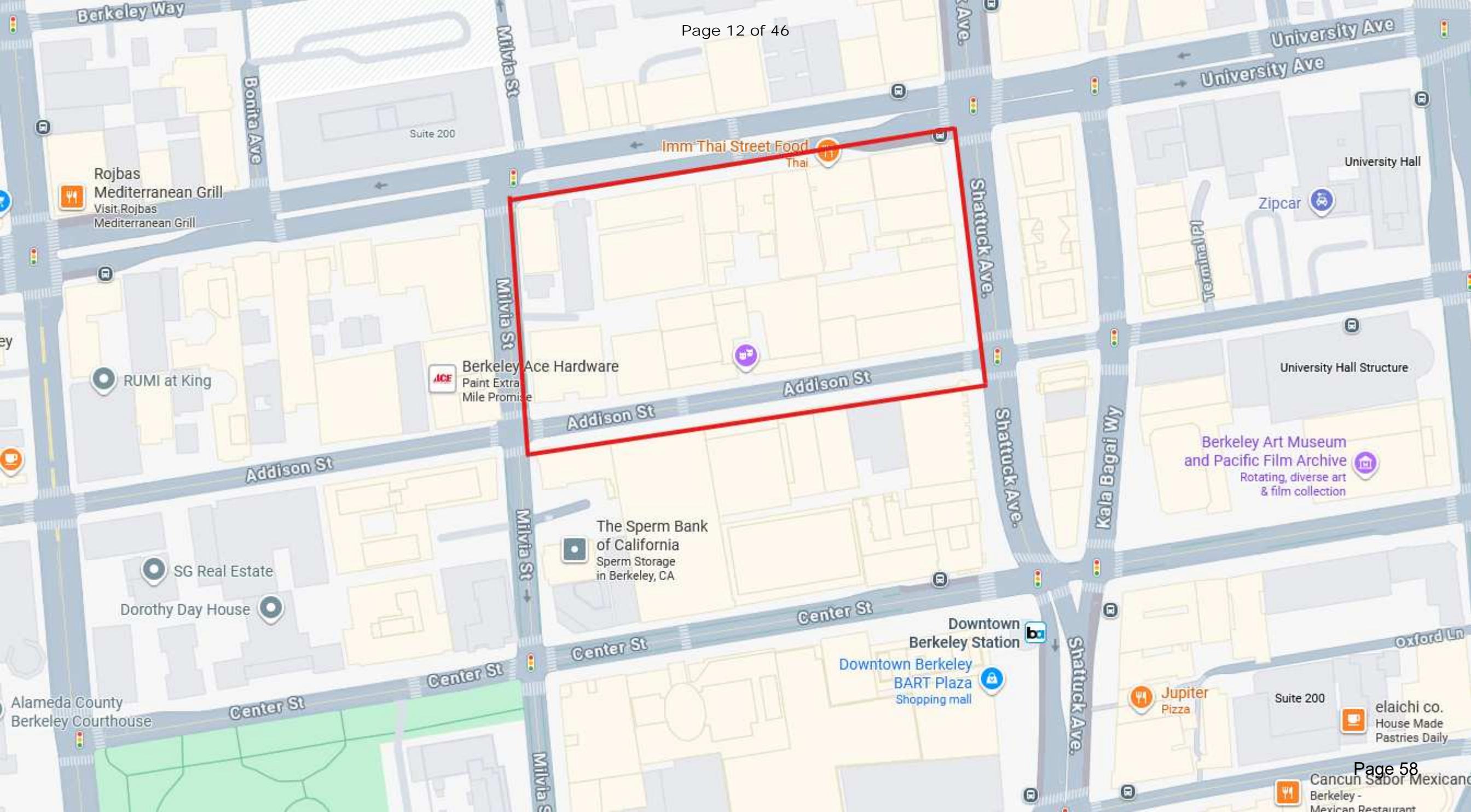
1. A premises that is authorized to permit consumers to leave the premises with open containers for consumption off the premises within an entertainment zone, pursuant to California Business and Professions Code section 23357, 23358, or 23396; or
2. A person that is authorized by an ABC permit or license to sell alcoholic beverages within the entertainment zone.

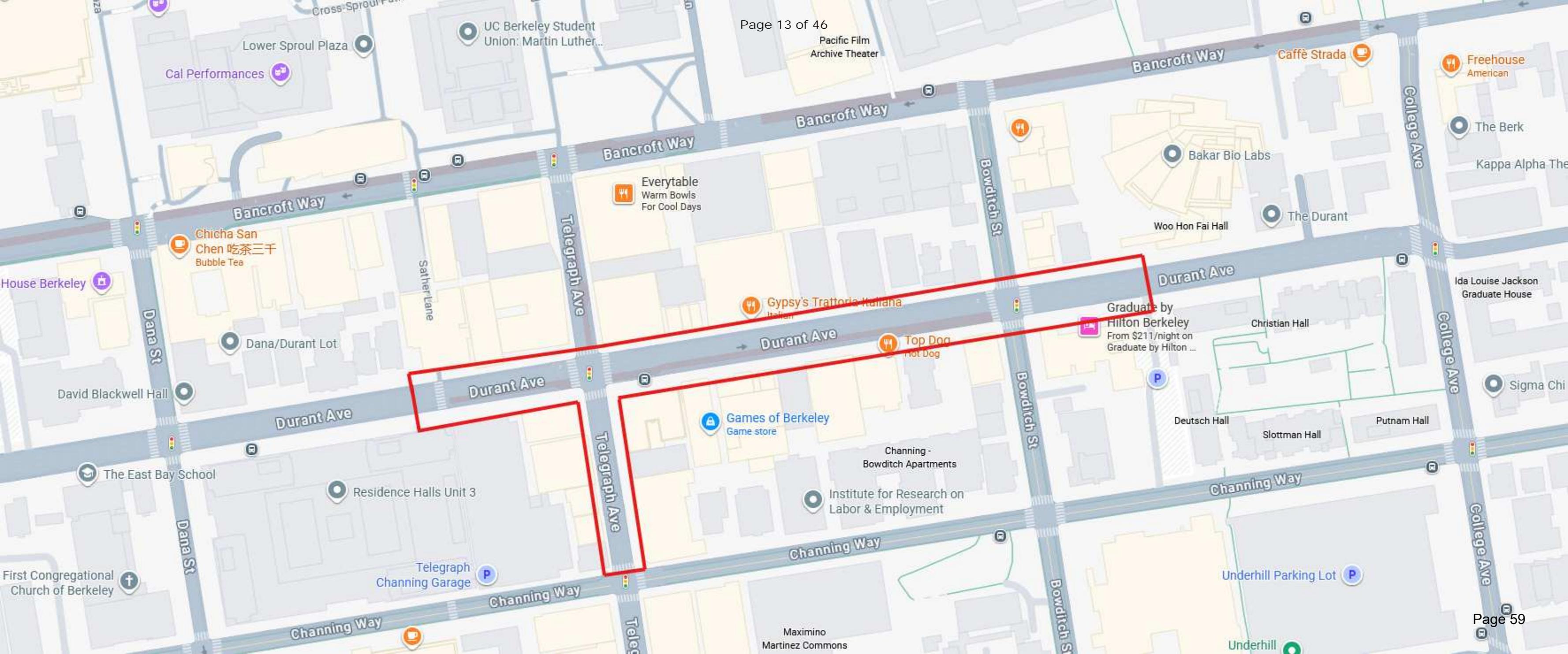
### III. BMC 13.45.030 - Implementation

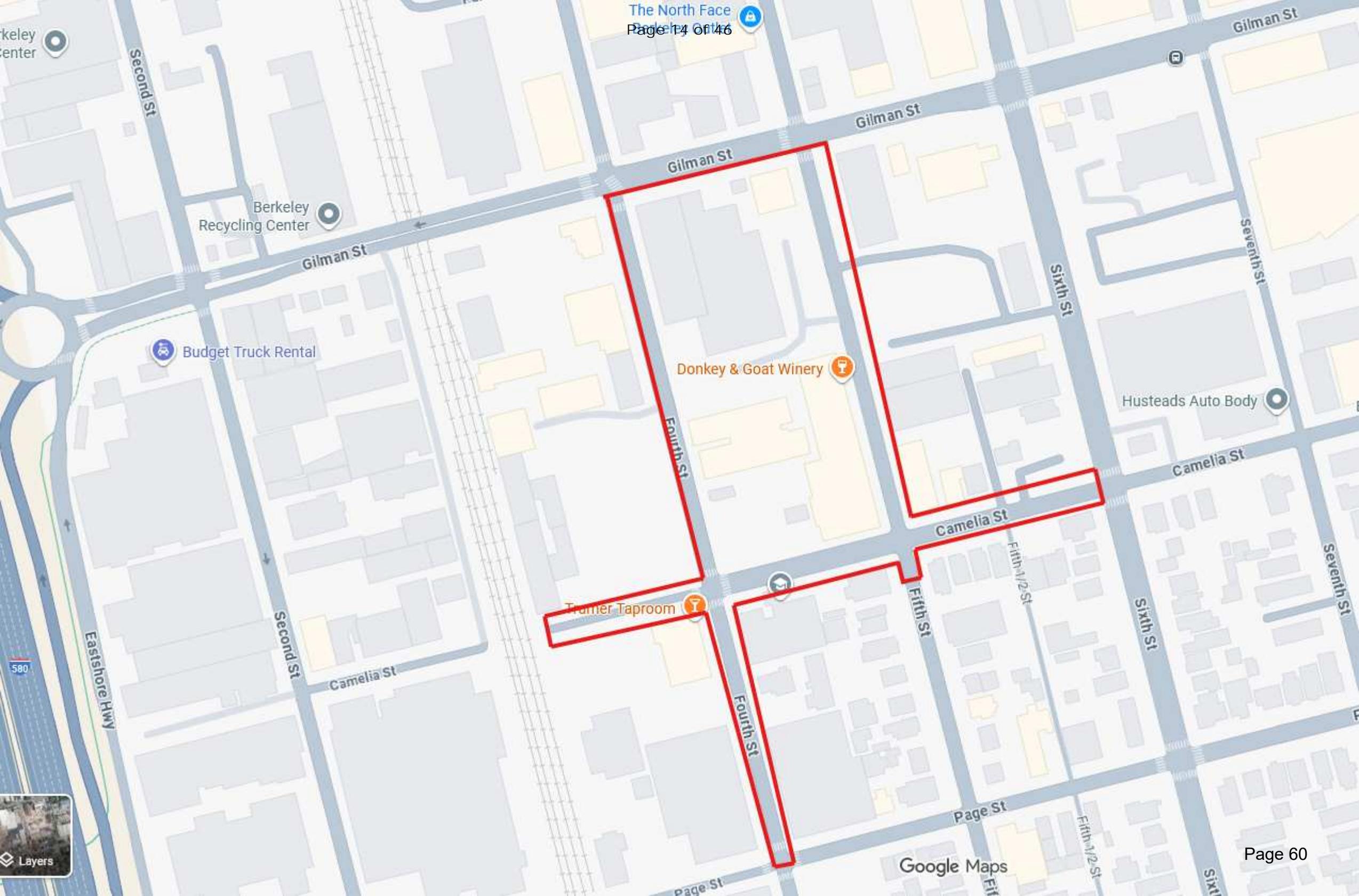
- A. The city manager has the authority to issue administrative policies for the implementation of this chapter.
- B. The city manager shall not issue a street event permit authorizing an entertainment zone event in an entertainment zone before doing the following:
  1. Issuing an entertainment zone activation plan that:
    - a. Establishes a process or procedure to readily identify individuals in possession of alcoholic beverages within the entertainment zone as being 21 years of age or older;
    - b. Requires any person seeking a street event permit for an entertainment zone event to comply with the applicable insurance requirements, rules, and regulations; and
    - c. Imposes requirements not otherwise imposed by state or local law, including additional requirements for permissible beverage containers, additional restrictions on the hours of operation for entertainment zone events, and other restrictions on time, place, and manner.
  2. Transmitting a copy of this plan to ABC.
  3. In consultation with the City Manager's Office and the Police Department, providing the following information to ABC, pursuant to California Business and Professions Code section 25690, subdivision (b):
    - a. A copy of the ordinance establishing or modifying the entertainment zone;
    - b. Information necessary to identify the boundaries of the entertainment zone;
    - c. The days and hours of operation of the entertainment zone;
    - d. The types of alcoholic beverages allowed within the entertainment zone; and
    - e. The approved non-glass and non-metal containers in which alcoholic beverages may be possessed within the entertainment zone.

- C. Any holder of an ABC license or permit that wishes to allow customers to leave the premises with open containers for consumption off the premises during an entertainment zone event shall provide the city manager with a copy of the notice required under California Business and Professions Code sections 23357, 23358, or 23396, as applicable. The notice shall be provided to the city manager at the same time the notice is provided to ABC.
- IV. BMC 13.45.040 – Entertainment Zone Locations
- A. Pursuant to California Business and Professions Code sections 23039.5 and 25690, the City Council hereby establishes the following entertainment zones, which include adjacent sidewalks, and adjacent premises specified in section 13.45.020.B.1.
1. Downtown Arts District Entertainment Zone. All public streets, sidewalks, and public rights-of-way on: Addison Street from the center of the right-of-way line of Milvia Street to the eastern right-of-way line of Shattuck Avenue; Shattuck Avenue from the center of the right of-way of University Avenue to the southern right-of-way line of Addison Street; Eastern side of Milvia Street from the center of right-of-way of University Avenue to the southern right-of-way of Addison Street; and Southern side of University Avenue from center of the right-of-way on Milvia to eastern right-of-way line of Shattuck Avenue.
  2. Gilman District Entertainment Zone. Camelia Street from the eastern right-of-way line of Fifth Street to the eastern right-of-way line of the UPRR right-of-way; Fifth Street from the southern right-of-way line of Camelia Street to the southern right-of-way line of Gilman Street; and Fourth Street from the southern right-of-way line of Page Street to the southern right-of-way line of Gilman Street.
  3. Southside Entertainment Zone. Durant Avenue from the eastern right-of-way line of Sather Lane to a delineated line of the eastern edge of Assessor’s Parcel Number 55-1872-14; and Telegraph Avenue from the northern right-of-way line of Durant Avenue to the northern right-of-way line of Channing Way.
  4. San Pablo Area Entertainment Zone. San Pablo Avenue from the southern right-of-way line of University Avenue to the northern right-of-way line of Cowper Street.
- V. BMC 13.45.050 Hours of an entertainment zone event
- An entertainment zone event may only occur between the hours of 10:00 a.m. and 11:59 p.m., subject to any additional limitations imposed by any of the following:
- A. ABC permit or license;

- B. The entertainment zone activation plan; or
  - C. The street event permit for the entertainment zone event.
- VI. BMC 13.45.060 Entertainment Zone insurance and indemnity requirements
- A. Prior to issuance of a street event permit for an entertainment zone event, the permit applicant shall submit evidence of general liability insurance coverage, which must be at no cost to the city, and which must comply with all of the following:
    - 1. The policy limit per occurrence must be in an amount as determined by the city manager;
    - 2. The policy must cover all losses and damages as specified in subsection C of this section;
    - 3. The policy must be endorsed to provide that the city, its officers, employees, and agents are named as additional insureds;
    - 4. The policy must be endorsed to stipulate that the policy will operate as primary insurance and that no other insurance covering the city or other named insured will be called on to contribute to a covered loss; and
    - 5. The policy must include a liquor liability endorsement.
  - B. No person shall conduct an entertainment zone event without the insurance required by this section being in full force and effect.
  - C. The street event permit holder shall defend, indemnify, and hold harmless the City, its officers, agents, volunteers and employees from and against all actions, losses, damages, liability, costs, and expenses of every type and description, including attorneys' fees, arising directly or indirectly, in whole or in part, from the acts or omissions of the permit holder or its officers, agents, volunteers and employees.
- VII. BMC 1345.070 Violation – Penalty
- A. In addition to any other remedy allowed by law, any person who violates a provision of this chapter is subject to criminal sanctions, civil actions, and administrative penalties pursuant to BMC Chapter 1.20.
  - B. Violations of this chapter are hereby declared to be a public nuisance.
  - C. Any person who violates a provision of this chapter is liable for civil penalties. Amount of the penalty shall be as follows:
    - 1. First violation: up to \$500
    - 2. Second violation within one year: up to \$1,000
    - 3. Third and subsequent violations within one year: up to \$2,500
  - D. All remedies prescribed under this chapter are cumulative and the election of one or more remedies does not bar the city from the pursuit of any other remedy to enforce this chapter.







keley  
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Berkeley  
Recycling Center

Budget Truck Rental

Donkey & Goat Winery

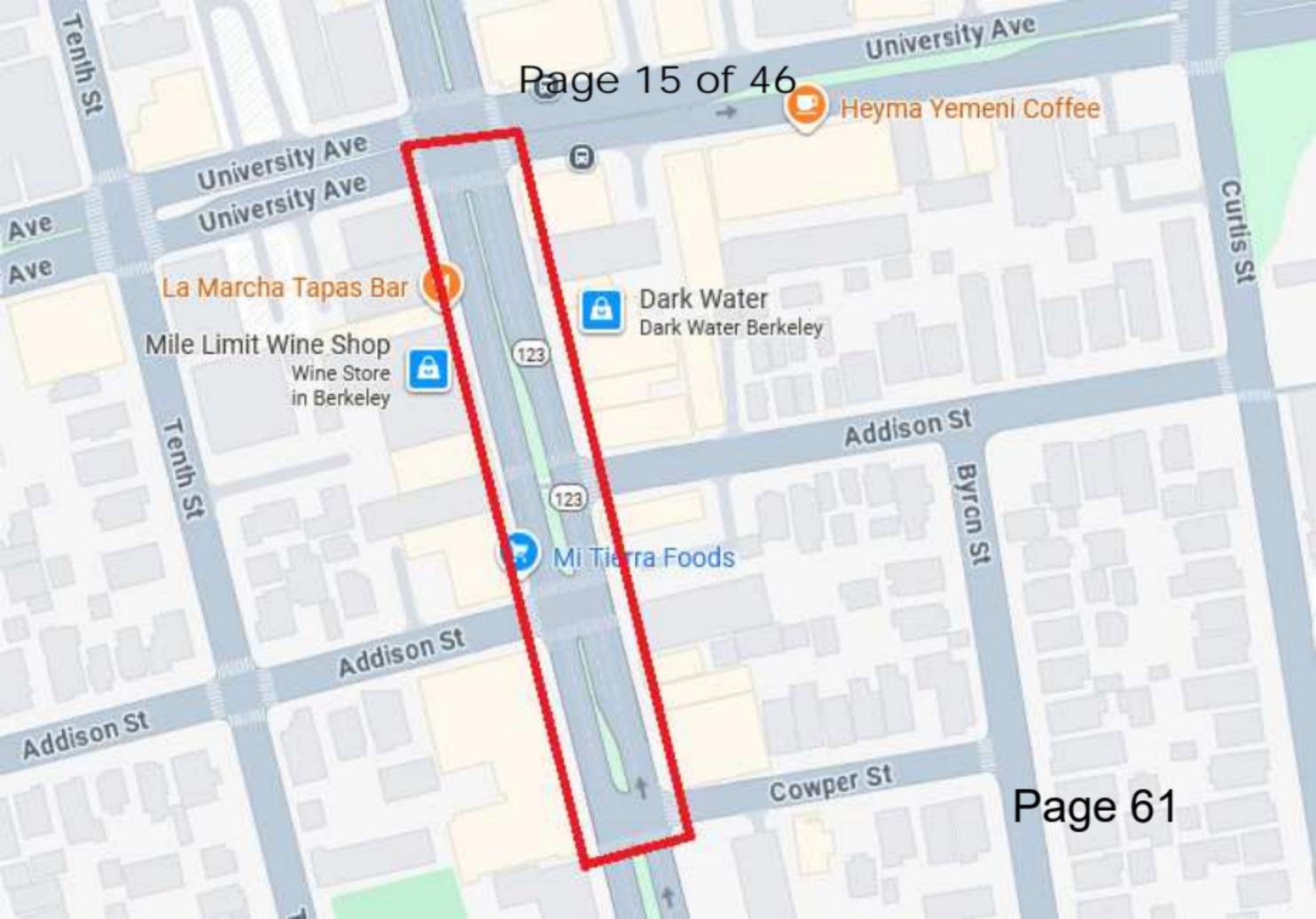
Husteads Auto Body

Transfer Taproom

580

Layers

Google Maps



Heyma Yemeni Coffee

La Marcha Tapas Bar

Mile Limit Wine Shop  
Wine Store  
in Berkeley

Dark Water  
Dark Water Berkeley

Mi Tierra Foods

1 [Administrative, Police, Transportation Codes - Entertainment Zones]

2

3 **Ordinance amending the Administrative, Police, and Transportation Codes to allow the**  
 4 **establishment and management of Entertainment Zones in which the outdoor**  
 5 **consumption of alcoholic beverages during designated events is allowed, subject to**  
 6 **certain conditions; to establish insurance requirements for Entertainment Zone events;**  
 7 **to establish an Entertainment Zone on Front Street between California Street and**  
 8 **Sacramento Street; to allow the outdoor consumption of alcoholic beverages in areas**  
 9 **subject to a Shared Space permit where the permit holder also holds a permit or**  
 10 **license from the California Department of Alcoholic Beverage Control; and affirming**  
 11 **the Planning Department’s determination under the California Environmental Quality**  
 12 **Act.**

13

14 **NOTE:** **Unchanged Code text and uncodified text** are in plain Arial font.  
 15 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 16 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 17 **Board amendment additions** are in double-underlined Arial font.  
 18 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 19 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 20 subsections or parts of tables.

18

19 Be it ordained by the People of the City and County of San Francisco:

20

21 Section 1. General Findings.

22 (a) The COVID-19 pandemic had a devastating impact on San Francisco’s  
 23 restaurants, bars, and entertainment venues. Finding new ways to attract residents, workers,  
 24 and visitors to our downtown and neighborhood commercial corridors will be critical to the  
 25 continued recovery of our nightlife sector and our economy.

1 (b) Across the country, numerous states, including Michigan, Ohio, North Carolina,  
2 and Kansas, have found success enlivening communities through the designation of areas  
3 where businesses may sell alcoholic beverages for consumption within public spaces  
4 adjacent to their licensed premises.

5 (c) In 2023, the State of California adopted Senate Bill 76, which authorizes the City  
6 and County of San Francisco to create by ordinance entertainment zones to enable  
7 restaurants and bars to sell open containers of approved alcoholic beverages for consumption  
8 during special events.

9  
10 Section 2. CEQA Findings.

11 The Planning Department has determined that the actions contemplated in this  
12 ordinance comply with the California Environmental Quality Act (California Public Resources  
13 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
14 Supervisors in File No. 240475 and is incorporated herein by reference. The Board affirms  
15 this determination.

16  
17 Section 3. The Administrative Code is hereby amended by adding Chapter 94B,  
18 consisting of Sections 94B.1 to 94B.4, to read as follows:

19 **CHAPTER 94B. ENTERTAINMENT ZONES**

20 **SEC. 94B.1. DEFINITIONS.**

21 *For the purposes of this Chapter 94B, the following definitions shall apply:*

22 *(a) "ABC" means the California Department of Alcoholic Beverage Control.*

23 *(b) "Entertainment Zone" has the meaning set forth in Section 23039.5 of the California*  
24 *Business and Professions Code, as may be amended from time to time.*

1           (c) “Entertainment Zone Event” means a special event permitted or licensed by ABC that  
2 occurs within the boundaries of an Entertainment Zone established in accordance with this Chapter  
3 94B and within the hours permitted by this Chapter 94B and the Management Plan for the  
4 Entertainment Zone.

5           (d) “Management Plan” means a plan approved by the Office of Economic and Workforce  
6 Development (OEWD) for the management and regulation of Entertainment Zone Events.

7           **SEC. 94B.2. ENTERTAINMENT ZONE CONTROLS.**

8           (a) All commercial entities and organizations sponsoring or selling alcoholic beverages at an  
9 Entertainment Zone Event shall comply with all applicable state and local laws and regulations,  
10 including but not limited to the following:

11                   (1) All applicable ABC license and permitting requirements;

12                   (2) Sections 23357, 23358, and 23396 of the California Business and Professions Code,  
13 as may be amended from time to time;

14                   (3) All other laws governing the sale and consumption of alcoholic beverages and any  
15 and all permits and licenses issued pursuant thereto;

16                   (4) Transportation Code, Division I, Article 6;

17                   (5) Transportation Code, Division II, Article 200, Sections 205 and 206; and

18                   (6) Any applicable Management Plan issued by the Office of Economic and Workforce  
19 Development under this Chapter 94B.

20           (b) Open alcoholic beverages may be consumed on any public street, avenue, sidewalk,  
21 stairway, alley, or thoroughfare within an Entertainment Zone during an Entertainment Zone Event, as  
22 set forth in Police Code Section 21, subject to any other restrictions imposed by state or local law.

23           (c) All open alcoholic beverages consumed during an Entertainment Zone Event shall be  
24 purchased only from a premises located within the Entertainment Zone that is authorized under  
25 California Business and Professions Code Section 23357, 23358, or 23396, as may be amended from

1 time to time, to permit consumers to leave the premises with open containers of alcoholic beverages for  
2 consumption off the premises, or an organization that is authorized by an ABC special event permit or  
3 license to make such sales within the Entertainment Zone.

4 **SECTION 94B.3. IMPLEMENTATION.**

5 (a) Within 90 days of the effective date of this Chapter 94B, OEWD shall issue rules for the  
6 implementation of this Chapter. OEWD may revise these rules from time to time as it deems  
7 appropriate.

8 (b) Within 90 days of the establishment or modification of an Entertainment Zone, OEWD shall  
9 do the following:

10 (1) in consultation with the Police Department, provide the following information to  
11 ABC, pursuant to Section 25690 of the California Business and Professions Code:

12 (A) A copy of the ordinance establishing or modifying the Entertainment Zone;

13 (B) Information as may be necessary to identify the boundaries of the  
14 Entertainment Zone;

15 (C) The days and hours of operation of the Entertainment Zone;

16 (D) The types of alcoholic beverages permitted within the Entertainment Zone;

17 and

18 (E) The approved nonglass and nonmetal containers in which alcoholic  
19 beverages may be authorized; and

20 (2) issue a Management Plan for the Entertainment Zone, as follows:

21 (A) The Management Plan shall establish a process or procedure to readily  
22 identify individuals purchasing or consuming alcoholic beverages within the Entertainment Zone as  
23 being 21 years of age or older;

24 (B) The Management Plan shall require that any person or organization seeking  
25 a City permit under Division I, Article 6 or Division II, Section 206 of the Transportation Code for an

1 Entertainment Zone Event shall comply with the insurance requirements applicable to that permit, and  
2 all rules and regulations authorized by the Transportation Code;

3 \_\_\_\_\_ (C) The Management Plan may include requirements not otherwise imposed by  
4 state or local law, including but not limited to additional requirements for approved beverage  
5 containers, additional restrictions on the hours of operation for Entertainment Zone Events, and other  
6 time, place, and manner restrictions; and

7 \_\_\_\_\_ (D) Upon issuance or revision of a Management Plan, the Office of Economic  
8 and Workforce Development shall transmit a copy of that Plan to ABC.

9 (c) Any holder of an ABC license or permit that wishes to allow customers to leave the  
10 premises with open containers of alcoholic beverages for consumption off the premises during an  
11 Entertainment Zone Event shall provide to the Office of Economic and Workforce Development a copy  
12 of the notice provided to ABC under Section 23357, 23358, or 23396 of the California Business and  
13 Professions Code, as applicable, at the same time such notice is provided to ABC.

14 **SEC. 94B.4. FRONT STREET ENTERTAINMENT ZONE.**

15 (a) All public streets, sidewalks and public rights-of-way on Front Street between California  
16 Street and Sacramento Street are hereby designated as the Front Street Entertainment Zone under  
17 Sections 23039.5 and 25690 of the California Business and Professions Code.

18 (b) An Entertainment Zone Event within the Front Street Entertainment Zone must receive a  
19 permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or  
20 Transportation Code Division II, Section 206.

21 (c) Outdoor consumption of alcoholic beverages within this Entertainment Zone is authorized  
22 during any Entertainment Zone Event on any day of the year between the hours of noon and 11:59pm,  
23 inclusive, subject to any additional limitations imposed by any ABC permit or license and by the  
24 Management Plan for this Entertainment Zone.

25

1 Section 4. Article 1 of the Police Code is hereby amended by revising Section 21 to  
2 read as follows:

3 **SEC. 21. CONSUMING ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ETC.,**  
4 **OR ON PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED; PENALTY.**

5 (a) Except as specified in this Section 21, No person shall consume any alcoholic  
6 beverage in any quantity on any public street, avenue, sidewalk, stairway, alley, or  
7 thoroughfare within the City and County of San Francisco; nor shall any person consume any  
8 alcoholic beverage within 15 feet of any public way or thoroughfare while on a private  
9 stairway, doorway, or other private property open to public view without the express or implied  
10 permission of the owner, the owner's his agent, or the person in lawful possession thereof;  
11 ~~provided, however, that,~~

12 (b) ~~the~~ provisions of this Section 21 shall not apply to

13 (1) the interior portion of any private dwelling, habitat, or building;

14 (2) ~~to~~ the consumption by persons in the areas herein designated of any duly  
15 prescribed and dispensed medication having alcoholic content; ~~or~~ and

16 (3) ~~to~~ those persons consuming alcoholic beverages while viewing a parade for  
17 which a permit has been granted pursuant to Section 367 of this Code.

18 (c) Further, this Section 21 shall not be applicable in the following areas:

19 (1) those prescribed areas and during such time for which permission for  
20 temporary use or occupancy of public streets and appurtenant areas has been granted by:

21 (1)(A) The Board of Supervisors pursuant to the provisions of Section  
22 2.70 of the Administrative Code;

23 (2)(B) The Department of Public Works pursuant to the provisions of  
24 Article 5.2 of the Public Works Code for a business establishment anywhere in San Francisco  
25

1 that meets the requirements of a Restaurant or Bar use, defined in Planning Code Section  
2 102, as interpreted by the Zoning Administrator; ~~or~~

3 ~~(3)(C)~~ The Department of Public Works pursuant to the provisions of  
4 Article 5.2 of the Public Works Code for a business establishment that had a valid tables and  
5 chairs permit and California Department of Alcoholic Beverage Control beverage license or  
6 permit on the effective date of this Section 21-; and

7 (D) Any Shared Spaces permit under Administrative Code Chapter 94A where  
8 the business establishment holding that permit has a California Department of Alcoholic Beverage  
9 Control beverage license or permit allowing the consumption of alcoholic beverages in the area  
10 designated by the Shared Spaces permit; and

11 (2) Any Entertainment Zone under Administrative Code Chapter 94B during an  
12 Entertainment Zone Event.

13 ~~(db)~~ **Penalty.** Any person who shall violate the provisions of this Section 21 shall be  
14 guilty of an infraction, the penalty for which shall be a fine of not less than \$25 nor more than  
15 \$100.

16  
17 Section 5. Division I, Article 6 of the Transportation Code is hereby amended by  
18 revising Section 6.7, to read as follows:

19 **SEC. 6.7. CONDITIONS.**

20 Any permission for the temporary use or occupancy of a public street authorized by  
21 the City shall be subject to the following conditions:

22 \* \* \* \*

23 (l) Applicants for permission to hold a street fair on a predominantly commercial street  
24 shall comply with the following requirements for insurance coverage. For purposes of this  
25 subsection (l), a “predominantly commercial street” shall mean a street block on which at least

1 50% of front footage of private property on the ground floor of the street is used for  
2 commercial purposes. A street block shall be measured from street intersection to street  
3 intersection, but shall not include any alley intersection.

4 (1) Applicants shall maintain in force, during the full term of the permit,  
5 insurance as follows:

6 (A) General Liability Insurance with limits not less than \$500,000 each  
7 occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual  
8 Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations  
9 Coverages;

10 (B) If any vehicles will be operated by the applicant in connection with  
11 street fair activities under the permit, Automobile Liability Insurance with limits not less than  
12 \$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage,  
13 including owned, non-owned and hired auto coverages, as applicable; and

14 (C) If the applicant has employees, Workers' Compensation with  
15 Employers' Liability limits not less than \$500,000 each accident.

16 (2) General Liability and Automobile Liability Insurance policies shall be  
17 endorsed to provide the following:

18 (A) Name as additional insureds the City and County of San Francisco,  
19 its officers, agents, and employees; *and*

20 (B) That such policies are primary insurance to any other insurance  
21 available to the Additional Insureds with respect to any claims arising out of activities under  
22 the permit, and that insurance applies separately to each insured against whom claim is made  
23 or suit is brought.

24 (3) Certificates of insurance, in format and with insurers satisfactory to the City  
25 evidencing all applicable coverages shall be furnished to the City not less than 10 working

1 days prior to the date of the event and before commencing any operations under the permit,  
2 with complete copies of policies to be furnished to the City upon request.

3 (4) The insurance requirement of this subsection (l) shall be waived by the  
4 Board of Supervisors if the applicant certifies in writing that (A) the purpose of the street fair is  
5 First Amendment expression and (B) the cost of obtaining insurance is so financially  
6 burdensome that it would constitute an unreasonable prior restraint on the right of First  
7 Amendment expression, or that it has been impossible for the applicant to obtain insurance  
8 coverage.

9 (5) Notwithstanding subsection (l)(1) of this Section 6.7, an applicant seeking  
10 permission for the temporary use or occupancy of a public street for an Entertainment Zone Event  
11 under Administrative Code Chapter 94B shall maintain insurance coverage in a form and amount  
12 satisfactory to the City, which shall not be less than the coverage required by subsection (l)(1) of this  
13 Section 6.7.

14 \* \* \* \*

15 (p) Entertainment Zone Events. In addition to complying with all applicable provisions of this  
16 Article 6, any person or organization seeking permission for the temporary use or occupancy of a  
17 portion of a public street for an Entertainment Zone Event as defined in Administrative Code Section  
18 94B.1 shall comply with all applicable provisions of Administrative Code Chapter 94B.

19  
20 Section 6. Effective Date. This ordinance shall become effective 30 days after  
21 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
22 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
23 of Supervisors overrides the Mayor's veto of the ordinance.

1 Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
5 additions, and Board amendment deletions in accordance with the "Note" that appears under  
6 the official title of the ordinance.

7  
8 APPROVED AS TO FORM:  
9 DAVID CHIU, City Attorney

10 By: /s/ Victoria Wong  
11 VICTORIA WONG  
12 Deputy City Attorney

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City and County of San Francisco

Tails Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 240475

Date Passed: June 25, 2024

Ordinance amending the Administrative, Police, and Transportation Codes to allow the establishment and management of Entertainment Zones in which the outdoor consumption of alcoholic beverages during designated events is allowed, subject to certain conditions; to establish insurance requirements for Entertainment Zone events; to establish an Entertainment Zone on Front Street between California Street and Sacramento Street; to allow the outdoor consumption of alcoholic beverages in areas subject to a Shared Space permit where the permit holder also holds a permit or license from the California Department of Alcoholic Beverage Control; and affirming the Planning Department's determination under the California Environmental Quality Act.

June 10, 2024 Rules Committee - RECOMMENDED

June 18, 2024 Board of Supervisors - PASSED ON FIRST READING

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

June 25, 2024 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Dorsey, Engardio, Mandelman, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 240475

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/25/2024 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Handwritten signature of London N. Breed

London N. Breed
Mayor

7/3/24
Date Approved

## **Front Street Entertainment Zone Management Plan**

Updated March 12, 2025

San Francisco Office of Economic and Workforce Development

|                                                                    |   |
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## SECTION I: SAN FRANCISCO ENTERTAINMENT ZONE PROGRAM OVERVIEW

### 1. About San Francisco Entertainment Zones

Entertainment Zones are designated areas in San Francisco where people can buy open container drinks (alcoholic drinks “to-go”) from local bars, restaurants, wineries, and breweries and enjoy them outside in common spaces like plazas, sidewalks, and streets during certain hours. Learn more at [www.sf.gov/entertainmentzones](http://www.sf.gov/entertainmentzones).

### 2. Program Objectives

Guiding objectives for San Francisco’s Entertainment Zone Program include:

- a. Activate commercial corridors downtown and citywide
- b. Increase revenue for San Francisco restaurants and bars
- c. Catalyze broader economic stimulus
- d. Ensure equitable distribution of program benefits
- e. Amplify the perception of San Francisco as a vibrant cultural hub

## SECTION II: FRONT STREET ENTERTAINMENT ZONE ORDINANCE

### 1. San Francisco Admin. Code Sec. 94B.4

San Francisco Admin. Code Sec. 94B.4 specifies the location, hours, and permit requirements for the Front Street Entertainment Zone.

- a. **Permissible Area** - All public streets, public rights-of-way, and sidewalks on Front Street between California Street and Sacramento Street, and all establishments holding permits or licenses from ABC that are adjacent thereto, are hereby designated as the Front Street Entertainment Zone under Sections 23039.5 and 25690 of the California Business and Professions Code.
- b. **Permissible Hours** - Outdoor consumption of alcoholic beverages within this Entertainment Zone is authorized during any Entertainment Zone Event on any day of the year between the hours of noon and 11:59pm, inclusive, subject to any additional limitations imposed by any ABC permit or license and by the Management Plan for this Entertainment Zone.
- c. **Street Closure Permit Requirement** - An Entertainment Zone Event within the Front Street Entertainment Zone must receive a permit for the use of a public street under Transportation Code Division I, Section 6.6 or 6.16 or Transportation Code Division II, Section 206, or other applicable authority of the SFMTA.

## SECTION III: FRONT STREET ENTERTAINMENT ZONE VISION

### 1. Overview

The Front Street Entertainment Zone Operators aim to create a dynamic entertainment destination that reshapes how people perceive downtown San Francisco. Their vision is to establish a flexible urban amenity that caters to both the local community and visitors. See the Front Street Entertainment Zone Vision Rendering in the Appendices (Section V.1). Three main objectives steer their vision:

- a. Implement signature special events that draw attention and signal change
- b. Offer more frequent and reoccurring events that keep people staying downtown longer and engaging in new ways
- c. Create a “third place” that supports impromptu and planned gatherings and entertainment through temporary and permanent streetscape improvements

### 2. Operators

The Front Street Entertainment Zone is operated in partnership by the following groups:

#### a. Entertainment Zone Lead

As Entertainment Zone Lead, [Downtown SF Partnership](#) coordinates the Participating Businesses and Community Partners to manage the Entertainment Zone in alignment with the Management Plan and serves as the Point of Contact for inquiries (see Section IV.2)

#### b. Participating Businesses

As participating businesses, [Schroeder’s](#), [Harrington’s Bar and Grill](#), and [Royal Exchange](#) may serve open containers for consumption within the Entertainment Zone.

#### c. Community Partners

As Community Partners, [BOMA San Francisco \(Building Owners and Managers Association of San Francisco\)](#) and [BXP](#) provide input and support on the operation of the Entertainment Zone.

### 3. Activation and Programming

#### a. Events

The Front Street Entertainment Zone Operators plan to offer various types of events that cater to a range of interests:

- **Signature Events:** Special one-day events aim to attract a cross-section of downtown workers and visitors. Examples include celebrations for national or cultural holidays, wine walks, movie screenings, themed parties, art showcases, and dance parties. Signature events could attract thousands of people over an eight-hour period.

- **Regular Activation:** Recurring events, held monthly or weekly, could include live music performances and games.

b. Design

The Front Street Entertainment Zone Operators aim to enhance the area with low-cost physical and programmatic interventions that cultivate a sense of place and pride.

- **Physical Improvements:** This might involve planters with lush greenery, movable furniture for flexible use, overhead string lighting, branded banners affixed to street poles, and street and wall murals.
- **Programmatic Elements:** This might include performances by small musical groups, bands, and DJs, along with engaging activities such as ping-pong tables, kid-friendly games, and book readings.

c. Arts, Culture, and Entertainment

The Front Street Entertainment Zone Operators will curate artistic, cultural, and entertainment programming that draws on the district's layered cultural history to create a welcoming and inclusive experience.

#### 4. Economic Development and Community Benefit

a. Maximizing Economic Benefit for Participating Businesses

The Front Street Entertainment Zone Operators will prioritize strategies that enhance economic benefits for brick-and-mortar bars selling open containers, including:

- **Placemaking as Economic Development:** The proposed activation and programming can draw new customers to Front Street. By creating a clean, safe, and sociable street atmosphere with engaging signature and regular events, the Front Street Entertainment Zone will encourage people to socialize and linger, ultimately benefiting Participating Businesses.
- **Media Promotion:** The Entertainment Zone Lead will leverage its social media channels and collaborate with the public relations firm BerlinRosen to generate positive media coverage about Front Street's success as California's first Entertainment Zone. This can attract more visitors to boost sales for participating bars.

b. Collaboration for Broader Economic Stimulus

The Front Street Entertainment Zone Operators are committed to collaborating with diverse businesses to stimulate economic growth throughout the neighborhood. The Entertainment Zone Lead has a history of collaboration and cross-promotion with ground-floor businesses for event programming and activation.

## SECTION IV: ENTERTAINMENT ZONE OPERATING REQUIREMENTS

### 1. Compliance, Modification, and Evaluation

The operating requirements established in this section shall be considered mandatory and binding conditions for the operation of the Front Street Entertainment Zone. Failure to comply with these conditions or the creation of any significant health or safety concerns resulting from the operation of the Entertainment Zone may result in the modification or suspension of the Entertainment Zone. The Office of Economic and Workforce Development reserves the right to publish an updated management plan with revised operating requirements at any time.

Additionally:

- Any Participating Business holding a liquor license that fails to comply with these operating requirements will be reported to the San Francisco Police Department, which may transmit the information to the California Department of Alcoholic Beverage Control. Non-compliance could result in the business's future ineligibility to participate within the Entertainment Zone.
- The San Francisco Office of Economic and Workforce Development will evaluate the Entertainment Zone's compliance with the conditions of this Management Plan every two years. Both the Entertainment Zone Lead and Participating Business must promptly respond to requests for information during this evaluation process. Failure to meet these conditions may lead to modification or suspension of the Entertainment Zone.

### 2. Entertainment Zone Lead and Point of Contact

The Entertainment Zone Lead must serve as the designated Point of Contact that should be contacted with inquiries about the operation of the Entertainment Zone. The designated Entertainment Zone Lead and Point of Contact for the Front Street Entertainment Zone is:

Downtown SF Partnership  
Address: 235 Montgomery Street, Suite 828  
Email: [info@downtownsf.org](mailto:info@downtownsf.org)  
Phone: 415-634-2251

### 3. Participating Businesses

Only licensed restaurants, bars, breweries, and wineries are eligible to participate in selling open containers for consumption within the Entertainment Zone. The following establishments are confirmed to participate in the Entertainment Zone:

Schroeder's  
Address: 240 Front Street

Harrington's Bar and Grill  
Address: 245 Front Street

Royal Exchange

Address: 301 Sacramento Street (with patrons entering the Entertainment Zone only through Royal Exchange's Front Street entrance)

Any other businesses wishing to participate must notify the San Francisco Office of Economic and Workforce Development and the California Department of Alcoholic Beverage Control.

**4. Location, Hours and Information**

a. Location of Operation

Subject to all other applicable requirements, the Front Street Entertainment Zone may operate within the entire area permitted by S.F. Admin Code Sec. 94B.4, Front Street between Sacramento and California Streets. A map can be found in the Appendix (Section V.2).

b. Hours of Operation

The Front Street Entertainment Zone may operate **any Wednesday, Thursday, Friday, and Saturday year-round between 12:00 PM to 11:00 PM**, subject to all requirements included in this management plan, including a street closure permit from SFMTA.

Additional "**signature events**" may be permitted outside these regular operating hours, **on any day of the year between 12:00 PM and 11:59 PM** with the required permit from SFMTA and prior approval from OEWD.

Businesses may only sell open containers for consumption within the Entertainment Zone during these hours. Businesses are prohibited from selling open containers for consumption within the Entertainment Zone outside these hours.

c. Event Notification

In order to host an Entertainment Zone event, at least 14 days prior to the event the Entertainment Zone Lead must:

- Email notification to all of the following OEWD and SFPD addresses:  
[entertainmentzones@sfgov.org](mailto:entertainmentzones@sfgov.org); [tobius.l.moore@sfgov.org](mailto:tobius.l.moore@sfgov.org);  
[gregory.d.burchard@sfgov.org](mailto:gregory.d.burchard@sfgov.org); [loren.chiu@sfgov.org](mailto:loren.chiu@sfgov.org)
  - Email notification must include:
    - event date and hours of operation
    - event name
    - brief description
    - attendance estimate
  - The Entertainment Zone Lead must receive confirmation of receipt from OEWD prior to operating the Entertainment Zone for the event.

d. Website

The Entertainment Zone Lead must provide the following accurate, up-to-date information on a public website or event page:

- Location and basic information on the operation of the Entertainment Zone
- Calendar or list of upcoming events
- Contact information for the Entertainment Zone Lead
- Link to the City's dedicated Entertainment Zone web page ([www.sf.gov/entertainmentzones](http://www.sf.gov/entertainmentzones)) and email address ([entertainmentzones@sfgov.org](mailto:entertainmentzones@sfgov.org))

## 5. Health and Safety Measures

### a. Age Verification

Patrons of all ages may be admitted into the Entertainment Zone. Alcohol-serving businesses may admit patrons under the age of 21 if allowed by their liquor license.

During the duration of any Entertainment Zone event, every patron purchasing an alcoholic beverage for consumption in the Zone or drinking an alcoholic beverage within the Zone must be wearing a wristband identifying them as 21 years of age or over. All of the businesses within the Zone must use a single style of wristband agreed upon prior to the operation of any Entertainment Zone event.

If a patron is not wearing a wristband, staff within licensed businesses may check patrons' IDs to confirm their age and provide them wristbands. For larger events, staff or volunteers may also choose to check patrons' IDs and distribute wristbands at the entrances to the Entertainment Zone or other locations within the Zone.

### b. Safety and Security

Every business participating within the Entertainment Zone is responsible for the safety and security of their patrons and the surrounding neighborhood. A security plan shall be submitted to the appropriate San Francisco Police Department (SFPD) District Station prior to any Entertainment Zone event, and the SFPD-approved security plan shall be followed during the entirety of the event.

Where Entertainment Zone events follow a recurring format/site plan (i.e., recurring weekday afternoon happy hours), the Entertainment Zone events may operate pursuant to one security plan governing all of the events of that format. For any unique or larger-scale event, a unique security plan shall be submitted to and approved by SFPD prior to the event.

During Entertainment Zone events, each business participating within the Entertainment Zone shall always have at least one staff member on site who is able to provide a copy of this management plan and the approved security plan and is aware of all relevant conditions within these plans.

Within 24 hours of any violent incident, or any time SFPD responds to a call for service at or within the Entertainment Zone, any business connected to that incident or call for service,

or the permit holder of the SFMTA street closure permit for the Entertainment Zone, shall complete and send an incident report to their SFPD District Station Permit Officer.

c. Signage

The boundaries of the Entertainment Zone must be clearly marked by easily visible signage posted at every intersection around the perimeter of the zone. This signage must instruct patrons not to carry alcoholic beverages outside the Entertainment Zone (e.g., “No Alcoholic Beverages Beyond This Point”).

Signs must be illuminated well enough to be sufficiently visible during nighttime hours of the Zone’s operation.

**6. Cup Requirements**

a. Material

A licensed business within the Zone must serve any alcoholic beverage for consumption in the Zone in a compostable or reusable cup.

A business may not serve any alcoholic beverage for consumption in the Zone in any metal or glass container.

b. Disposal

The Entertainment Zone Lead or Participating Businesses will provide receptacles sufficient for patrons to dispose of their compostable cups or return their reusable cups before exiting the Entertainment Zone.

**7. Permits**

a. Street Closure Permit

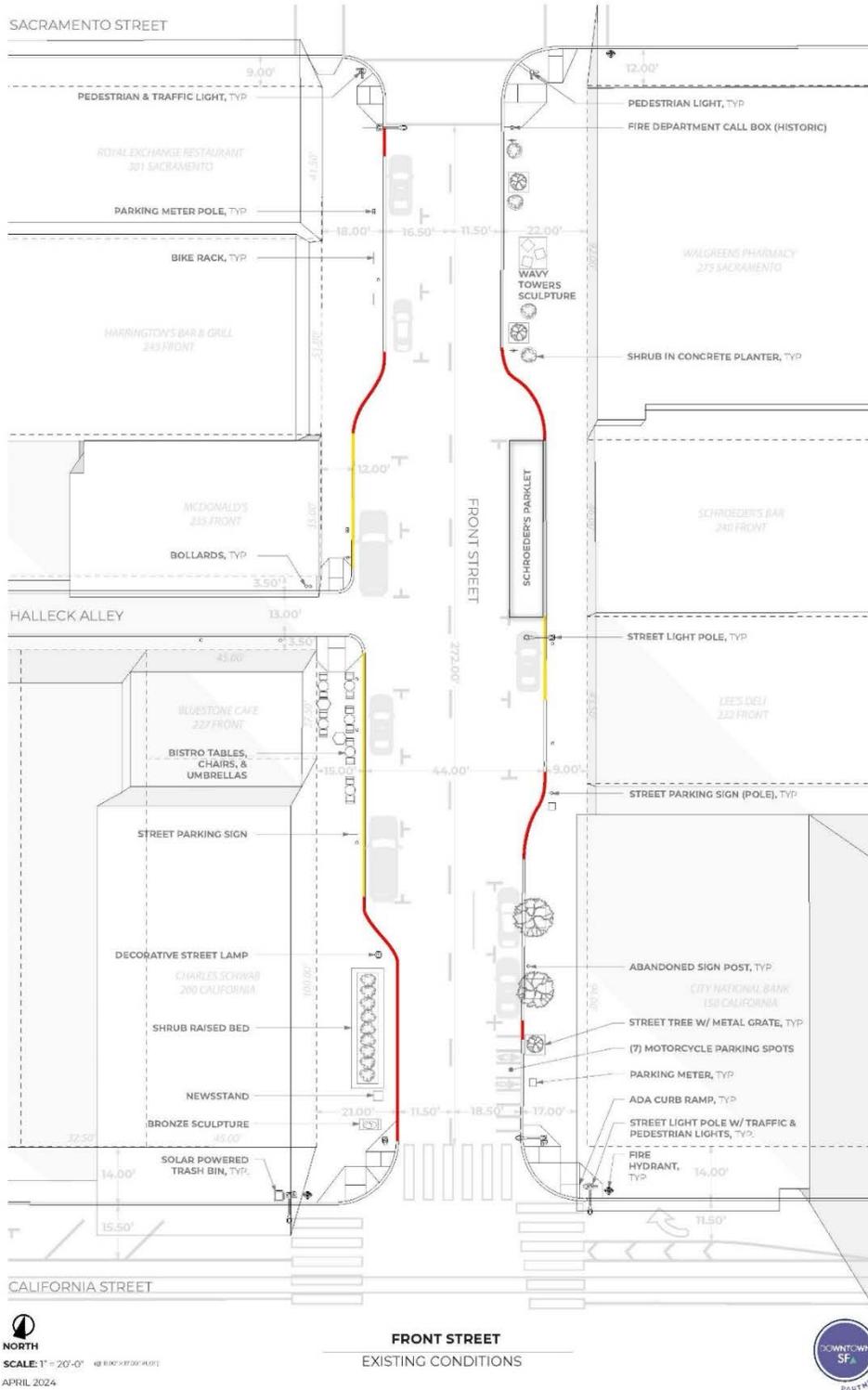
An Entertainment Zone event may only be held in conjunction with an approved street closure permit issued through the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). The operation of the Entertainment Zone shall be subject to any conditions imposed upon the street closure permit.

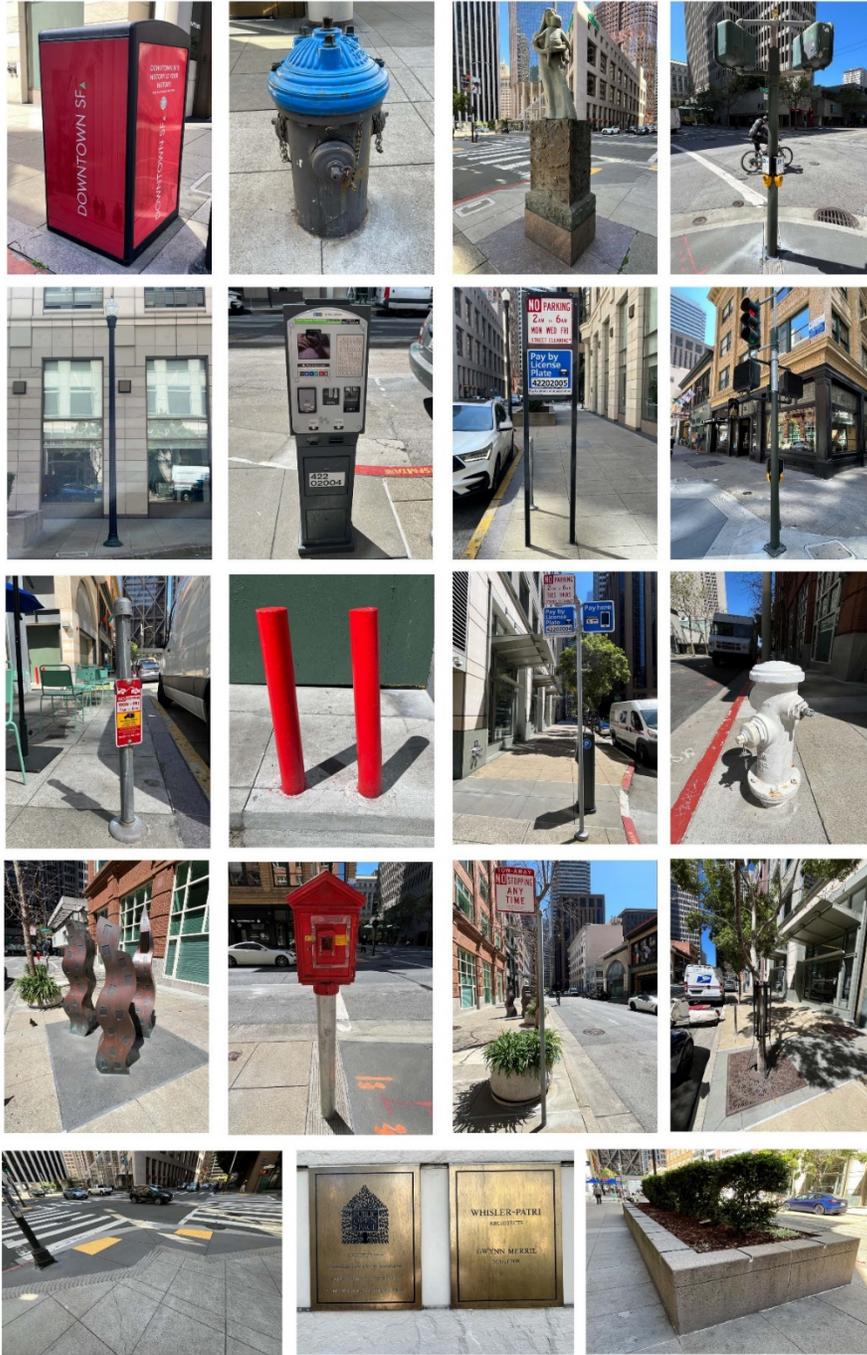
**8. Insurance**

The holder of the street closure permit shall maintain sufficient insurance as required by ISCOTT during the operation of any Entertainment Zone event.

SECTION V: APPENDICES

1. Front Street Entertainment Zone Map and Existing Infrastructure

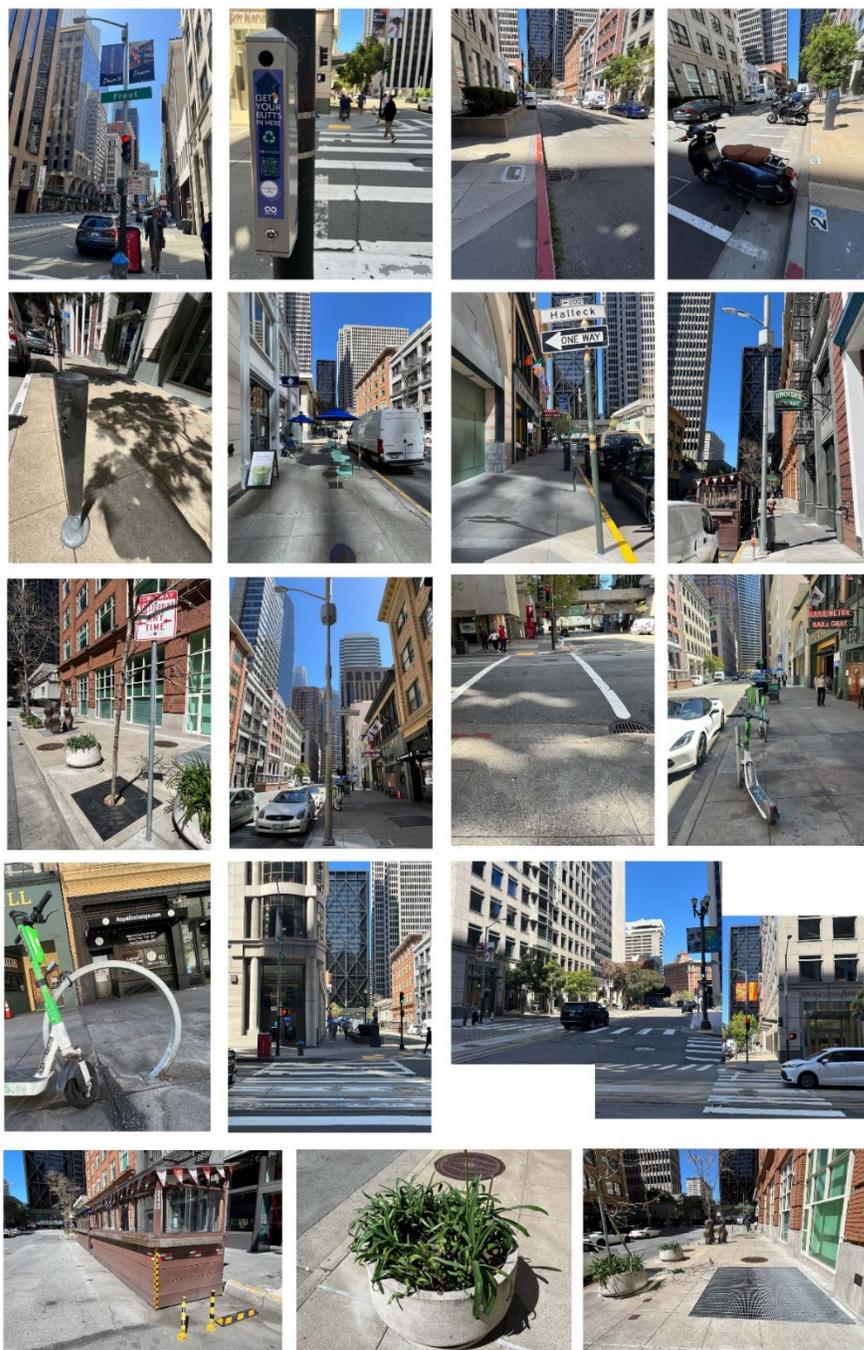




APRIL 2024

**FRONT STREET**  
EXISTING INFRASTRUCTURE





APRIL 2024

**FRONT STREET**  
EXISTING INFRASTRUCTURE CONT.



## 2. Front Street Entertainment Zone Vision Rendering



Rendering courtesy of Gensler



# AGENDA REPORT

**TO:** City Council and Members of the Public      **FROM:** At-Large Councilmember Rowena Brown

**SUBJECT:** Town Alive: Economic Activation Zones      **DATE:** November 13, 2025

## RECOMMENDATION

Adopt The Following Pieces Of Legislation:

**(A) A RESOLUTION (1) ESTABLISHING ECONOMIC ACTIVATION ZONES UNDER THE TOWN ALIVE PROGRAM TO SUPPORT ENTERTAINMENT ZONES AND RESPONSIBLE ARTIFICIAL INTELLIGENCE (AI) ACTIVATION ZONES IN THE CITY OF OAKLAND, BRINGING INNOVATIVE PROGRAMMING TO PUBLIC AND COMMUNITY SPACES; AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD, NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE OAKLAND FUND FOR PUBLIC INNOVATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) TO IMPLEMENT THE TOWN ALIVE PROGRAM FOR A TWO-YEAR TERM FROM NOVEMBER 1, 2025, THROUGH OCTOBER 31, 2027**

**(B) AN ORDINANCE (1) ADDING CHAPTER 9.54 OF TITLE 9 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH AND REGULATE ENTERTAINMENT ZONES PURSUANT TO SB 969 (2024) TO PROMOTE ECONOMIC ACTIVATION; (2) MAKING OTHER CONFORMING CHANGES TO SECTIONS 9.08.180 AND 9.08.190 OF THE OAKLAND MUNICIPAL CODE; (3) CLASSIFYING AN ENTERTAINMENT ZONE EVENT AS A TIER TWO OR TIER THREE\_SPECIAL EVENT PURSUANT TO CHAPTER 9.52 OF THE OAKLAND MUNICIPAL CODE; AND (4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

## EXECUTIVE SUMMARY

The **Town Alive** initiative establishes **Economic Activation Zones**—designated areas that re-energize Oakland’s public spaces, strengthen small businesses, and connect residents to innovation opportunities.

The program launches with two pilot components:

1. **Entertainment Zones** to activate commercial corridors with family-friendly outdoor events and cultural festivals
2. **Responsible Artificial Intelligence (AI) Activation Zones** to foster equitable, community-based innovation and create hubs for community-based AI programming

Together, these pilots make Oakland’s economy more vibrant, inclusive, and future-ready.

The proposed pieces of legislation formally launch the Town Alive initiative; enable four pilot Entertainment Zones (Jack London District, Broadway Valdez/Northlake District, Temescal District, and Uptown Downtown), which permit outdoor alcohol consumption as authorized by Senate Bill 969 (2024); and authorize \$1,000,000 in grant funding to provide initial support for programming across Oakland, administered by the Oakland Fund for Public Innovation.

## **BACKGROUND / LEGISLATIVE HISTORY**

Since the COVID-19 pandemic, Oakland has been rebuilding its local economy to address several [significant challenges](#), such as employment recovery, downtown revitalization, consumer confidence, and tourism generation. Many of our commercial corridors are in particular need of structured opportunities for economic and cultural activation.

Town Alive bridges that gap by:

- Reviving local commercial corridors through safe, family-friendly programming.
- Partnering with community institutions to expand access to the growing responsible AI economy.

Oakland’s economic recovery depends on reconnecting people to places—and ensuring innovation benefits every neighborhood.

### **Entertainment Zones Under Senate Bill 969**

[Senate Bill \(SB\) 969](#) (Weiner, 2024) authorizes cities to establish designated “entertainment zones” where to-go alcoholic beverages from licensed bars, restaurants, breweries, and wineries may be consumed in public streets, sidewalks, or other public rights-of-way during permitted special events. Cities across California—including [San Francisco](#), [San Jose](#), [Santa Monica](#), and [Sacramento](#)—have already established or launched Entertainment Zones to support local businesses, activate commercial corridors, and enhance cultural life.

SB 969 requires a city, county, or city and county that establishes an entertainment zone to (1) establish a process or procedure by which persons in possession of alcoholic beverages in the entertainment zone may be readily identifiable as being 21 years of age or older; and (2) provide to the California Department of Alcoholic Beverage Control (ABC) a copy of the ordinance establishing or modifying the entertainment zone and identifying the entertainment zone’s boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved non-glass and nonmetal containers, pursuant to Section 25690 of the California Business and Professions Code.

Before enacting an ordinance to establish or modify an entertainment zone, a city, county, or city and county shall notify local law enforcement and request feedback about both of the following: (1) potential health and safety impacts that might be generated by the entertainment zone and strategies to mitigate those impacts; and (2) the entertainment zone’s proposed boundaries, days and hours of operation, types of alcoholic beverages permitted, and approved non-glass and nonmetal containers, pursuant to Section 25692 of the California Business and Professions Code.

SB 969 requires that a city that establishes an entertainment zone, or its designated subordinate officer or body, shall review the operation of the entertainment zone every two years following the adoption of the entertainment zone to ensure that the entertainment zone is being maintained in a manner that protects the health and safety of the general public.

**Responsible AI**

AI is technology that can perform tasks that would normally require human intelligence. The pace of AI adoption and commercialization has increased significantly in recent years. [Current estimates](#) count tens of thousands of AI-related companies worldwide, as startups and existing businesses work to build products spanning the spectrum from narrow daily tools to large generative models.

Private investment in AI [crossed the \\$100 billion mark](#) in 2024 and accounted for a major share of global venture capital, with generative AI companies receiving particular focus. Business adoption has increased as well, with [surveys showing](#) AI use by organizations jumping from about 55% in 2023 to roughly 78% in 2024.

AI has also spurred a historic amount of policy and legislation compared to past emerging technologies. At the state level alone, [over 1,600 AI bills](#) have been proposed nationwide since 2019.

[Responsible AI](#) refers to the use of AI systems in ways that are ethical, transparent, accountable, and aligned with community wellbeing. Responsible AI presents the opportunity to leverage the rapid development of AI to advance Oakland’s economic and community development goals and transform how the City delivers services.

**ANALYSIS AND POLICY ALTERNATIVES**

**Entertainment Zones**

Entertainment Zones will create opportunities for outdoor gatherings, performances, and cultural festivals in Oakland’s commercial corridors to celebrate Oakland’s diversity and creativity. Utilizing SB 969 (as detailed above), adjacent bars and restaurants will be permitted to sell alcohol in to-go containers for on-site consumption within the designated zones during permitted events. Entertainment Zone programming is proposed to launch in summer 2026.

Implementation Landscape

Several jurisdictions across the state have already launched Entertainment Zones to revitalize their commercial corridors:

| City          | Program Status                                                                                                              | Key Features                                                              |
|---------------|-----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| San Francisco | It was the first City to receive state authorization and launched its program in June 2024. Now has 21 Entertainment Zones. | Includes Chase Center, Valencia St, Front St, and Fisherman’s Wharf zones |
| San Jose      | Established Entertainment                                                                                                   | Location selection prioritized                                            |

|              |                                                                        |                                                                                                |
|--------------|------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
|              | Zones in June 2025.                                                    | existing pedestrian-friendly spaces, like the Post Street Pedestrian Mall.                     |
| Santa Monica | Established the Third Street Promenade Entertainment Zone in May 2025. | The Entertainment Zone has standard hours every weekend, and isn't reliant on specific events. |
| Sacramento   | Established three Entertainment Zones in June 2025.                    | Includes an Entertainment Zone surrounding the city's Convention Center.                       |

Pilot Entertainment Zone Locations

To promote public safety, maintain manageable capacity, and effectively test the model, Oakland will launch four pilot Entertainment Zones. Potential locations were evaluated based on the following criteria:

- Concentration of bars and restaurants that serve alcohol
- Potential Entertainment Zone lead organizer has a strong track record of hosting similar events in the neighborhood
- Geography that easily enables street and/or plaza closures
- Impacts to public transit & alternatives for traffic diversion
- Public safety impacts

The four pilot locations are:

- Jack London District (D2 & D3)
- Broadway Valdez/Northlake District (D3)
- Temescal District (D1)
- Uptown Downtown (D3)

Precise zone boundaries are depicted in **Attachment A**.

Future Entertainment Zone Locations

**Any neighborhood commercial corridor in Oakland can become an Entertainment Zone in the future.**

Beginning in 2026, new Entertainment Zones will be designated through the following process:

1. Contacting their Councilmember and the Economic & Workforce Development Department (EWD) to begin the process
2. Receiving City Council approval by ordinance establishing the zone
3. Developing a Management Plan with EWD outlining programming, safety, and operations
4. Applying for Entertainment Zone event funding (if applicable)

## Management Plans

Management Plans are tailored plans for each Entertainment Zone to establish location-specific requirements for operations, public health, and public safety during Entertainment Zone events. The plans will be produced by the Economic & Workforce Development Department and the lead community partner for the Entertainment Zone (e.g., a Business Improvement District), in collaboration with community partners and relevant City departments.

Management Plans will include:

- The lead community partner for the Entertainment Zone and businesses that will be selling to-go alcoholic drinks in the Zone
- A description of the potential programming to activate the Zone
- The precise Zone boundaries, hours, advance notice window and other logistical details
- Measures to ensure public health and public safety at events
- Procedures for ensuring that anyone in the Entertainment Zone with alcohol is at least 21 years old
- Requirements for uniform cups for outdoor alcohol consumption
- City permits that apply to the Zone's proposed programming

Several peer cities also require Management Plans for their Entertainment Zones, including [San Francisco](#) and [Santa Monica](#).

## **Responsible AI Activation Zones**

The City of Oakland recognizes the growing role of Responsible AI and emerging technologies in shaping economic opportunity, workforce development, and public service delivery. Responsible AI Activation Zones will serve as physical and programmatic hubs to advance equitable, community-based AI innovation, ensuring that AI technologies are developed, implemented, and governed in alignment with Oakland's values of equity, transparency, and inclusion.

Programming within the Responsible AI Activation Zones will connect residents, students, and small businesses to opportunities in the technology sector, including:

- Community education events and professional conferences
- Civic technology pilots
- Student internships & showcases
- Small business support for responsible AI adoption
- Workforce development programs

Programming will prioritize preparing local workers, especially those from historically disadvantaged communities, for opportunities in AI-related and impacted industries, ensuring that the economic benefits of AI are shared equitably, mitigating negative impacts, and promoting digital literacy.

Programs will be led and coordinated through the **Oakland Fund for Public Innovation (OFPI)**, in partnership with **Laney College**, the **Unity Council's Unity Tech Hub**, and **Mills College at Northeastern University**, providing citywide access to resources and training.

## Programming Partners

Responsible AI Zone programming will be located in three hubs across the city, which will host community programming:

- **Laney College:** Laney College launched the first Applied AI program in California, and anchors an area adjacent to downtown that includes the Oakland Museum of California and the Henry J. Kaiser Center for the Arts.
- **Unity Tech Hub:** The Unity Tech Hub is a partnership between the Unity Council and Google to increase community access to tech education, workforce development, and business development. The Unity Tech Hub will ensure access for Central Oakland neighborhoods to programming.
- **Mills College at Northeastern University:** Mills at Northeastern already hosts several AI initiatives, including the Bridge to AI program for Oakland Unified School District students, and partnerships with the business community. Mills at Northeastern will ensure access for East Oakland neighborhoods to programming.

## **Oakland Fund for Public Innovation**

[OFPI](#) is a 501(c)(3) nonprofit organization whose mission is to improve the prosperity, safety, and quality of life for all Oaklanders by establishing innovative public-private partnerships in our most vulnerable communities. OFPI achieves its mission by partnering with government agencies to pilot new strategies to meet the needs of Oaklanders, and by scaling the most promising solutions

OFPI's mission and approach are strongly aligned with the vision for the Town Alive program. OFPI is proposed to be the project manager for program implementation, which will entail:

- Serving as the fiscal sponsor for the program, receiving and managing funds in accordance with nonprofit accounting and compliance standards, including disbursements, contracting, and reporting
- Supporting program design, curriculum development, and project management in coordination with City departments
- Hiring and supervising a Program Manager, who will be employed through OFPI and dedicated to advancing the Town Alive program, particularly stewarding the development of the Responsible AI Activation Zones
- Supporting future fundraising efforts, in partnership with the **Kapor Foundation**, which works to ensure equitable access to the technology industry, to sustain and expand the Town Alive program

## **FISCAL IMPACT**

On June 11, 2025, the City Council adopted [Resolution No. 90827 C.M.S.](#), which approved the FY 2025–2027 Biennial Budget, including One Million Dollars (\$1,000,000) for “Economic Opportunity Zones” across two years with Five Hundred Thousand Dollars (\$500,000) in each year. The proposed legislation will support initial Town Alive programming with these funds.

Funding for “Economic Opportunity Zones” is available in the General Purpose Fund (1010), Economic Development Organization (85411), Third-Party: Grant Contracts Earned Account (54912), Entertainment & Activate Project (1008217), Administration Program (IP03).

The funding will include an allowable administrative fee not to exceed Ten Percent (10%) or One Hundred Thousand Dollars (\$100,000) and a program management fee not to exceed Two Hundred Fifty Thousand Dollars (\$250,000) total over the two years.

| Program                    | FY26 Budget      | FY27 Budget      | Total              |
|----------------------------|------------------|------------------|--------------------|
| Entertainment Zones        | \$100,000        | \$300,000        | <b>\$400,000</b>   |
| AI Activation Zones        | \$250,000        | Fundraise        | <b>\$250,000</b>   |
| Program Manager            | \$125,000        | \$125,000        | <b>\$250,000</b>   |
| Administrative Costs (10%) | \$50,000         | \$50,000         | <b>\$100,000</b>   |
| <b>Total</b>               | <b>\$500,000</b> | <b>\$500,000</b> | <b>\$1,000,000</b> |

**PUBLIC OUTREACH / INTEREST**

Councilmember Brown’s office has engaged extensively with community members and community partners in developing this proposal over the last six months via direct meetings, including ongoing collaboration with potential Entertainment Zone lead organizations and Responsible AI Activation Zone programming partners.

**COORDINATION**

Councilmember Brown’s office consulted with the City Administrator’s Office, Economic and Workforce Development Department, Department of Transportation, Public Works Department, Police Department, Planning & Building Department, City Attorney’s Office, and the Port of Oakland to develop this legislation.

**SUSTAINABLE OPPORTUNITIES**

**Economic:** The Town Alive program will energize local commercial corridors and expand access to the responsible AI economy. This initiative implements a two-pronged strategy to advance Oakland’s continued economic recovery by supporting small businesses, increasing tax revenue, and offering new workforce development opportunities.

**Environmental:** At present, AI is incredibly [energy- and water-intensive](#), and AI data centers also have [negative local environmental impacts](#) on neighboring communities, such as air and noise pollution. As the City increases its use of AI to improve services and works to ensure equitable access for Oaklanders to economic opportunities in the AI sector, it will be imperative to collaborate with state and federal government partners on legislation and regulations to address the environmental impacts of AI.

**Race & Equity: Entertainment Zones** will strengthen small businesses and revitalize Oakland’s commercial corridors. As the program expands citywide, it will create greater economic opportunity for businesses owned by historically disadvantaged communities—improving outcomes in entrepreneurship, employment, and neighborhood vitality. Energizing

these corridors will also drive tax growth, helping sustain and expand key City services that advance equity across multiple areas, including economic development, housing, public health, education, public safety, environmental quality, and transportation. Similarly, **Responsible AI Activation Zones** will promote equitable access to one of the fastest-growing sectors of the economy. These zones will help close gaps in education, income, and wealth—mitigating downstream inequities that affect overall community wellbeing. Finally, the City must continue to collaborate with state and federal partners to address the racialized environmental impacts emerging from the global proliferation of AI technologies.

**ACTION REQUESTED OF THE CITY COUNCIL**

**Adopt The Following Pieces Of Legislation:**

**(A) A RESOLUTION (1) ESTABLISHING ECONOMIC ACTIVATION ZONES UNDER THE TOWN ALIVE PROGRAM TO SUPPORT ENTERTAINMENT ZONES AND RESPONSIBLE ARTIFICIAL INTELLIGENCE (AI) ACTIVATION ZONES IN THE CITY OF OAKLAND, BRINGING INNOVATIVE PROGRAMMING TO PUBLIC AND COMMUNITY SPACES; AND (2) AUTHORIZING THE CITY ADMINISTRATOR TO AWARD, NEGOTIATE AND EXECUTE A GRANT AGREEMENT WITH THE OAKLAND FUND FOR PUBLIC INNOVATION IN AN AMOUNT NOT TO EXCEED ONE MILLION DOLLARS (\$1,000,000) TO IMPLEMENT THE TOWN ALIVE PROGRAM FOR A TWO-YEAR TERM FROM NOVEMBER 1, 2025, THROUGH OCTOBER 31, 2027**

**(B) AN ORDINANCE (1) ADDING CHAPTER 9.54 OF TITLE 9 OF THE OAKLAND MUNICIPAL CODE TO ESTABLISH AND REGULATE ENTERTAINMENT ZONES PURSUANT TO SB 969 (2024) TO PROMOTE ECONOMIC ACTIVATION; (2) MAKING OTHER CONFORMING CHANGES TO SECTIONS 9.08.180 AND 9.08.190 OF THE OAKLAND MUNICIPAL CODE; (3) CLASSIFYING AN ENTERTAINMENT ZONE EVENT AS A TIER TWO OR TIER THREE SPECIAL EVENT PURSUANT TO CHAPTER 9.52 OF THE OAKLAND MUNICIPAL CODE; AND (4) ADOPTING APPROPRIATE CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

For questions regarding this report, please contact Chiamaka Ogwuegbu, Policy Director for At-Large Councilmember Rowena Brown, at [COgwuegbu@oaklandca.gov](mailto:COgwuegbu@oaklandca.gov).

Respectfully submitted,



Rowena Brown  
City of Oakland, Councilmember At Large

Attachments (3):

- Attachment A: Entertainment Zone Maps
- Attachment B: Town Alive Program Summary
- Attachment C: City of Oakland AI Equity Statement



To: Honorable Mayor and Members of the City Council  
 From: Councilmember Shoshana O'Keefe (Author) and Councilmember Brent Blackaby (Co-Sponsor)  
 Subject: Citywide Guidelines on Artificial Intelligence

### RECOMMENDATION

Refer to the City Manager to develop official, citywide guidelines for the secure, ethical, and effective use of Artificial Intelligence (AI) tools by City of Berkeley employees. The policy should align with Berkeley's values, promote innovation and progress, and safeguard privacy and public trust.

The City Manager should review policies adopted by other California cities and develop Berkeley-specific principles to guide staff usage of AI. The following principles should form the foundation of Berkeley's policy:

1. Create safeguards against introduction of bias through use of AI systems
2. Protect data privacy and ensure cybersecurity compliance
3. Maintain human oversight and accountability
4. Explore opportunities to integrate AI into operations management
5. Foster collaboration and cross-departmental exchange of AI knowledge
6. Ensure transparency and compliance with Public Records Laws
7. Periodic review and improvement

Developing a clear and responsible AI policy will help the City of Berkeley harness emerging technologies to better serve the community while upholding equity, integrity, and public confidence in city operations and services.

### BACKGROUND

In recent years, the development and adoption of generative artificial intelligence tools – or AI that can generate text, images, and other content based on prompts from a user and the data it was trained on – has accelerated dramatically. California, specifically, is at a unique juncture as both the birthplace of AI and the home to a majority of top AI companies in the world.<sup>1</sup>

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<sup>1</sup> California, S. of. (2025, September 29). Governor Newsom signs SB 53, advancing California's world-leading artificial intelligence industry. Governor of California. <https://www.gov.ca.gov/2025/09/29/governor-newsom-signs-sb-53-advancing-californias-world-leading-artificial-intelligence-industry/>

The rapid rise of AI provides both an opportunity and a challenge for public and private sector employers and organizations. According to a survey conducted by the National Bureau of Economic Research, “as of late 2024, nearly 40 percent of the U.S. population age 18-64 uses generative AI. 23 percent of employed respondents had used generative AI for work at least once in the previous week, and 9 percent used it every work day.”<sup>2</sup>

When used responsibly, artificial intelligence can automate repetitive tasks, facilitate efficiency, support decision making and advanced data analysis, and minimize errors. For local governments operating with limited resources and navigating staffing shortages, these tools can assist with communications and the delivery of public goods and services. However, the usage of AI is not without its risks and concerns. The technology also introduces ethical, legal, and operational risks including those related to privacy, cybersecurity, bias in decision making, accuracy, and transparency.

As the usage of AI becomes more common in the workplace, cities and counties across California have developed guidelines for employees including San Francisco<sup>3</sup>, San Jose,<sup>4</sup> Long Beach,<sup>5</sup> and Santa Cruz County.<sup>6</sup> With no official citywide policy, City of Berkeley employees are left using their best judgement when it comes to the appropriate uses of AI. Therefore, the City must ensure that the use of AI aligns with its values of equity, innovation, and progress. This item proposes the development of guidelines for City of Berkeley staff based on best practices from other jurisdictions, which include the following:

### **Addressing Bias**

City Staff should use caution when procuring or using any artificial intelligence systems that have documented or reasonably identifiable bias, discriminatory outcomes, or fairness concerns. Numerous instances of AI bias have been documented in the law enforcement, criminal justice, and healthcare industries.<sup>7,8,9</sup> San Francisco’s guidelines include monitoring for and manually correcting instances of bias.

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<sup>2</sup> Bick, A., Blandin, A., & Deming, D. (2024). The rapid adoption of Generative AI. National Bureau of Economic Research . <https://doi.org/10.3386/w32966>

<sup>3</sup> San Francisco generative AI guidelines. City of San Francisco . (2025, July 8). <https://www.sf.gov/reports--july-2025--san-francisco-generative-ai-guidelines>

<sup>4</sup> San José AI guidelines and policies. City of San José. (2025). <https://www.sanjoseca.gov/your-government/departments-offices/information-technology/itd-generative-ai-guideline>

<sup>5</sup> Generative AI guidance. City of Long Beach . (n.d.). <https://www.longbeach.gov/smartcity/projects/generative-ai-guidance/>

<sup>6</sup> County of Santa Cruz Artificial Intelligence Appropriate Use Policy . County of Santa Cruz . (2023, September 13). <https://www2.santacruzcountyca.gov/personnel/vpolandproc/ProceduresManual/PM6476.pdf>

<sup>7</sup> Artificial Intelligence in Predictive Policing Issue Brief. NAACP. (n.d.). <https://naacp.org/resources/artificial-intelligence-predictive-policing-issue-brief>

<sup>8</sup> Taylor, J. (n.d.). Code without conscience: How ai discrimination puts black lives at risk. NCNW. <https://ncnw.org/code-without-conscience-how-ai-discrimination-puts-black-lives-at-risk/>

<sup>9</sup> Glass , M. (2023, February 23). Algorithms were supposed to reduce bias in criminal justice-do they?. Boston University. <https://www.bu.edu/articles/2023/do-algorithms-reduce-bias-in-criminal-justice/>

### **Data Protection**

The City should develop careful and detailed policies surrounding the input of sensitive, confidential, or legally protected data – such as personally identifiable information, health information, or privileged communications – into AI tools. Though there are AI tools designed to work specifically with private data, all AI usage must comply with City data protection policies, cybersecurity standards, and state and federal privacy laws. Long Beach prohibits the use of certain AI systems that carry serious concerns about privacy, transparency, and security.

### **Human Oversight**

While AI may support human judgement in decision-making, it must never replace human oversight. Staff remain responsible for the content, recommendations, and decisions made with the assistance of AI. Consequential decisions that impact human welfare and stand to have a high-impact – such as those affecting rights, benefits, or public services – must undergo human review and sign-off. In certain cases, the use of AI should be prohibited entirely. Santa Cruz County prohibits the use of AI to make decisions related to hiring, benefits, or other sensitive matters where bias could play a role.

### **AI Integration in Operations**

Incorporating AI into operations management could help improve efficiency, consistency, and service quality. When implemented thoughtfully, AI could help support staff and increase organizational resilience. Other potential positive benefits could include improved service delivery and maximizing the impact of limited public resources.

### **Cross-Department Collaboration**

The City should consider how best to encourage the proactive sharing of insights and best practices across departments. This could include quarterly or annual staff meetings that promote the exchange of information, ensuring refinement over time and continuous innovation.

### **Public Records Act Compliance**

AI-generated materials created or used for official City business are city records and may be subject to the California Public Records Act (PRA). Staff should preserve such records accordingly.

### **Review and Improvement**

The artificial intelligence landscape is quickly evolving. The City should consider reviewing and amending its AI guidelines annually to reflect feedback from staff, changes in state and federal law, and advances in technology.

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

While currently the City of Berkeley has not yet adopted a formal policy guiding staff usage of artificial intelligence, it is our understanding that a draft AI Administrative Regulation is under development by the City Manager, and this item is intended to inform that process.

Recognizing the AI sector is ripe for regulation, the State of California recently became the first in the nation to adopt an artificial intelligence transparency and safety law – dubbed the Transparency in Frontier Artificial Intelligence Act. Additionally, the state also recently adopted a new series of regulations, specifically addressing Automated Decision-Making Technology in employment decisions due to concerns over bias.<sup>10</sup> With the state recognizing the impact and consequences of unregulated artificial intelligence, there is also opportunity for local leadership and governance.

**ACTIONS/ALTERNATIVES CONSIDERED**

While the City may choose not to take action on artificial intelligence, City employees may already be using AI tools to support their work. Without proper guidance and oversight, there could be many consequences to unregulated AI use, including the spread of misinformation, data and privacy risks, poor or biased decision making, and more. Right now, the City has an opportunity to lead by providing its workforce with a guided approach.

Should the City Manager decide not to pursue official guidelines, the City could consider creating risk tiers – based on San Jose’s model – that can help employees understand when additional review is necessary.<sup>11</sup>

**AI Risk Levels for Generative AI**

| <b>Risk Level</b> | <b>What It Means</b>                   | <b>Example Uses</b>                                                 |
|-------------------|----------------------------------------|---------------------------------------------------------------------|
| Low Risk          | No private info, for internal drafts   | Writing internal emails                                             |
| Medium Risk       | Needs careful review, public-facing    | Drafting a City memo                                                |
| High Risk         | Could affect people’s rights or safety | Hiring decisions, legal info – not allowed without special approval |

**CONSULTATION/OUTREACH OVERVIEW AND RESULTS**

Councilmember O’Keefe’s office consulted with the City Manager’s office on the guidelines and the City Manager expressed interest in pursuing the policy. Councilmember O’Keefe has also consulted with the Office of the City Attorney.

<sup>10</sup>California, S. of. (2025a, June 30). Civil Rights Council secures approval for regulations to protect against employment discrimination related to Artificial Intelligence. Civil Rights Department. <https://calcivilrights.ca.gov/2025/06/30/civil-rights-council-secures-approval-for-regulations-to-protect-against-employment-discrimination-related-to-artificial-intelligence/>

<sup>11</sup>San José AI guidelines and policies . City of San José. (n.d.). <https://www.sanjoseca.gov/your-government/departments-offices/information-technology/itd-generative-ai-guideline>

RATIONALE FOR RECOMMENDATION

The City of Berkeley currently has no official citywide policy or guidance for employees who wish to use artificial intelligence to support their work. While a draft AI Administrative Regulation is under development by the City Manager, the City has an opportunity to use this item to help inform and shape that forthcoming guidance. With other cities adopting policies to ensure that AI is used securely, responsibly, and transparently, Berkeley should similarly work toward developing its own framework grounded in best practices.

As AI continues to integrate across all sectors, its role in municipal operations is likely to expand. To keep pace with this evolving technological landscape, the City of Berkeley should proactively advance policy development that safeguards privacy, maintains public trust, and provides clear direction for staff use of AI tools. Consideration of this item by the City Council will help ensure that the final Administrative Regulation reflects both policy priorities and community values.

ENVIRONMENTAL SUSTAINABILITY

N/A

FISCAL IMPACTS

Staff time.

CONTACT

Shoshana O'Keefe, [sokeefe@berkeleyca.gov](mailto:sokeefe@berkeleyca.gov), 510-981-7150





Brent Blackaby  
Councilmember District 6

CONSENT CALENDAR  
January 20, 2026

To: Honorable Mayor and Members of the City Council  
From: Councilmember Blackaby (Author), Mayor (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)  
Subject: City Council Employee Recognition Program

RECOMMENDATION

Adopt a Resolution to institute a City Council led Employee Recognition Program.

FINANCIAL IMPLICATIONS

None

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is committed to delivering excellent, timely, and accessible services that help create a resilient, safe, and connected community. Achieving these goals depends on attracting and retaining a talented, dedicated, and diverse City workforce.

Berkeley's employees keep the City running every day with skill, commitment, and professionalism. While the City's annual Staff Appreciation Day recognizes all employees, formal recognition by the City Council would elevate that appreciation—honoring individuals publicly and highlighting the vital role City staff play in serving the community.

To shine a public spotlight on this extraordinary work, this item proposes a City Council–led Employee Recognition Program. The program would honor nine (9) employees each year during nine separate Council meetings, with each Council office and the Mayor sponsoring one recognition. Upon approval, Councilmember Blackaby's office will partner with the Mayor's office and City Manager to implement the program.

BACKGROUND

The City already celebrates its workforce through a well-loved annual Staff Appreciation Day with leadership from staff volunteers on Team Unity, a staff-led initiative that strengthens recognition, connection, and workplace culture.

This proposed Council-led program would complement those efforts by offering a visible, public form of recognition—demonstrating the City Council’s appreciation for staff excellence and sharing that appreciation with the broader Berkeley community during Council meetings.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No sustainability impacts.

CONTACT PERSON

Councilmember Brent Blackaby   Council District 6   510-981-7160

Attachments:

1: Resolution

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

CITY COUNCIL EMPLOYEE RECOGNITION PROGRAM

WHEREAS, Berkeley's city employees keep our city running—24 hours a day, 7 days a week—serving residents, businesses, students, workers, and visitors; and

WHEREAS, City staff protect public health and safety, keep our streets clean and lit, maintain parks and facilities, respond to emergencies, support businesses and nonprofits, care for our most vulnerable neighbors, and ensure access to knowledge, recreation, housing, and essential services; and

WHEREAS, from Zero Waste crews, librarians, arborists, recreation leaders, and maintenance workers, to public safety personnel, planners, engineers, health and housing staff, DEI professionals, accountants, attorneys and economic development teams, City employees bring skill, compassion, and dedication to their work every day; and

WHEREAS, much of this work happens seamlessly and behind the scenes, yet it profoundly improves the quality of life in Berkeley and strengthens our resilience as a community.

NOW THEREFORE, BE IT RESOLVED that the Berkeley City Council proudly recognizes and thanks all City employees for their extraordinary service and lasting contributions to our City.

BE IT FURTHER RESOLVED that the Berkeley City Council hereby establishes a Council-led Employee Recognition Program, through which nine (9) employees will be honored annually at nine separate City Council meetings, with each Councilmember and the Mayor recognizing one staff member.

BE IT FURTHER RESOLVED that Councilmember Blackaby's office, in collaboration with the Mayor's office and the City Manager, shall operationalize this Employee Recognition Program.



| Upcoming Worksessions and Special Meetings |                                              |
|--------------------------------------------|----------------------------------------------|
| Scheduled Dates                            |                                              |
| Jan 27 (4pm)                               | RRV Council Referral Prioritization (Part 1) |
| Feb 10 (4pm)                               | RRV Council Referral Prioritization (Part 2) |
| Feb 24 (4pm)                               | Community Health Improvement Plan (HHCS)     |
| March 10 (4pm)                             | Economic Dashboards (OED)                    |

| Unscheduled Presentations and Special Meetings |
|------------------------------------------------|
| 1. Presentation on City's Unfunded Liabilities |

| 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> <li>3. DEI Status Report</li> </ol> |

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

| CITY CLERK DEPARTMENT                                                               |                      |                       |                   |
|-------------------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL         |                      |                       |                   |
| Address                                                                             | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                                    |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                                    |                      |                       |                   |
| 2109 Virginia Street (Demolish 2-story commercial building)                         | ZAB                  |                       | 1/27/2026         |
| 2425 Durant Avenue (demolish existing, and construct new residential building)      | ZAB                  |                       | 2/10/2026         |
| 2298 Durant & 2360 Ellsworth Street (construct residential building)                | ZAB                  |                       | TBD               |
| 2029 University Avenue (Multifamily) (construct 23-story residential building)      | ZAB                  |                       | TBD               |
| 2029 University Avenue (Student-Oriented) (construct 23-story residential building) | ZAB                  |                       | TBD               |
|                                                                                     |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                                       |                      |                       |                   |
|                                                                                     |                      |                       |                   |
|                                                                                     |                      |                       |                   |
| <b>Notes</b>                                                                        |                      |                       |                   |
|                                                                                     |                      |                       |                   |
| ZAB: Zoning Adjustments Board                                                       |                      |                       |                   |
| LPC: Landmarks Preservation Commission                                              |                      |                       |                   |

