BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY & COMMUNITY COMMITTEE

REGULAR MEETING

Wednesday, January 28, 2026
2:00 PM

Redwood Room – 2180 Milvia Street, 6th Floor, Berkeley, CA 94704

Committee Members:

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

This meeting will be conducted in a hybrid model with both in-person 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: 161 265 8355**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the Committee's consideration and inclusion in the public record, email policycommittee@berkeleyca.gov. 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

Election of Chairperson

Public Comment on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - September 25, 2025

Committee Action Items

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

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

2. Discussion Item: Berkeley Food Network Presentation
From: Councilmember O'Keefe
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

Committee Action Items

3. The Berkeley Rule: Artificial Intelligence Municipal Use Policy
From: Councilmember Bartlett (Author), Councilmember Tregub (Author)
Referred: August 25, 2025
Due: February 23, 2026
Recommendation: 1. Refer to the City Manager to initiate a municipal use policy governing the deployment of Artificial Intelligence Systems AKA “The Berkeley Rule”.
2. Refer to the City Manager to develop artificial intelligence municipal use policies incorporating the following guidelines: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth.
3. Refer to the City Manager to explore establishing a Risk-Based Tiering Framework to classify AI systems as Low, Medium, or High-Risk based on their potential public impact, ensuring that the oversight and procedural requirements scale with the level of risk.
4. Refer to the City Manager to consider creating an AI Working Group composed of representatives from all departments to foster interdepartmental collaboration, providing the internal expertise needed to create workable use cases and practices and providing support in developing and implementing the City's AI policies.
5. Adopt a resolution establishing “The Berkeley Rule” to steward the municipal use of artificial intelligence in service of the public good.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Committee Action Items

4. Setting Measurable Goals and Metrics for Key City Priorities
From: Councilmember Blackaby (Author), Councilmember O'Keefe (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Referred: November 17, 2025
Due: May 22, 2026
Recommendation: Refer to the City Manager the development of 10-20 measurable goals and metrics that reflect key priorities for the City. These goals should focus on outcomes that matter most to residents, demonstrating both the impact of City government and the quality of life in our community.
After setting annual goals, the City should provide quarterly updates with progress towards those goals via an easily accessible dashboard on the city website or other mechanism. Also, the City should provide updates as a quarterly City Council agenda item, or other appropriate frequency.
Types of goals should be identified by analyzing similar work being done by other jurisdictions, and then quantifiable metrics for each goal should be set by staff and reviewed by City Council. How do peer cities and comparable jurisdictions define, structure, and establish outcome-based goals and metrics? What processes do they use to select them and align them with priorities? How do jurisdictions report on these goals and metrics, including the formatting, frequency, and accessibility of reporting to decision-making bodies and the public?
Goals should span a full range of City priorities, including housing production, public safety, transportation, public works, parks & recreation, homelessness, and economic development.
Financial Implications: Staff time
Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Committee Action Items

5. Large Vehicle Parking Regulations in the Public Right-of-Way
From: Councilmember Taplin (Author)
Referred: August 25, 2025
Due: February 23, 2026
Recommendation: That the City Council:
1. Refer to the City Attorney and City Manager Amendments to the Berkeley Municipal Code (BMC) 12.98 to authorize the abatement of abandoned vehicles creating public health and safety nuisances in the public right-of-way, clarify the definition of "abandoned" vehicle, and increase the City Manager's discretion in the establishment of abatement timelines
2. Refer to the City Manager and City Attorney the study of recently adopted legislation across the nine-county Bay Area regarding the management of long-term large vehicle parking in the public right-of-way. Based on this study, staff shall return to the City Council with draft policy and enforcement recommendations that are:
- Regionally consistent and legally defensible;
- Aligned with the City of Berkeley’s environmental, housing, and transportation priorities; and
- Operationally feasible given available outreach, enforcement, and site capacity capacity.
3. As part of this policy development process, the City Council requests that the City Manager and City Attorney examine the feasibility of geographically targeted parking restrictions in high-sensitivity areas, including but not limited to:
- Manufacturing and industrial zones designated by an “M” zoning classification; and
- Environmentally sensitive water resources, including but not limited to open lagoons, riparian corridors, and critical stormwater infrastructure,
as well as examine to what extent, given the city’s financial constraints and operational capacity, the city may enhance the impact and scale of its coordinated alternative housing initiatives via participation in a county-wide RV parking program or joining a comparable program maintained in a neighboring jurisdiction.
4. Additionally, the City Council requests that the City Attorney and City Manager provide clarity and guidance on how the city’s encampment resolution policy intersects with the Berkeley Municipal Code in the absence of shelter availability.
5. Further that the City Council authorizes the City Manager to waive non-voter-approved purchasing and bid requirements and waive the City Manager's expenditure authority up to $250,000 to enter into contracts pursuant to BMC 12.98.040(A).
(This item contains revised material)
Financial Implications: See report.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120

Committee Action Items

6. Entertainment Zone Ordinance
From: Councilmember Taplin (Author), Councilmember Kesarwani (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Referred: January 5, 2026
Due: June 8, 2026
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

7. Citywide Guidelines on Artificial Intelligence
From: Councilmember O'Keefe (Author), Councilmember Blackaby (Co-Sponsor)
Referred: January 5, 2026
Due: June 8, 2026
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

Unscheduled Items

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

8. Discussion Item: Children's Hospital of Oakland Labor Matter
From: Councilmember Tregub
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

9. Discussion Item: Small Business Support Act
From: Councilmember Bartlett (Author)
Recommendation: That the City Manager and Finance Department amend the City of Berkeley business license process and requirements to promote transparency between the City and small business owners and lower burdensome barriers to entry for new business owners. Such amendments shall include the following:
1. Establish a business license amnesty program
2. Establish a Small Business Support and Retention Emergency Grant
3. Create a Small Business Ombudsman
4. Promote greater transparency about the business licensing process.
These actions will support small business creation and retention. The close relationship between the people of Berkeley, our small businesses, and the City is essential to making our community thrive.
Financial Implications: See Report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

10. Discussion Item: Impact Bond
From: Councilmember Bartlett (Author)
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

11. Discussion Item: Sutter Health East Bay Expansion
From: Councilmember Tregub
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

12. Discussion Item: Specialized Care Unit
From: Councilmember Bartlett
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

13. Discussion Item: Mental Health Services in Berkeley
From: Councilmember Bartlett
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

14. Discussion Item: Alternative Housing Options Report
From: Councilmember O'Keefe
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

Items for Future Agendas

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

Adjournment

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

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

COMMUNICATION ACCESS INFORMATION:
This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (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 meeting of the Standing Committee of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on January 22, 2026.

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.

01

BERKELEY CITY COUNCIL HEALTH, LIFE ENRICHMENT, EQUITY & COMMUNITY COMMITTEE

SPECIAL MEETING MINUTES

Thursday, September 25, 2025
2:00 PM

Redwood Room – 2180 Milvia Street, 6th Floor, Berkeley, CA 94704

Committee Members:

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

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Roll Call: 2:02 p.m.

Present: Bartlett, Tregub, O'Keefe

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - July 25, 2025
Action: M/S/C (Bartlett/O'Keefe) to approve the July 25, 2025 minutes.
Vote: All Ayes.

Committee Action Items

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

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

2. Large Vehicle Parking Regulations in the Public Right-of-Way
From: Councilmember Taplin (Author)
Referred: August 25, 2025
Due: March 2, 2026
Recommendation: That the City Council:
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- Regionally consistent and legally defensible;
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- Operationally feasible given available outreach, enforcement, and site capacity.

3. As part of this policy development process, the City Council requests that the City Manager and City Attorney examine the feasibility of geographically targeted parking restrictions in high-sensitivity areas, including but not limited to:

Committee Action Items

- Manufacturing and industrial zones designated by an “M” zoning classification; and
- Environmentally sensitive water resources, including but not limited to open lagoons, riparian corridors, and critical stormwater infrastructure,

as well as examine to what extent, given the city’s financial constraints and operational capacity, the city may enhance the impact and scale of its coordinated alternative housing initiatives via participation in a county-wide RV parking program or joining a comparable program maintained in a neighboring jurisdiction.
4. Additionally, the City Council requests that the City Attorney and City Manager provide clarity and guidance on how the city’s encampment resolution policy intersects with the Berkeley Municipal Code in the absence of shelter availability.
5. Further that the City Council authorizes the City Manager to waive non-voter-approved purchasing and bid requirements and waive the City Manager's expenditure authority up to $250,000 to enter into contracts pursuant to BMC 12.98.040(A).
Financial Implications: See report.
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
Action: 7 speakers. No discussion. Item continued to future meeting.

3. The Berkeley Rule: Artificial Intelligence Municipal Use Policy
From: Councilmember Bartlett (Author), Councilmember Tregub (Author)
Referred: August 25, 2025
Due: March 2, 2026
Recommendation:
1. Refer to the City Manager to initiate a municipal use policy governing the deployment of Artificial Intelligence Systems AKA “The Berkeley Rule”.
2. Refer to the City Manager to develop artificial intelligence municipal use policies incorporating the following guidelines: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth.
3. Refer to the City Manager to explore establishing a Risk-Based Tiering Framework to classify AI systems as Low, Medium, or High-Risk based on their potential public impact, ensuring that the oversight and procedural requirements scale with the level of risk.
4. Refer to the City Manager to consider creating an AI Working Group composed of representatives from all departments to foster interdepartmental collaboration, providing the internal expertise needed to create workable use cases and practices and providing support in developing and implementing the City's AI policies.
5. Adopt a resolution establishing “The Berkeley Rule” to steward the municipal use of artificial intelligence in service of the public good.
Financial Implications: See report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130
Action: 1 speaker. Presentation and discussion. Item continued to a future meeting.

Committee Action Items

Councilmember Tregub exited the meeting for the consideration of Item 3 at 2:25 p.m. due to Brown Act participation rules.

4. **Proposed Health, Life Enrichment, Equity & Community Committee Regular Meeting Schedule Change to Fourth Wednesday of the Month, 2:00 pm**
From: Councilmember Tregub
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: 0 speakers. M/S/C (Tregub/O'Keefe) to change the Public Safety Committee Regular Schedule to the 4th Wednesday of the month, 2:00 p.m.
Vote: All Ayes.

Unscheduled Items

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

5. **Discussion Item: Children's Hospital of Oakland Labor Matter**
From: Councilmember Tregub
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

6. **Small Business Support Act**
From: Councilmember Bartlett (Author)
Recommendation: That the City Manager and Finance Department amend the City of Berkeley business license process and requirements to promote transparency between the City and small business owners and lower burdensome barriers to entry for new business owners. Such amendments shall include the following:
1. Establish a business license amnesty program
2. Establish a Small Business Support and Retention Emergency Grant
3. Create a Small Business Ombudsman
4. Promote greater transparency about the business licensing process.
These actions will support small business creation and retention. The close relationship between the people of Berkeley, our small businesses, and the City is essential to making our community thrive.
Financial Implications: See Report
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

7. **Discussion Item: Impact Bond**
From: Councilmember Bartlett (Author)
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

8. **Discussion Item: Sutter Health East Bay Expansion**
From: Councilmember Tregub
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Unscheduled Items

9. **Discussion Item: Specialized Care Unit**
   From: Councilmember Bartlett
   Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

10. **Discussion Item: Mental Health Services in Berkeley**
    From: Councilmember Bartlett
    Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

Items for Future Agendas

- **Berkeley Food Network Presentation**
- **Discussion Item: Alternative Housing Options Report**

Action: M/S/C (O'Keefe/Bartlett) to add Berkeley Food Network Presentation and a Discussion Item for the Alternative Housing Options Report to future agendas.
Vote: Ayes – Bartlett, O'Keefe; Noes – None; Abstain – None; Absent – Tregub.

Adjournment

Action: M/S/C (O'Keefe/Bartlett) to adjourn the meeting.
Vote: Ayes – Bartlett, O'Keefe; Noes – None; Abstain – None; Absent – Tregub.

Adjourned at 3:10 p.m.

I hereby certify that the foregoing is a true and correct record of the Health, Life Enrichment, Equity & Community Committee meeting held on September 25, 2025.

_____
Wendy Sorensen, Assistant City Clerk

Communications

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There is no material for this item.

City Clerk Department
2180 Milvia Street
Berkeley, CA 94704
(510) 981-6900

The City of Berkeley Health, Life Enrichment, Equity & Community Policy Committee Webpage:
https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-health-life-enrichment-equity-community

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

IGOR TREGUB
COUNCILMEMBER, DISTRICT 4

03

CONSENT CALENDAR

September 9, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author) and Councilmember Igor Tregub (Co-Author)

Subject: The Berkeley Rule: Artificial Intelligence Municipal Framework

RECOMMENDATION

1. Adopt a resolution which affirms Berkeley's commitment to innovation in service of liberty, dignity, and the public good.~~Refer to the City Manager to consider initiating a municipal use policy governing the deployment of Artificial Intelligence Systems, informed by AKA "The Berkeley Rule".~~
2. ~~2.~~ The City hereby endorses "The Berkeley Rule" and encourages City staff, c~~C~~ommissions, and community partners to consider its Ten Principles in the planning, evaluation, and oversight of artificial intelligence systems. The Berkeley Rule: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. The principles are meant to encourage the Artificial Intelligence (AI) industry to develop products and services aligned with these goals.~~Refer to the City Manager to develop artificial intelligence municipal use policies incorporating the following guidelines: Put Residents First; Modernize City Services; Empower the Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth.~~
3. ~~Refer to the City Manager to explore establishing a Risk-Based Tiering Framework to classify AI systems as Low, Medium, or High-Risk based on their potential public impact, ensuring that the oversight and procedural requirements scale with the level of risk.~~
4. ~~Refer to the City Manager to consider creating an AI Working Group composed of representatives from all departments to foster interdepartmental collaboration, providing the internal expertise needed to create workable use cases and practices and providing support in developing and implementing the City's AI policies.~~

2180 Milvia Street, Floor 5, Berkeley, CA 94704 ● Tel: (510) 981-7130 ● Email: bbartlett@cityofberkeley.info

5.2. ~~Adopt a resolution establishing "The Berkeley Rule" to encourage principleds informing steward the municipal use of artificial intelligence in service of the public good.~~

BACKGROUND

Artificial Intelligence (AI) refers to computer systems and robotics technologies, including autonomous or semi-autonomous machines, that perform tasks typically requiring human intelligence, movement, or judgment. This includes, but is not limited to: recognizing speech, interpreting images, decision-support systems, independent analysis of information, generating text and images, and performing physical tasks through autonomous movement, manipulation, or interaction with the environment.

More specifically, AI systems use large datasets and advanced algorithms to identify patterns, make predictions, or generate content based on input data. Generative AI, a rapidly growing family of AI models, powers tools such as ChatGPT, Claude, Llama, and Gemini, which generates human-like text, images, or code. AI is having widespread impact across sectors. In government, it is being used to streamline service delivery, detect fraud, assist in emergency response, and analyze infrastructure maintenance needs. According to a 2023 report by the McKinsey Global Institute, generative AI could add up to $4.4 trillion annually to the global economy, while also reshaping labor markets and intensifying debates around fairness, transparency, and data privacy.[1] In the public sector, cities like New York, San Francisco, and Washington, D.C. are beginning to implement AI use policies that emphasize accountability, human oversight, and equity.[2]

The adoption of AI technologies is rapidly expanding, with an increasing number of individuals incorporating AI into their daily lives. According to a 2024 report by Statista, nearly 40% of Americans reported using AI-powered tools, such as virtual assistants, search engines, or recommendation systems, daily.[3] Furthermore, a 2024 survey by McKinsey found that 65% of businesses are already utilizing AI in some capacity, with significant integration into customer service, data analysis, and process automation.[4] These figures indicate that AI is not only being widely adopted by consumers but also becoming integral

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[1] McKinsey & Company. *The Economic Potential of Generative AI: The Next Productivity Frontier*. June 2023. https://www.mckinsey.com/business-functions/mckinsey-digital/our-insights/the-economic-potential-of-generative-ai-the-next-productivity-frontier.

[2] City of New York. *AI Action Plan*. 2023 https://www.nyc.gov/assets/oti/downloads/pdf/reports/artificial-intelligence-action-plan.pdf

[3] Statista. (2024). Percentage of U.S. population using AI tools regularly. https://www.statista.com/forecasts/1480449/ai-tools-popularity-share-usa-adults

[4] McKinsey & Company. (2024). State of AI in Busineshttps://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai-2024

to various sectors, highlighting its broad utility and growing presence. Additionally, the AI services market is projected to reach $243 billion by 2025, highlighting the increasing reliance on AI across industries.[5] A significant 25% of enterprises are expected to deploy AI agents this year, demonstrating the growing adoption of AI-driven solutions to improve efficiency and decision-making.[6] McKinsey's 2023 report reveals that nearly half (49%) of tech leaders now say AI is fully integrated into their business strategy, a clear indication of its essential role in modern organizational operations.[7] This widespread integration reflects the remarkable increases in AI usage, with enterprises harnessing its potential to streamline operations, enhance customer experiences, and drive growth.

The global AI market is projected to grow from $208 billion in 2023 to $1.85 trillion by 2030,[8] and over 65% of organizations worldwide are expected to adopt AI by 2024, a significant increase from just 20% in 2017.[9] Cities are already utilizing AI technologies in areas such as law enforcement, traffic management, and tenant screening, with over 40 major U.S. cities employing tools like predictive policing, automated license plate readers, and AI-powered chatbots, often without adequate oversight.[10] While the White House Blueprint for an AI Bill of Rights and NIST's AI Risk Management Framework offer valuable guidance on AI governance, neither provides enforcement mechanisms.[11] Additionally, over 45 states are now drafting or debating AI-specific legislation, signaling the growing need for formal regulation.[12]

As AI technology rapidly evolves, public and private institutions continue to develop coherent policies and frameworks. At the same time, public sentiment reveals growing concerns that aren't always reflected in the integration and use of AI. For example, in the YouGov[13] poll on AI regulation, many U.S. citizens still believe that there should be more regulation of AI. ~~The poll asked American citizens various~~

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[5] Marr, B. (2025, March 10). 15 Mind-Blowing AI Statistics Everyone Must Know About Now. Forbes. https://www.forbes.com/sites/bernardmarr/2025/03/10/15-mind-blowing-ai-statistics-everyone-must-know-about-now/

[6] Marr, B. (2025, March 10). 15 Mind-Blowing AI Statistics Everyone Must Know About Now. Forbes. https://www.forbes.com/sites/bernardmarr/2025/03/10/15-mind-blowing-ai-statistics-everyone-must-know-about-now/

[7] McKinsey & Company. (2023). The State of AI. https://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai

[8] Artificial Intelligence - Worldwide ttps://www.statista.com/outlook/tmo/artificial-intelligence/worldwide

[9] McKinsey & Company. (2024)). The State of AI.https://www.mckinsey.com/capabilities/quantumblack/our-insights/the-state-of-ai-2024

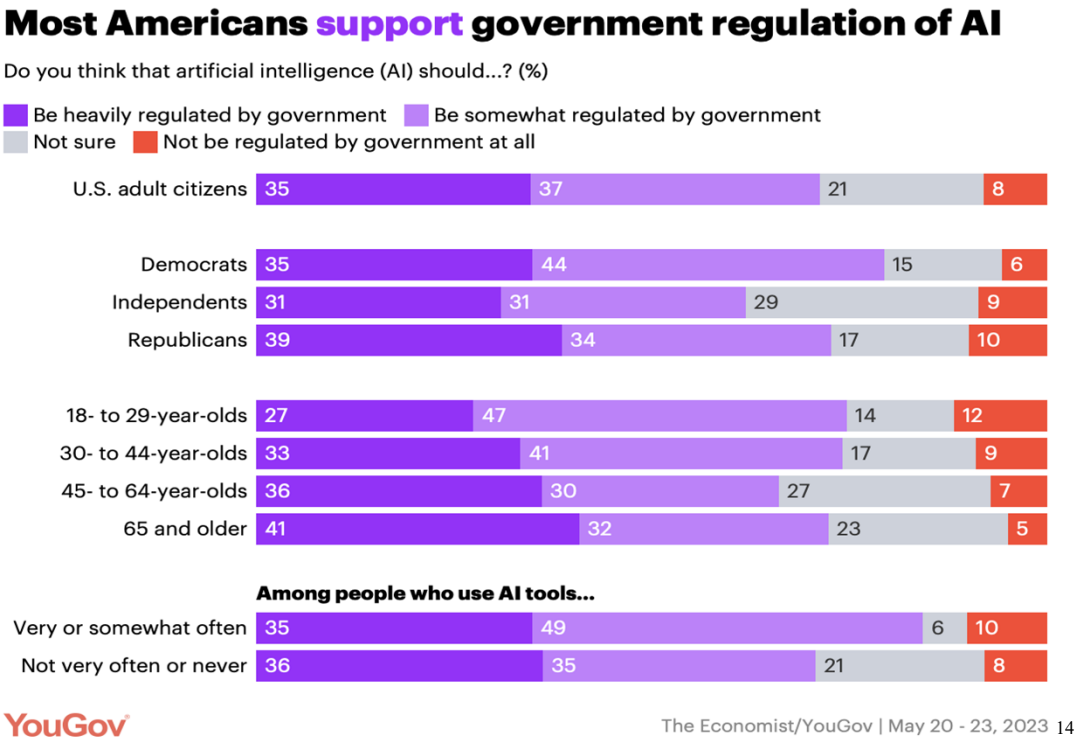
[10] Brookings Institution (2023). The Geography of AI: Which Cities Will Drive the Artificial Intelligence Revolution? https://www.scirp.org/reference/referencespapers?referenceid=3933815

[11] The White House. (2022). Blueprint for an AI Bill of Rights https://bidenwhitehouse.archives.gov/ostp/ai-bill-of-rights/

[12] National Conference of State Legislatures. (2023). State Artificial Intelligence Legislation. https://www.ncsl.org/technology-and-communication/artificial-intelligence-2024-legislation

[13] Orth, Taylor. "Americans Are Divided on AI's Societal Impact, but Most Support Government Regulation." *YouGov*, May 25, 2023https://today.yougov.com/politics/articles/45747-americans-are-divided-artificial-intelligence-poll

~~questions related to AI and its use. The survey found the following to be true. Most Americans agree that the Government could regulate AI. Nearly three-quarters of Americans, including the majority of Democrats (79%) and Republicans (73%), share the common belief that the government should regulate AI either somewhat or heavily. When U.S. citizens were asked if they believed AI should be heavily regulated by the government, somewhat regulated by the government, or not regulated at all, 72% chose between "heavily regulated" and "somewhat regulated" by the government, indicating a large majority still believes regulation is necessary.~~ Accordingly, policy should ~~we would must~~ meet the public's demand for proactive, growth-oriented regulation, while avoiding ~~f~~Federal pre-emption.



AI Alignment

AI alignment is the process of incorporating human values and public goals into artificial intelligence systems to ensure they operate safely, ethically, and as intended.[15] Alignment helps mitigate unintended consequences, ensuring that AI systems operate as intended and are consistent with human values and goals. For example, if one were to ask a generative AI chatbot how to build a weapon, it may either respond with instructions or refuse to provide potentially dangerous information. Unlike older logic-based

[14] Orth, Taylor. "Americans Are Divided on AI's Societal Impact, but Most Support Government Regulation." *YouGov*, May 25, 2023. https://today.yougov.com/politics/articles/45747-americans-are-divided-artificial-intelligence-poll

[15] Jonker, Alexandra, and Alice Gomstyn. "What Is AI Alignment?" IBM, April 17, 2025. https://www.ibm.com/think/topics/ai-alignment.

AI and software approaches whose responses are manually coded by human programmers, a modern machine learning based AI model's response is determined by how the creators arranged it. In addition, modern AI systems learn from vast amounts of data based on how people behave online. That data reflects real human beliefs and habits, including many conscious and unconscious biases. As a result, today's AI systems can only be guided in general terms rather than precisely aligned with human valuesAdditionally, it provides more on the training data, which is learned human behavior from all, or much of, internet usage patterns. With so many types of explicit and implicit biases that are unavoidably present, currently AI systems' responses can be aligned only in broad terms. While using human-like language can help us understand how AI systems work, it may also lead to distorted notions about AI's capabilities.[16]

Any municipal AI framework should incorporate principles of alignment and transparency. A major challenge is that, since nearly every principle conflicts with others, nontrivial processes are needed to resolve contradictions that confront AI Alignment.[17] Deployments of AI systems should specify such processes.

Note, in Berkeley's pursuit of AI alignment and policy, the City can avoid federal pre-emption by acting in its proprietary capacity and not enacting regulatory measures governing the private sector. This approach could ensure a clear separation between municipal authority and private enterprises, fostering a free and competitive market environment.

Aligning Incorporating AI with Berkeley's Values & Strategic Goals

When aligned with Berkeley values, AI cansystems could help advance the city's achieve its stated strategic goals, includingsuch as driving social advancement, improvedenhancing public services, protecting the environmental protection, and fostering civic trust. As Berkeley the city adopts new technologies, AI could be used to support, utilized as a tool to enhance, rather than not replace, human judgment, expand access to essentialessiential critical services, and accelerate progress on the priorities most important that matter most to residents. The following sections describe outline how AI cancould support the and enhance Berkeley's values and goals set forth as stated in the City of Berkeley Strategic Plan:

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[16] De Kai. *Raising AI: An Essential Guide to Parenting Our Future*. 2025. MIT Press. https://dek.ai/raising-ai.

[17] De Kai. "Should A.I. Accelerate? Decelerate? The Answer Is Both." *New York Times*, December 10 2023. https://www.nytimes.com/2023/12/10/opinion/openai-silicon-valley-superalignment.html

1) **Improve residents' lives by delivering accessible and innovative services.**

AI presents the opportunity to liberate residents from bureaucratic friction and unnecessary expense. When thoughtfully implemented, AI can streamline processes, support both residents and staff, and promote fairer access to public resources. The result is a more efficient, responsive, and inclusive city that better serves the community~~Too often, administrative barriers prevent people from accessing the services and support they need. Properly implemented, artificial intelligence can cut through these obstacles and streamline access to essential services. When thoughtfully implemented, these tools empower both residents and staff, helping to bypass institutional gatekeeping and promote fairness across the city. The result is a more efficient, responsive, and inclusive system that advances community well-being by empowering more people to benefit from public resources~~**.**

2) **Safeguarding civil liberties, equity, and democratic participation.**

Berkeley's commitment to civil liberties and democratic governance requires that any use of AI protects~~protect~~ privacy, free expression, and due process. As AI is integrated into City services, it must align with Berkeley's civil liberties framework and strengthen the protection of fundamental rights.

AI systems should be transparent, include public input, and remain subject to human oversight. When guided by equity and democratic accountability, AI can support fair employment practices, workforce development, and inclusive economic growth while safeguarding labor rights.

With strong privacy protections and meaningful community engagement, AI can reduce bureaucratic barriers, expand access to public resources, and advance Berkeley's commitments to justice, sustainability, and democracy.

~~Berkeley's dedication to civil liberties and democratic governance ensures that individual rights, such as privacy, freedom of expression, and due process, remain at the forefront of its policies. As the city explores the integration of AI into its services, these technologies should~~must align with ~~Berkeley's robust civil liberties framework, reinforcing the city's commitment to protecting fundamental human rights.~~

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~~To uphold these values, AI systems could must operate transparently, with public participation and ongoing monitoring to ensure they enhance, rather than replace, human decision-making. This approach reflects Berkeley's principles of open governance, community-led decision-making, and equitable service delivery. By prioritizing equity and democratic participation, AI could support fair employment practices, workforce development, and inclusive economic growth, all while safeguarding labor rights and fostering a just society.~~

~~For AI to truly empower Berkeley's workforce and communities, it should be designed with strong safeguards, including privacy-first principles, open-source infrastructure, and public oversight. Residents should have clear, accessible ways to understand how algorithms are used and to actively shape their development. With these protections in place, AI could reduce bureaucratic barriers, expand access to resources, and advance Berkeley's core commitments to justice, sustainability, and democracy. By ensuring technology serves the public good, Berkeley could strengthen community trust and create a more equitable and inclusive future.~~

3) **Create affordable housing and support services for our most vulnerable community members.[18]**

AI-aligned decision tools can help Berkeley distribute ~~provide Berkeley with powerful capabilities to ensure the equitable distribution of~~ housing assistance more equitably and improve ~~and smarter~~ planning for affordable housing.~~housing production~~.[19]~~.~~[20] These systems could identify high-need areas, streamline ~~aid~~ application processes, and informguide land-use decisions, making housing support more accessible and effective.

AI can also support the City's efforts to produce, preserve, and protect housing by improving financing strategies, prioritizing maintenance, and targeting subsidies to prevent displacement and preserve existing units.

[18]City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[19] Orozco, D., & Das, S. (2023). *How AI Can Help Cities Advance Housing Equity*. Brookings Institution. https://www.brookings.edu/articles/building-ai-cities-how-to-spread-the-benefits-of-an-emerging-technology-across-more-of-america/

[20] University of California, Berkeley Urban Displacement Project. (2022). *Using Data and Technology to Advance Housing Justice*. https://www.urbandisplacement.org/

~~Equally important, AI can support the City's commitment to produce, preserve, and protect housing by helping to finance new affordable developments, preserve existing units, and protect vulnerable tenants from displacement through optimizing subsidy allocations, proactive maintenance planning, and predictive modeling to ensure that resources are targeted where they have the greatest impact.~~

For example, t~~T~~his approach can directly~~direclty~~ support~~supports~~ ~~is particularly impactful in advancing~~ Berkeley's Middle Housing ordinance by ~~, which eliminates exclusionary single-family zoning in most areas and~~ enabl~~inges~~ more efficient planning for~~the development of~~ duplexes, triplexes, and fourplexes across the city.[21] By expanding~~broadening access to diverse~~ housing options~~types~~ and improving affordability, aligned AI tools can help advance ~~alignment supports~~ Berkeley's commitment to ~~mission to create affordable~~ housing security ~~and housing support services~~ for its most vulnerable residents ~~community members~~.[22]

4) **Be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.**

AI alignment can help advance~~could play a critical role in advancing~~ the city's climate sustainability plans and goals such as the Berkeley's Climate Action Plan and Realize Vision 2050[23]~~,~~ by improving ~~which targets an 80% reduction in greenhouse gas~~ infrastructure condition assessments, emissions tracking, energy optimization, and environmental justice analysis. These tools can support smarter ~~by 2050[24], and supports the Vision 2050[25] infrastructure strategy.[26] [27]~~ ~~By enabling real-time emissions tracking, smart energy grid optimization, and AI-driven analysis of environmental justice impacts, Berkeley could more effectively plan~~ infrastructure planning,

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[21] City of Berkeley. (2024). *Middle Housing Ordinance Overview*. https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/middle-housing-zoning#:~:text=Project%20overview,in%20a%20range%20of%20sizes.

[22] California Department of Housing and Community Development. (2023). *Affirmatively Furthering Fair Housing in Local Planning* *https://www.hcd.ca.gov/planning-and-community-development/affirmatively-furthering-fair-housing*

[23] https://berkeleyca.gov/sites/default/files/documents/2025-12-02%20Special%20Item%2001%20Sharing%20the%20Final%20Report%20of%20the%20Mayor.pdf

[24] ~~City of Berkeley. 2022. *Berkeley Climate Action Plan*. Berkeley, CA: City of Berkeley. PDF file. Accessed July 10, 2025. https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf.~~

[25] ~~City of Berkeley, *Vision 2050 Framework* (Berkeley, CA: City of Berkeley, 2021).https://berkeleyca.gov/sites/default/files/documents/Vision-2050-Framework.pdf~~

[26] ~~City of Berkeley. (2020). Climate Action Plan Update: Berkeley's Path to Net Zero. https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Climate-Action-Plan.pdf~~

[27] ~~City of Berkeley. (2021). Vision 2050: A Sustainable Infrastructure Plan https://berkeleyca.gov/sites/default/files/documents/Vision-2050-Framework.pdf~~

including waterupgrades, such as greywater reuse systems, grid modernization, and targetedaccelerate decarbonization efforts.[28]

AI can also strengthenstrength climate-powered tools could also optimize sustainability and resilience through monitoring of by providing hyperlocal climate dashboards with real-time data on heat, air quality, and wildfire risk,s.[29] while supporting . These systems could enhance urban greening, planting strategies, manage irrigation managementmangement, solar and heat pump permitting, and enforcement , monitor illegal dumping in underserved neighborhoods, and streamline solar permitting. Additionally, AI could track building emissions and target green infrastructure investments where they are most needed.[30] By directing investments where they have the greatest impact, AI can help Berkeley reduce emissions, optimize energy use, and promote environmental justice for a healthier, more sustainable future.By integrating AI with its climate and sustainability goals, Berkeley could optimize energy consumption, reduce emissions, and promote environmental justice, ensuring a healthier and more sustainable future for all.

5) **Champion Social Advancement.**[31]

AI aligned with Berkeley's social advancement goals can help strengthen labor protections, uphold civil rights, and prioritize community needs across health, housing, and employment programs. AI systems aligned with Berkeley's social advancement goals could play a pivotal role in embedding labor protections, upholding civil rights, and prioritizing community needs across health, housing, and employment programs[32].[33] By Reflecting Berkeley's health equity and human rights strategies, these systems must actively monitoring for disparate impacts and incorporatingincorporate ongoing feedbackongoingcontinuous feedback from historically

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[28] World Economic Forum. (2022). *Harnessing Artificial Intelligence for the Earth*. https://www3.weforum.org/docs/Harnessing_Artificial_Intelligence_for_the_Earth_report_2018.pdf

[29] National Institutes of Health (2023). *Smart City Tools for Air Quality and Heat Monitoring* https://pmc.ncbi.nlm.nih.gov/articles/PMC10280551/

[30] Climate TRACE. (2023). *AI-Based Emissions Tracking Platform*. https://climatetrace.org/explore/#admin=&gas=co2e&year=2024&timeframe=100&sector=&asset=

[31] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[32] Raji, I.D., & Buolamwini, J. (2019). *Actionable Auditing: Investigating the Impact of Public AI Systems on Equity*. FAT* Conference

[33] U.S. Government Accountability Office. (2021). *Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities*. https://www.gao.gov

marginalized communities.[34] ~~This ensures that AI supports social mobility and the well-being of all residents~~, these systems can support equity, social mobility, and resident well-being.

AI can also expand public participation by making local democracy more accessible and understandable. ~~Additionally, AI could enhance public participation by making democracy more accessible, multilingual, and understandable.~~ Tools such as~~like meeting summarizers could transform dense city council transcripts into~~ plain-language summaries, multilingual public comment translation, and participatory budgeting simulations can help residents engage more meaningfully in City decision-making.[35] ~~At the same time, feedback translators enable residents to submit public comments in any language with tone and nuance preserved.~~[36] Together, these uses of AI can make local government more transparent, inclusive, and responsive to the community.~~Participatory budgeting simulators could further empower residents to explore funding impacts and propose alternatives.[37] Together, these innovations would make local government more transparent, inclusive, and responsive to the needs of all community members.~~

6) **Provide an efficient and financially-healthy City government.**[38]

AI can help Berkeley shift away from regressive revenue models that rely on fines and fees and toward support, prevention, and equity. AI audits can identify the City's reliance on penalties ~~AI could help Berkeley move away from regressive revenue models and instead focus on support and prevention. AI audits could reveal how much of the City's budget depends on fines and fees, especially from parking tickets, late charges, or minor infractions~~ that disproportionately impact low-income residents.[39] , while predictive tools can prevent fines through real-time reminders, hardship-based forgiveness, sliding-scale assessments, and service-based alternatives. This approach moves enforcement from punishment to restoration.

~~Predictive compliance bots could prevent fines from occurring by sending real-time reminders for parking, trash pickup, and permitting deadlines. AI could also automate hardship-based fine forgiveness, sliding-scale assessments, and offer service-based alternatives to monetary penalties.~~

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[34] City of Berkeley. (2021). *Health Equity and Racial Justice Framework*. https://berkeleyca.gov

[35] Introducing OpenAI for Government https://openai.com/global-affairs/introducing-openai-for-government/

[36] Mozilla Foundation. (2023). *Building Inclusive AI for Public Engagement*.https://www.mozillafoundation.org/en/research/library/public-ai/

[37] ~~Participatory Budgeting Project. (2022). *Digital Tools for Inclusive Civic Participation*. https://www.participatorybudgeting.org~~

[38] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[39] *Upturn. (2021). The Use of Fines and Fees in U.S. Cities. https://www.upturn.org*

~~These tools align with broader equity goals by transforming how cities approach enforcement, shifting from punishment to restoration.~~

AI can also help the City maximize public assets and improve operational efficiency. By reusing proven models across departments, adopting open-source frameworks, and automating administrative oversight, Berkeley can reduce costs and increase transparency. AI tools can modernize lease and asset management by standardizing data, tracking city-owned properties in real time, and flagging inconsistencies or renewal risks, addressing long-standing gaps in oversight.

~~Equally important, the city could leverage Artificial Intelligence to maximize City assets to expand public benefit. Cities can optimize performance by integrating machine learning models across departments, reusing successful algorithms (such as those for permit processing or predictive maintenance), and investing in open-source AI frameworks to lower costs and foster transparency. For example, AI can play a transformative role in addressing long-standing administrative inefficiencies, such as those identified in the City Auditor's 2024 follow-up review of lease management practices. The report found that the City still lacks a clear leasing policy, a complete centralized inventory of leases and licenses, and an effective oversight framework for issues that persist 16 years after the original 2009 audit.[40] AI tools can support the real-time tracking of city-owned assets, automate lease data standardization, and flag inconsistencies or renewal deadlines, enabling more informed decision-making and a more strategic use of public property. By digitizing and systematizing property and lease oversight, Berkeley can modernize asset management while improving accountability and public value.~~

In addition, AI can support responsible revenue generation by identifying underutilized assets, improving compliance, and optimizing systems such as parking, business licensing, and short-term rental enforcement. By modernizing asset and revenue management, Berkeley can strengthen accountability, improve efficiency, and support long-term fiscal health while advancing its equity goals.

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[40] ~~*Office of the City Auditor, Leases Audit Follow-up: Berkeley Faces the Same Risks 16 Years Later (June 2024), https://berkeleyca.gov/sites/default/files/documents/2009_Leases_Audit_Follow_Up_Berkeley_Faces_the_Same_Risks_16_Years_Later.pdf*~~.

In addition to improving operations, AI can help generate new streams of revenue. For example, predictive analytics can identify underutilized city-owned properties for potential leasing or development.[41] Cities such as San Diego and New York have used AI-based parking optimization systems to increase parking revenue by 20–30%.[42] Similarly, AI can assist in optimizing business license collection and short-term rental compliance, as shown in Santa Monica, where automation helped identify and collect revenue from previously unregistered units.[43] By digitizing and systematizing property and lease oversight, Berkeley can modernize asset management while improving accountability, operational efficiency, and long-term fiscal health.

7) **Provide state-of-the-art, well-maintained infrastructure, amenities, and facilities.**[44]

AI can help Berkeley monitor, maintain, and improve public infrastructure through predictive maintenance that identifies wear and tear in roads, water systems, lighting, and civic buildings. This approach allows the City to prioritize repairs, extend asset lifespans, and reduce costs and service disruptions.

Aligned AI could revolutionize how Berkeley monitors, maintains, and improves its infrastructure, ensuring state-of-the-art amenities and facilities for the community. Predictive maintenance powered by AI, could detect wear patterns in water pipes, roads, lighting systems, and civic buildings, enabling the City to prioritize repairs, extend infrastructure lifespans, and reduce costs and service disruptions. Research from UC Berkeley's Center for Smart Infrastructure[45] highlights how sensor-integrated systems enhance resilience and efficiency across utilities and public works.

AI can also improve transportation and mobility by reducing congestion, lowering emissions, and enhancing safety. Smart traffic systems can support Vision Zero goals, while accessible, real-time

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41 *McKinsey & Company, Smart cities: Digital solutions for a more livable future (June 2018), https://www.mckinsey.com/business-functions/sustainability/our-insights/smart-cities-digital-solutions-for-a-more-livable-future*

42 Artificial Intelligence and Future-Proofing Parking https://www.parking-mobility.org/blog/artificial-intelligence-and-future-proofing-parking/

43 Bloomberg Cities, "How Santa Monica Found $2.5 Million in Missing Rental Revenue," Bloomberg Center for Public Innovation (2022), https://bloombergcities.jhu.edu/news/how-santa-monica-found-25-million-missing-rental-revenue

44 City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

45 Preuss, Paul. "Smart Moves: California's Next-Gen Infrastructure." *Berkeley Engineer*, May 1, 2017. Accessed July 10, 2025.https://engineering.berkeley.edu/news/2017/05/smart-moves-californias-next-gen-infrastructure/

transit tools and AI-assisted public input can ensure community needs shape infrastructure decisions.

~~AI could also transform transportation and mobility, reducing congestion, lowering emissions, and making streets safer and more equitable. Smart traffic flow models could dynamically adjust signals to minimize bottlenecks and support Vision Zero[46] goals for eliminating traffic fatalities. AI assistants could provide real-time, personalized transit information tailored to individual mobility needs, such as wheelchair accessibility or visual impairment. Additionally, AI-powered public input tools could summarize thousands of resident comments, ensuring community voices shape projects, like the 5-Year Street Paving Plan.[47]~~

Within the ~~In~~ education and youth service sectors, AI can help close opportunity gaps through personalized academic support, multilingual college and career guidance, and better targeting of resources. Together, these uses can help ensure Berkeley's public services are inclusive, efficient, and future-ready.

~~In education and youth opportunity, AI could help close academic and opportunity gaps for Berkeley's youth. Virtual tutoring bots could provide free, personalized after-school support in reading and math, while AI-powered college and career bots offer tailored, multilingual guidance to help students from underserved backgrounds explore future pathways. AI-driven data analysis could help schools and city programs identify learning trends, track disparities, and target resources where they are most needed, ensuring support reaches the students who would benefit most. Parents also benefit, as chatbots could connect them to city programs, early childhood education, or speech therapy services, making it easier for families to navigate public systems. Together, these innovations ensure Berkeley's infrastructure, amenities, and services are inclusive, efficient, and future-ready.~~

8) **Foster a dynamic, sustainable, and locally-based economy**[48]

~~46 City of Berkeley. *Vision Zero Action Plan*. Berkeley, CA: City of Berkeley, February 2022. https://berkeleyca.gov/sites/default/files/2022-02/Berkeley-Vision-Zero-Action-Plan.pdf.~~

~~47 City of Berkeley. Street Rehabilitation Five-Year Plan for Fiscal Years 2024–2028 (Item 17, November 28, 2023).Berkeley, CA: City of Berkeley, November 28, 2023. Accessed July 10, 2025.https://berkeleyca.gov/sites/default/files/documents/2023-11-28%20Item%2017%20Paving%20Plan.pdf~~

48 City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

AI could strengthen Berkeley's economy by connecting residents to emerging job markets and supporting small businesses with accessible, data-driven tools. By analyzing labor trends, AI could guide job training programs, inform local hiring, and support the City's Economic Dashboards and procurement strategies. For job seekers, AI-powered tools like resume builders, interview simulators, and job-matching platforms (e.g., Jobscan, LinkedIn AI Coach) help level the playing field, especially for historically under-resourced communities.[49] Entrepreneurs benefit from AI assistants that explain permitting, grants, and legal basics in clear terms, lowering barriers to small business ownership.[50] AI assistants can help draft small business setup documents, such as incorporation forms, operating agreements, and basic contracts, lowering barriers to entry and reducing start-up costs. In the workplace, large language models (LLMs) integrated with tools like Microsoft 365 and Slack automate tasks like summarizing meetings, drafting emails, or translating documents boosting productivity and job satisfaction[51].[52] In fields like law and healthcare, they support professionals with document review and compliance checks.[53] For contractors, AI-powered rendering tools can generate visualizations and design options, making project planning faster, clearer, and more affordable. ~~Entrepreneurs benefit from AI assistants that can draft small business setup documents, such as incorporation forms, operating agreements, and basic contracts, lowering barriers to entry and reducing start-up costs.~~

The City can make these AI tools available to the broader community through libraries, workforce training centers, and small business resource hubs, ensuring that all residents benefit from the efficiencies and opportunities AI provides.

9) **Create a resilient, safe, connected, and prepared City**.

Aligned AI systems could are essential for enhancing~~enhance~~ing public safety, emergency response, and urban resilience in Berkeley. These tools could support wildfire risk mapping, aiding zoning decisions and enforcement of defensible space in hillside neighborhoods, where

[49] Koustas, D., et al. (2023). Barriers to Employment and AI Tools. NBER. https://conference.nber.org/confer/2025/DTs25/farronato.pdf

[50] Ghosh, R. (2022). AI and Small Business Resilience. Brookings. https://www.brookings.edu/articles/hybrid-jobs-how-ai-is-rewriting-work-in-finance/

[51] Binns, R., et al. (2023). AI in Knowledge Work. Oxford Internet Institute.https://www.oii.ox.ac.uk/news-events/2023-the-year-ai-redefined-work-skills-and-the-future-of-employment/

[52] California State Bar. (2024). Ethical AI Use in Legal Services. https://www.calbar.ca.gov/Portals/0/documents/ethics/Generative-AI-Practical-Guidance.pdf

[53] Simbo.ai, "The Role of Artificial Intelligence in Streamlining Document Review Processes for Legal Practitioners in 2024," *Simbo.ai Blog*, accessed July 14, 2025, https://www.simbo.ai/blog/the-role-of-artificial-intelligence-in-streamlining-document-review-processes-for-legal-practitioners-in-2024-251528/.

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threats are most acute. AI also enhances community preparedness, facilitates hazard response coordination, and supports data-driven resilience planning, as outlined in the City's Resilience Strategy. AI could improve public safety outcomes without expanding surveillance. The use of real-time language translation and medical history alerts during emergency calls enable quicker and more equitable responses for non-English speakers and individuals with disabilities. AI-assisted acoustic systems could distinguish between fireworks and gunfire more accurately, thereby reducing false alarms and fostering community trust. Predictive models analyzing heat, crime, and public health data could direct emergency outreach or mental health crisis teams to areas of highest need, avoiding reliance on carceral tools. In health and social services, AI could extend the City's reach to vulnerable residents. Tools could guide users through enrollment in programs like CalFresh, Medi-Cal, and city wellness initiatives using plain language and mobile-first design. Mental health chatbots could provide anonymous, culturally competent emotional support, encouraging early access to care. For frontline staff, AI could flag service gaps, track referrals, and monitor outcomes, creating a more coordinated and compassionate care system.

10) **Be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community**[54]

Properly aligned AI can help Berkeley deliver faster, fairer, and more accessible public services. AI-powered virtual assistants can enhance 311 services, streamline workflows, and support public health communications by providing clear, real-time responses to resident inquiries around the clock, reducing wait times and service backlogs.~~Properly aligned AI enhances Berkeley's ability to deliver excellent, timely, and accessible services to its residents with speed and fairness. AI-enabled virtual assistants and chatbots can enhance 311 services, streamline workflows, and improve public health communications, providing real- time 24/7 answers to residents' questions and reducing wait times, even during staffing shortages. These tools provide rapid updates on pothole repairs, garbage pickup, and permit approvals, making service delivery more predictable and less frustrating.~~

[54]City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

AI dashboards can give City staff real-time insights to proactively address community needs, reinforcing Berkeley's commitment to transparency and responsive governance. Tools such as permit chatbots, proactive alerts, and simplified dispatch systems can reduce administrative burdens for both residents and staff.

~~AI dashboards could offer City staff real-time insights to proactively address community needs, supporting Berkeley's commitment to being a transparent and responsive municipal government. Tools like universal dispatch, proactive alerts, and permit chatbots simplify complex processes, reducing the administrative burden on both residents and staff. By streamlining everyday interactions with City Hall, these innovations foster trust, enhance satisfaction, and ensure that Berkeley remains a customer-focused organization committed to serving its community efficiently and equitably.~~

Aligned AI can also modernize ticketing and permitting by making traditionally punitive processes more transparent and equitable. AI tools can guide residents through contesting tickets by explaining violations, assisting with evidence submission, supporting multilingual appeals, and tracking cases in real time. In permitting, AI can help complete applications, flag errors, triage requests, and accelerate low-risk approvals. Together, these tools can improve accountability, reduce bias, and make everyday interactions with City Hall more efficient and just.

~~Aligned AI has the potential to revolutionize ticketing and permitting systems in Berkeley by transforming traditionally opaque and punitive processes into transparent, accessible, and equitable ones. AI-powered assistants could guide residents through contesting citations by explaining infractions, suggesting legal defenses, collecting evidence, and generating multilingual appeals via SMS or mobile platforms. Computer vision tools could validate tickets by cross-checking signage, resident-uploaded photos, and city camera data, while equity modules could consider hardship history and enforcement disparities to recommend fine reductions or automatic waivers. Real-time appeal trackers, akin to a "pizza tracker" for justice, would enhance transparency and accountability, while AI-driven video or text-based mediation ensures flexibility and accessibility. Anonymized dashboards could highlight enforcement disparities by zip code,~~

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~~race, and income, enabling bias correction and continuous oversight. In permitting, AI could streamline processes by assisting applicants with form completion, flagging errors, and auto-filling fields using business license data. Pre-review bots could screen for zoning or code conflicts, triage applications based on complexity, and automatically approve low-risk requests, such as solar installations or fence repairs. Real-time permit trackers and dynamic timelines would prevent administrative limbo, while AI engines could decode complex building codes, giving new entrepreneurs and first-time builders a fairer chance. AI-scheduled inspections, micro-permit templates, and public equity dashboards would make progress visible and measurable, fostering trust and improving outcomes for all.~~

11) **Attract and retain a talented and diverse City government workforce**[55]

AI alignment can modernize Berkeley's human resources systems by supporting inclusive hiring, reducing bias in recruitment, and strengthening employee training and advancement. AI tools can help forecast staffing needs, identify skill gaps, and recommend professional development pathways, supporting the City's goal of building a diverse and future-ready workforce.~~AI alignment could play a transformative role in modernizing human resources by promoting inclusive hiring practices, reducing bias in recruitment algorithms, and supporting employee training and advancement. For instance, structured AI hiring tools like HireVue and Pymetrics have been used to reduce human bias in recruitment and improve candidate-job matching by focusing on skills and behavioral data.[56] By leveraging AI, Berkeley could forecast staffing needs, recommend professional development pathways, and build a diverse, future-ready civic workforce, key objectives in the city's internal strategic planning.[57]~~

Properly aligned AI should support workers rather than replace them, reinforcing Berkeley's commitment to fair employment practices and workforce development. Public-sector examples show how AI can help identify internal talent, reduce turnover, and monitor indicators of burnout or attrition to support employee well-being.

[55] City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.

[56] ~~Bogen, M., & Rieke, A. (2018). Help Wanted: An Examination of Hiring Algorithms, Equity, and Bias. Upturn. https://www.upturn.org/reports/2018/hiring-algorithms/~~

[57] ~~California Department of Human Resources. (2021). Workforce Planning Model. https://www.calhr.ca.gov/state-hr-professionals/Pages/state-of-california-workforce-planning-model.aspx~~

To ensure these benefits, AI systems must operate transparently and with ongoing oversight to enhance human decision-making. Emerging governance frameworks highlight the importance of fairness, explainability, and accountability when using AI in public-sector workforce management.

~~Importantly, aligned AI systems ensure that artificial intelligence supports, rather than replaces, workers, reinforcing Berkeley's commitment to fair employment practices, workforce development, and inclusive economic growth. Case studies, such as Los Angeles County's use of AI-driven talent management tools, show how public agencies are applying AI to identify internal talent, close skill gaps, and reduce turnover.[58] AI systems can also monitor for patterns related to employee burnout or attrition, allowing early intervention and enhancing well-being.[59] This strategic approach aligns with the City's goals to attract and retain a talented and diverse workforce within the City government, foster a dynamic and sustainable local economy, and maintain an efficient and financially healthy government.~~

~~To achieve these outcomes, AI systems couldt operate with transparency, public participation, and ongoing monitoring, ensuring they enhance human decision-making rather than displace it. Global governance frameworks, such as Canada's *Directive on Automated Decision-Making* and New York City's AI bias audit laws, underscore the importance of fairness, explainability, and accountability in public-sector AI.[60]~~

Potential Pitfalls of AI~~Artificial Intelligence~~ Systems ~~(AI)~~

While holding significant promise, artificial intelligence also presents serious risks if not carefully governed. Without appropriate safeguards, AI systems could produce inaccurate or misleading outputs, often referred to as "hallucinations," that may result in flawed decisions in high-stakes areas such as housing, public benefits, policing, and financial catastrophe.[61] AI tools could also reinforce systemic biases if trained on incomplete or discriminatory data, leading to unequal treatment or outcomes,

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[58] ~~Partnership for Public Service & Accenture. (2021). Government for the Future: How AI Can Help Federal Employees Better Serve the Public. https://ourpublicservice.org/publications/in-the-public-artificial-intelligence/~~

[59] ~~Deloitte Insights. (2020). AI-augmented HR: Empowering the workforce of the future. https://www.deloitte.com/us/en/what-we-do/capabilities/applied-artificial-intelligence/articles/generative-ai-and-the-future-of-work.html~~

[60] ~~Treasury Board of Canada Secretariat. (2020). Directive on Automated Decision-Making. https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=32592~~

[61] DigitalOcean. (2023). What Is AI Hallucination? https://www.digitalocean.com/resources/articles/ai-hallucination

especially for communities of color, low-income residents, and people with disabilities.[62] Moreover, without transparent processes, the use of AI in surveillance or decision-making could violate privacy rights, reduce public trust, and erode due process protections, particularly when algorithms are used to allocate resources, flag individuals, or influence enforcement actions.[63]These dangers are amplified when AI systems operate without public scrutiny or accountability mechanisms. To successfully realize the benefits of AI while minimizing harm, the City of Berkeley should adopt a formal AI framework.

Toward Artificial Intelligence Municipal Use Guidelines

Currently, the city lacks a consistent, citywide approach to AI deployment. Often, AI tools are independently applied, without a centralized inventory or standardized procurement and oversight protocols. This fragmented approach could result in operational vulnerabilities.

To reap the benefits of AI while mitigating its risks, the City of Berkeley should develop an Artificial Intelligence Systems and Alignment framework that includes: Put Residents First; Modernize City Services; Empower Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth. Any framework should consider the ~~ten~~ elements herein referred to as the Berkeley Rule.

The Berkeley Rule:

I. **Put Residents First**

The City of Berkeley is committed to ensuring that any AI framework prioritizes the well-being of residents above all else. This policy aims to liberate residents from bureaucratic friction, eliminate unnecessary expense, and expand fair access to city services.

The City could seek to streamline internal operations, reduce operational costs, enhance the coordination and delivery of public services. Thoughtfully implemented, AI could improve workflows such as permitting, resident request routing, and document processing, resulting in faster and more consistent outcomes across departments. Cities like New York and San José are already seeing results: New York uses AI to prioritize housing inspections and assist with city

[62]U.S. Government Accountability Office. (2021). Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities. https://www.gao.gov/products/gao-21-519sp

[63] AI Now Institute. (2018). Algorithmic Accountability Policy Toolkit https://ainowinstitute.org/publications/algorithmic-accountability-policy-toolkit

service requests.[64] Likewise, San José uses predictive maintenance tools to identify infrastructure issues before they become costly emergencies.[65] More efficient permitting and service response times reduce delays and frustration for individuals and businesses. Improved infrastructure management powered by predictive tools means fewer service disruptions, better street conditions, and faster emergency responses. By enhancing coordination across departments, residents experience a more connected, responsive, and equitable government.

The City of Berkeley could use AI to rapidly review its municipal code to eliminate unnecessary reports and cut red tape. By automating routine administrative tasks, AI could allow~~allows~~ Berkeley staff to focus on higher-impact work that encourage~~require~~s critical thinking, creativity, and direct public engagement. Moreover, AI-driven data analysis could also help departments identify gaps, target resources more efficiently, and support long-term planning in areas such as housing, workforce development, and public health by exploring cooperative care models that address current institutional insecurity. For example, this could include shared health coverage pools for freelancers and families, collective care planning for gig workers, wellness reward programs to encourage healthy habits, and neighborhood networks for exchanging caregiving services. The City should also consider recognizing and rewarding residents who contribute to improving city systems through civic dividends and benefits, thus ensuring that modernization directly supports the people who live and work in Berkeley.

The ultimate goal of AI adoption is to improve the lives of Berkeley residents. Any framework should be guided by the principle of improving service quality and efficiency, ultimately contributing to a higher quality of life for all community members and the eventual elimination of regressive fines, fees, and taxes.

II. Modernize City Services

The city should advocate for responsible use of AI~~artificial intelligence~~ in modernizing its municipal operations to improve efficiency, responsiveness, and service delivery. Potential use cases include 311 service triage, service kiosks, assistance with permits and licensing, emergency dispatch optimization, autonomous service delivery, maintenance, and transport, and emergency

[64] Mayor's Office of the Chief Technology Officer, City of New York. (2023). *AI Action Plan*. pg 2 https://www.nyc.gov/assets/oti/downloads/pdf/reports/artificial-intelligence-action-plan.pdf
[65] City of San José. (2023). *AI and Emerging Technology Strategy*. https://www.sanjoseca.gov

air deployments. AI systems could provide predictive solutions for vital infrastructure, such as roads, energy systems, and sidewalks, water systems, public health, and public buildings before routine problems become critical issues.

Berkeley could also utilize AI to develop and pilot new service models to make city services more accessible. For example, prepaid service savings programs might help residents secure discounted utilities, while optimized parking revenue systems and a community-owned broadband network could improve affordability and equity. Smart licensing processes and value-based pricing might guide development toward inclusivity. Additionally, predictive dashboards, better use of idle fleets, and AI-powered maintenance scheduling could streamline operations, reduce downtime, and make everyday services more reliable.

A key area for modernization is the city's permitting process. The City could~~should~~ explore AI-powered tools to pre-check construction and building permit applications for compliance with zoning and building codes. This is likely to provide immediate feedback to applicants, reduce the potential for costly errors, and significantly decrease staff review time and backlogs. To implement this without direct cost to taxpayers, the City could adopt models like CivCheck Permitting AI in Seattle, where the permit applicants pay a small pre-screening fee directly to the vendor.

Finally, to ensure accountability and public trust, the City could mandate explicit documentation of human oversight protocols and backup measures for all AI systems used in time-sensitive or safety-critical situations. This includes determining when and how much human intervention ~~is~~ should be encouraged~~required~~, as well as ensuring that non-automated options are available where applicable.

III. Empower the Community

Community trust is the foundation of ethical AI governance. For Berkeley to harness the benefits of artificial intelligence while safeguarding civil rights, residents should have~~should~~~~would have~~ a direct voice in how these systems are adopted and used. ~~Empowering community oversight ensures that decisions about new technologies are transparent, accountable, and shaped by those most affected. This commitment would be realized through three mechanisms: an inclusive AI~~

~~Advisory Board to guide policy, a Digital Ombudsman to support residents and provide redress, and an AI Sandbox to safely test new tools with public input before broader deployment.~~

AI Advisory Board: If resources~~rescources~~ permit~~During a Bbudget permittingsurplus, where resources are available, when possible,~~ ~~allowed T~~the City of Berkeley could~~should~~ consider establishing an advisory board composed of labor representatives, community leaders, civil rights and disability advocates, entrepreneurs, ethicists, technologists, and academic experts to ensure that AI is utilized in an ethical, equitable, and transparent manner. ~~This AI Advisory Board should gather regularly to examine new or high-impact AI systems before their deployment. Doing this ensures that the City hears from those who may be the most impacted. The board should provide advisory oversight, conduct independent investigations, and recommend policies to guide the responsible use of AI in Berkeley. This is particularly critical for AI systems that impact public services such as housing, healthcare, employment, or law enforcement.~~

Digital Ombudsman: To further strengthen accountability, the City could consider implementing~~implimenting~~~~should consider establishing~~ a dedicated AI Ombudsman, an AI bot, to serve as a public-facing point of contact for questions, concerns, and complaints regarding municipal AI use. This solutions~~ulotion~~~~rproducerole~~ would support algorithmic redress by helping residents understand how decisions are made by AI systems, and by facilitating rapid review, appeal, or correction when errors or harms occur.

AI Sandbox: Similarly, the City should consider creating~~e~~ an AI Sandbox program to pilot innovative tools in low-risk environments. These pilot programs would be reviewed by the AI Advisory Board, evaluated with public input, and include opt-in participation only. This approach ensures that new AI technologies are tested responsibly, with community involvement and safeguards in place prior to broader implementation.

~~By establishing robust community oversight with an Advisory Board, Digital Ombudsman, and AI Sandbox, Berkeley could would ensure that its AI systems align with the values of fairness, transparency, and public accountability, while fostering confidence in the ethical and effective use of technology.~~

IV. Ensure Transparency and Accountability

TheResidents have the right to know when AI is being used in any services that affect them. To achieve this, the City of Berkeley could should consider maintaining a public AI use registry. This registry couldwould present a clear and accessible listing of every AI tool being used by City departments. For each system, the registry would provide detailed information, including what the system does, what data it uses, who oversees it, and how residents can ask questions or challenge its outcomes.

This registry is could beparticularly critical for systems that impact high-stakes processes such as permits, housing applications, benefits, and enforcement. All entries should be written in plain language to ensure accessibility and kept up to date as new tools are adopted. By implementing this approach, the City can enhance public accountability and make sure residents are informed partners in the use of the new technology.

Moreover, vendors should demonstrate maximum possible explainability in AI systems deployed in high-stakes areas. Explainable AI means systems are designed so that their outputs can be interpreted by experts and made understandable to the public. Explainable AI is subject to significant technical limits, including misleading, contradictory, unstable, mismatched, counterintuitive explanations, as well as the illusion of explainability which is logically unavoidable.[66] User misinterpretation and human factors can lead to explainability pitfalls. While acknowledging the limitations, this registry encouragerequirement wcouldouldcould help build trust in the AI systems by improving the transparency and comprehensibility of their decision-making processes.

Building on its AI registry, Berkeley could expand transparency by introducing consent portals where residents manage how their data is used. Algorithmic bias tracking might help identify and address systemic inequities, while municipal data exchanges and open licensing marketplaces could create clear, accountable systems for sharing public data. These measures would ensure that the value of information is managed with fairness, oversight, and full resident awareness, and economic inclusion in the deployment of automated decision-making systems across all City operations.

[66] De Kai. *Raising AI: An Essential Guide to Parenting Our Future*, chapter 16. 2025. MIT Press. https://dek.ai/raising-ai

V. Standardize Operations

~~Through centralized inventory management, streamlined procurement and uniform oversight procedures, as well standardized operations. Berkeley has the chance to improve its AI governance. More efficient tracking and frequent assessments of AI tools across City departments would be made possible by the creation of an official registry of AI systems that would list instances in which AI is being used in government services. This guarantees that these technologies can produce effective and fair results. Berkeley can become a leader in the ethical and open use of AI by integrating ethical reviews into procurement procedures, which wouldalso increase accountability and foster public trust.~~

Berkeley should consider strengthening its AI governance by centralizing inventory management, streamlining procurement, and applying uniform oversight procedures across all departments. ~~For instance, a citywide registry of AI systems could make it possible to track every instance of use in government services, enabling more consistent monitoring and frequent assessments. This approach ensures that technologies deliver effective and fair outcomes, while ethical reviews embedded in procurement processes enhance accountability, build public trust, and position Berkeley as a leader in transparent and responsible AI use.~~

~~All~~ AI tools deployed in City operations should~~must~~ ~~consider~~ align~~alighnin~~~~meeting~~ with certain~~minimum~~ cybersecurity standards, including encryption in transit and at rest, regular audits, and protections against injection or tampering. To further strengthen privacy and civil liberties safeguards the city could employ:

a. ~~Mandate that~~ Privacy Impact Assessments (PIAs) could include a public comment period and could be reviewed by the AI Advisory Board before AI system deployment.
b. Integrate the Resident Data Rights Charter, ~~with~~ a clear process for residents to opt out of AI-processed data collection, modeled after the California Consumer Privacy Act (CCPA) principles.

To ensure strong compliance, the City could ~~should~~ consider ~~explor~~inge adopting the following operational standards:

1. Risk-Based Tiering Framework: The City should establish a risk-based tiering framework to classify AI systems based on their potential impact on residents. This framework, to be developed by the City Manager and reviewed by the AI Advisory Board, would include~~wouldinclude~~ at a minimum:

a. Tier 1: Low-Risk Systems: AI tools that support internal administrative tasks and do not directly impact the public's rights or safety. Examples: meeting summarizers, internal project management software.
b. Tier 2: Medium-Risk Systems: AI tools that interact with the public in non-critical ways or assist City employees in making decisions with a low-to-moderate impact. Examples: public information chatbots, initial sorting tools for permit applications.
c. Tier 3: High-Risk Systems: AI systems that have a significant direct impact on residents' rights, safety, finances, or access to essential services, or that manage critical infrastructure. Examples: systems used in housing or benefits eligibility, law enforcement, or critical infrastructure management. The principles outlined in the Berkeley Rule would apply to all tiers, with specific procedural suggestions~~requirements~~ scaling with the level of risk.

2. National Institute of Standards and Technology (NIST) Guidelines: All AI systems should consider ~~would~~ adher~~e~~inge to the NIST frameworks as the foundation for enforcement mechanisms.
   a. External Applications: For constituent-facing use cases, the City should consider pursu~~e~~inge ISO27001 and/or ISO9001 certifications, ideally within 12 months of deployment. For applications involving personally identifiable information (PII), SOC2 compliance would be encouraged~~required~~. Tools like Vanta or Workstreet can support these efforts.
      i. ISO 27001 and ISO 9001 are internationally recognized standards that help organizations manage information security and quality
      ii. ISO 27001 focuses on establishing an Information Security Management System (ISMS)
      iii. ISO 9001 focuses on establishing a Quality Management System (QMS).
      iv. SOC2, or System and Organization Controls 2, is a framework developed by the American Institute of Certified Public Accountants (AICPA) to assess and report on the controls of a service organization relevant to security, availability, processing integrity, confidentiality, and privacy.
   b. Internal Applications: Policies should consider enforc~~e~~inge NIST standards with periodic internal audits. Vendors such as can provide cost-effective solutions to ensure compliance.

c. Regulatory Parallels: Identify existing policies and referrals that regulate the use of technologies, hard and software.

i. Example: Council's 2017 referral to develop a franchise application policy for robotic deliveries.[67]

~~Accountability: A point-of-contact should be designated to oversee all AI safety and compliance frameworks outlined in this initiative, ensuring clear responsibility and oversight.~~

3. Procurement Standards: All external vendors, whether providing platform applications or custom development work for the City, would comply with these measures. A procurement framework should include a checklist to verify compliance or establish reasonable timelines for vendors to meet these guidelines. Standard contract templates (MSAs) would include language for correction timelines in response to adverse events or audit findings.
4. Considerations for Return on Investment (ROI) Posture:
   a. Direct ROI: Key performance indicators (KPIs) for AI deployments would include measurable benchmarks, such as time saved in administrative tasks, reduced turnaround times for policy implementation, and other quantifiable outcomes. Pilot programs should follow a structured framework to validate vendor claims.
   b. Indirect ROI: AI initiatives should align with Berkeley's core values, such as affordability, access, education, environmental sustainability, and social advancement. Vendors might justify how their solutions support these goals, ensuring no adverse impacts on these key pillars. Agentic LLM deployments would include guiding principles in their context windows to notify users and administrators of any misalignment with City values.
5. Possible Ongoing Governance and Evaluation: deployed systems could benefit from the following:
   a. Annual Re-validation: The AI Advisory Board could conduct and publish an annual review of all Tier 3 (High-Risk) systems to re-validate their safety, performance, and equity impacts.

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[67] Councilmember Ben Bartlett. (2017, December 19). *Personal Delivery Service Franchise Agreements*. City of Berkeley, District 3. https://records.cityofberkeley.info/PublicAccess/api/Document/AY6Z5utuMHPCP6K72V2ETpqWhGYOZF7GÉhPtOJPDmkxowc51ObuEKBjeoFzegHorIARtR4LfcRwbJpbwojXg3yY%3D/

b. Incident Response: All issues reported to the Digital Ombudsman could~~shall~~ be investigated and logged in the public AI Use Registry to further assure transparency. Significant incidents would be escalated to the AI Advisory Board for formal review and remediation.

6. System Decommissioning: A formal decommissioning plan could~~should~~ be encouraged ~~required~~ for all Tier 3 (High-Risk) systems and specify the protocols for data processing, retention and disposal in compliance with City Auditor and public records requirements, and include a plan for the transition of public services to ensure continuity.

~~6.~~7. Government AI (GovAI) Coalition: the city should consider joining the Government AI (GovAI) Coalition facilitated by the City of San Jose[68] at no cost and partner with other cities to evaluate the adoption of its toolkits and practices.

By implementing these suggested operational standards, compliance measures, and procurement accountability practices~~,~~. Berkeley can ensure that AI systems are deployed responsibly, transparently, and in alignment with the City's strategic goals, while maximizing both direct and indirect benefits for its residents.

VI. Certify Ethical Use

The City of Berkeley could consider ~~should~~ collaborating~~e~~ with not-for-profit organizations ~~nonprofits~~ to establish independent AI ethics certification programs, ensuring safety, fairness, and accountability in its work with vendors who build and deploy artificial intelligence systems. These certifications should establish clear guidelines for safety, environmental responsibility, justice, and transparency. To achieve this, the City can partner with organizations with ~~the~~ expertise in technology, policy, civil rights, and public interests to develop standards for its procurement procedures.

~~Vendors who meet these certification requests~~requirements ~~could qualify for preferred status, simplified contracting processes, or pilot opportunities.~~ Certifications should include independent audits, inclusive design principles, and community impact protections to ensure that AI systems align with Berkeley's values. The City should prioritize workforce transition plans, explicit

[68] https://www.sanjoseca.gov/your-government/departments-offices/information-technology/ai-reviews-algorithm-register/govai-coalition

equitable targets, and methods to track performance and results over time in all AI-related contracts.

To further support ethical use, the City could establish a formal appeals mechanism for decisions made or influenced by AI systems. This mechanism would allow citizens to contest outcomes, request human review, and receive timely and accessible explanations.

By implementing an ethical use certification program and ensuring accountability measures,~~.~~ Berkeley should set a high standard for the responsible and transparent deployment of AI technologies.

VII. Protect and Prepare Our Workforce

As the City introduces more AI tools into its government operations, it should~~needs to~~ ensure that its workforce is supported and protected. Before rolling out a new system, departments ~~sh~~could prepare a Workforce Impact Statement that examines how the technology may alter job duties, identifies any training~~s requirements~~, and outline~~s~~ opportunities for employees to transition into new roles. These plans should be reviewed by a labor-management team that includes union representatives, with the goal of no layoffs resulting from AI adoption. Instead, AI should be utilized to automate repetitive tasks, freeing up time for public service and creating space for meaningful work.

The City should also invest in retraining and upskilling programs, ensuring that employees have access to continuing education, technical certifications, and cross-training opportunities to remain competitive and fulfilled in their roles. New professional development pathways should be created to help staff grow alongside advancing technology, reinforcing Berkeley's commitment to a strong, future-ready public workforce. ~~On the other hand, d~~During its implementation, to foster an inclusive approach to regulation development,~~ there could be~~ staff engagement initiatives could be pursued through employee surveys and internal research to better understand their attitudes, expectations, and knowledge of AI threats and capabilities, while also empowering them to take the lead in developing case proposals.

As part of its ethical AI framework, the City could invest in public-sector innovation fellowships, rotational learning programs, and incentives for internal talent development. By protecting worker rights and preparing employees for the future of municipal service, Berkeley can lead in

equitable workforce transformation. ~~Finally, as part of its ethical AI framework, the City should participate in public-sector innovation fellowships, rotational learning programs, and incentives for internal talent development. By protecting worker rights and proactively preparing employees for the future of municipal service, Berkeley can be a leader in equitable workforce transformation. To ensure successful adoption and integration of these new tools, a bottom-up approach is crucial for achieving better buy-in from staff. This can be accomplished by actively seeking feedback from the workforce on the Berkeley Rule as a starting point and partnering with them in the process of technological evolution.~~

VIII. Defend Civil Liberties

The City of Berkeley should~~must~~ safeguard civil liberties by not using facial recognition, biometric surveillance, or real-time tracking unless approved by the City Council, and then only after a robust public process is conducted ~~public hearing~~ and clear legal safeguards are in place. One potential use could be the use of a Privacy Impact Assessment (~~-~~PIA). These AI systems assessments should not use sensitive or personal data, and any use thereafter should require a formal ~~Privacy Impact Assessment (~~PIA~~)~~ to be completed before deployment. The privacy and civil liberties protections would identify what data is being used, how it is protected, and whether there are safer alternatives. The results of these assessments would be made public to ensure transparency and accountability.

The City could consider~~should also~~ developing a set of Resident Data Rights ~~Charter~~ to accentuate transparency and~~to~~ give people more control over their information in order to ensure ~~assure~~ it is as transparent as possible when AI is being used, how decisions are being made, and how to request human review or deletion of their data.

Furthermore, the City of Berkeley affirms that all AI systems with enforcement capabilities should~~must~~ preserve human judgment at the point of action. No automated system may take punitive or coercive measures, such as issuing citations, restricting access, or initiating legal consequences without meaningful human oversight, and rapid appeal. Nor may any AI system employ martial force under any circumstance. These safeguards ensure that innovation serves to protect due process, community trust, and individual freedom.

IX. Social Advancement and Accessibility

AI developers could be encouraged to create a productized approach for Risk Assessment ~~To ensure that AI systems are used as a catalyst to improve life for all residents. The City of Berkeley should require equity risk evaluations~~ for high-impact AI technologies, ~~. P~~particularly those used in housing, public safety, and transportation, and code enforcement to encourage AI systems to improve life for all residents. These evaluations should include pre-deployment social impact forecasts, conducted by third-party auditors using demographic data, scenario modeling, and participatory input to identify and mitigate potential harms. If these evaluations uncover biased outcomes, harmful system behavior, or deeper structural inequities, the City could ~~should~~take immediate action to correct both the technology and the underlying condition.

~~To make sure AI systems meet the needs of the community, especially in vulnerable neighborhoods, the City shouldencourage participatory co-design processes that involve residents and community organizations. This collaborative approach would ensure that all AI tools are developed with a deep understanding of the community's unique challenges and priorities.~~

~~All resident-facing AI tools would have multilingual and ADA-compliant interfaces, making accessibility a cornerstone of the City's digital transformation efforts. Features such as screen-reader compatibility and inclusive design would ensure that all citizens, regardless of linguistic ability or disability status, have equal access to and benefit from City services. To ensure accessibility and due process, the City should implement a Rapid Appeals Process for any punitive or enforcement action affecting a member of the public that was assisted by a Tier 3 (High-Risk) AI system. The resident should have the right to an immediate human review. Upon appeal, the automated action is paused, and a trained City employee would review the case and render an independent decision within two business days. This right should be clearly stated on all relevant public notices.~~

Berkeley can ensure that its AI systems promote fairness and inclusive outcomes by adopting standardized bias assessment frameworks. Tools developed by the Algorithmic Justice League and requirements such as New York City's Local Law 144 can help measure, disclose, and mitigate disparate impacts across communities~~, inclusivity, and equitable outcomes for all members of the community. Adopt a standardized framework, such as the Algorithmic Justice League's bias assessment tools or New York City's Local Law 144 bias audit requirements, to quantify and mitigate disparate impacts~~.

Berkeley could use AI to promote cultural growth and shared prosperity. With AI as an accessible tool for social advancement, residents might have opportunities to co-invest in local solar and renewable energy projects, crowdfund green infrastructure, and share in the benefits of climate impact returns. Housing equity programs and land stewardship trusts could expand access to stable homes. Meanwhile, cultural life would be free to flourish through community-funded art restoration, neighborhood business pools, festival revenue sharing, and pop-up market activations. By blending sustainability with cultural vitality, these initiatives could ensure that AI benefits every resident in our community.

~~Artificial intelligence methods should not be used to increase fines, fees, or citations, especially in overburdened communities.~~

~~To make sure AI systems meet the needs of the community, especially in vulnerable neighborhoods, the City shouldencourage participatory co-design processes that involve residents and community organizations. This collaborative approach wouldensure that all AI tools are developed with a deep understanding of the community's unique challenges and priorities.~~
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~~The City should ensure that AI is used responsibly to improve public life and access to services. All high-impact systems should be reviewed by independent experts before deployment, with harmful or biased outcomes corrected immediately. Community participation can guide design, all resident-facing tools would meet accessibility standards, and a Rapid Appeals Process to guarantee human review of enforcement decisions. By adopting clear audit practices and~~

~~supporting cultural, housing, and sustainability initiatives, Berkeley can use AI to strengthen fairness, and shared prosperity without adding new burdens to vulnerable neighborhoods.~~

X. Catalyze Civic Wealth

Cities everywhere struggle with budget deficits and shrinking revenue bases. Berkeley has the opportunity to move beyond this scarcity model by using AI to design entirely new forms of civic wealth and prosperity. Rather than relying on regressive fines, fees, or incremental efficiencies, AI can open pathways to municipal entrepreneurship, shared value creation, and community-owned innovation.

~~Beyond Compliance: Civic Wealth Creation~~

Beyond compliance and cost recovery, artificial intelligence offers a transformational opportunity to design new forms of public wealth generation and municipal entrepreneurship. AI can help the City of Berkeley maximize the value of its assets by identifying underutilized land, enabling dynamic leasing strategies, and forecasting value-based permitting opportunities responsive to shifting economic conditions. Predictive tools can surface untapped revenue potential, inform strategic public-private partnerships, and support innovative models of municipal entrepreneurship. The City could also use these systems to activate vacant land, open rooftops for solar and urban farming, and optimize facilities for broader community use. Digital billboards and archival collections might be responsibly licensed to generate cultural revenue, while vehicles and public equipment could be dynamically managed for shared returns. Community venture funds, real estate investment pools, and land value growth sharing might give residents a direct stake in the city's prosperity. Additionally, new data markets, like neighborhood sentiment exchanges and digital twin licensing, could create opportunities for residents to benefit from Berkeley's role as a hub of digital innovation.

More broadly, AI can help prototype new civic economies, where services are co-produced, benefits equitably shared, and public data becomes a platform for innovation. Examples include decentralized licensing for local creators, micro-contracting for small businesses, and new revenue-sharing distribution models for community infrastructure. Furthermore, the City should encourage public benefit-sharing models in its civic technology collaborations, ensuring that innovations created with public funds generate shared value. This may include provisions for shared intellectual property rights, royalty agreements, open-source access, and reinvestment of proceeds into community-led initiatives and digital equity programs.

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In this vision, AI becomes a catalyst for inclusive prosperity and long-term fiscal resilience.

The City's commitment to its strategic plan would benefit from a high-level framework being codified into operational AI standards. The absence of a formal review process for algorithmic systems has allowed for multiple pathways of adoption, each with variable levels of risk, due process protection, and labor input. These Ten guidelines should serve as the foundation of Berkeley's AI Framework and be embedded in the Berkeley Rules: Put Residents First; Modernize City Services; Empower Community; Ensure Transparency and Accountability; Standardize Operations; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth.

Comparative Civic Innovation Models

San Jose - ~~Transparency is essential, including detailed documentation of operating models, data sources, and policies. To minimize harm, equitable outcomes could be pursued while actively mitigating bias. Accountability is guaranteed through clearly defined roles and responsibilities, as well as human monitoring.~~ Human-centered design principles guide the development of systems, and privacy safeguards protect sensitive information.[69] Security and safety are ensured through safeguards, and personnel empowerment is prioritized through education, training, and collaborative opportunities. These concepts should be linked to community benefits and human monitoring to ensure reliable AI deployment.

Boston - The 2023 "Interim Guidelines for Using Generative AI"[70] from the City of Boston emphasize that public servants are still responsible for AI-generated material and offer a framework for responsible experimentation with programs like ChatGPT, Bard, and DALL·E. ~~The recommendations, which promote the use of AI to enhance government services while safeguarding resident data and supporting vulnerable communities, are grounded in the principles of empowerment, inclusion, transparency, risk management, privacy, and public service. Employees are encouraged to refrain from entering private or sensitive data, verify the accuracy of any outputs, and disclose when AI is utilized, along with the specific model type. Generative AI should not be used for sensitive communications or ultimate decision-making without human supervision; instead, it should be utilized for the creation of memoranda, job descriptions, summaries, translations, and creative material.~~ While cautioning against relying too heavily on

[69] AI Reviews & Inventory | city of san josé. Accessed June 30, 2025. https://www.sanjoseca.gov/your-government/departments-offices/information-technology/digital-privacy/ai-reviews-algorithm-register

[70] City of Boston, *Interim Guidelines for Using Generative AI*, Version 1.1, prepared by Santiago Garces, Chief Information Officer, May 18, 2023.https://www.boston.gov/sites/default/files/file/2023/05/Guidelines-for-Using-Generative-AI-2023.pdf

unconfirmed AI results and encouraging the equitable, open, and safe use of these tools, the City encourages learning through workshops and provides contacts and resources for further research.[71]

Seattle - The City of Seattle has announced its Generative Artificial Intelligence (AI) policy, which enables staff to utilize new technologies while adhering to established standards. The policy requires employees to obtain AI technology through approved procurement channels, review output to ensure consistency with City standards, attribute AI-generated content to the AI system, and ensure data is free of harmful bias, privacy concerns, and complies with the State of Washington Public Records Act and City policies. The guideline also requires a human to oversee the AI technology review.[72]

Washington, D.C.- Washington, D.C.'s AI Values and Strategic Plan outlines[73] a citywide approach for the safe, equitable, and effective use of artificial intelligence in local government. The plan, based on five guiding principles: transparency, accountability, justice, privacy, security, and inclusivity:~~:~~ emphasizes the wise application of AI to enhance public services while protecting the rights of residents. ~~The approach prioritizes building worker capability, fosters interagency collaboration, establishes transparent governance frameworks, and engages the public through participatory design and open data. Additionally, it demands frequent risk assessments, effect analyses, and the application of AI only in cases where it clearly benefits society. By incorporating community feedback, fostering ethical innovation, and ensuring AI systems reflect democratic and equitable civic principles, D.C. aims to set an example for others to follow.~~

Denver - The act mandates high-risk AI and system developers and deployers to protect the public from the risks of algorithmic discrimination. Developers must provide detailed disclosures, publicly summarize their systems, and notify the attorney general. Employers might implement risk management policies, conduct impact assessments, notify consumers, and provide mechanisms for data correction. Compliance with risk management framework provides an affirmative defense. [74]

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[71] City of Boston. *City of Boston Interim Guidelines for Using Generative AI*. Boston, MA: City of Boston, May 2023.https://www.boston.gov/sites/default/files/file/2023/05/Guidelines-for-Using-Generative-AI-2023.pdf

[72] "Responsible Artificial Intelligence (AI) Program." Responsible Artificial Intelligence (AI) Program - Tech. Accessed June 30, 2025. https://www.seattle.gov/tech/data-privacy/the-citys-responsible-use-of-artificial-intelligence

[73] District of Columbia Office of the Chief Technology Officer, *DC's AI Values and Strategic Plan*, 2023.https://techplan.dc.gov/page/dcs-ai-values-and-strategic-plan

[74] "Consumer Protections for Artificial Intelligence." Consumer Protections for Artificial Intelligence | Colorado General Assembly, May 8, 2024. https://leg.colorado.gov/bills/sb24-205.

Chicago- Chicago's AI Principles[75], which place a strong emphasis on accountability, transparency, equity, dependability, privacy, and public involvement, provide a framework for the moral and efficient application of AI in local government. ~~Chicago commits to utilizing AI to enhance public services, mitigate harm, and address community needs. Important rules include protecting resident data and digital rights, addressing potential prejudice and disproportionate effects, primarily on historically marginalized communities, and making sure AI judgments are auditable and explicable.~~ The city also places a high priority on public trust through interdisciplinary cooperation and participatory governance, emphasizing ongoing assessment and adapting AI systems in response to public input and real-world effects.

~~**San Francisco** - All city department staff, including employees, contractors, consultants, volunteers, and suppliers, must adhere to these principles when working on behalf of the city. The standards are intended to be adaptable and will be revised by the City Administrator's Office as laws, regulations, and Generative AI technology change. When using Generative AI, always fact-check and review AI-generated content before using it. Disclose any use of Generative AI in your work, and never enter sensitive information into public Generative AI tools like ChatGPT, as this information may be accessed by the tool's creators or the general public. These safeguards are meant to assure the accuracy, transparency, and security of sensitive data.~~ [76]

New York - The New York State Comprehensive guidelines for the responsible use of AI systems by state agencies, especially those that could have an immediate impact on the public, are established under NYS-P24-001: Acceptable Use of Artificial Intelligence Technologies. The regulation requires human oversight, which means that no entirely automated judgments that have a significant impact on the public are permitted. Instead, humans must continue to be held accountable and participate in the decision-making process. It encourages transparency by requiring public-facing systems to disclose their use of AI and places a strong emphasis on fairness by mandating authorities to monitor and correct bias. Agencies are required to maintain an AI inventory, which is submitted to the Office of Information Technology Services (ITS), and conduct risk assessments using the NIST AI Risk Management Framework. Strict privacy and data security guidelines are also included in the policy~~., which prohibits the deployment of AI systems that absorb or disclose sensitive or personally identifiable information without proper safeguards. While false AI-generated content or unmonitored automated conclusions are examples of inappropriate~~

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[75] City of Chicago. *AI Principles*. Department of Innovation and Technology. Accessed June 30, 2025. https://www.chicago.gov/city/en/sites/chitech/home/roadmap-for-AI/ai-principles.html.

[76] ~~"San Francisco Generative AI Guidelines." San Francisco city seal, December 11, 2023. https://www.sf.gov/reports--december-2023--san-francisco-generative-ai-guidelines~~

usage, permissible uses include employing AI to summarize data or assist human decision-making. Examining the current AI policies and tactics of other communities could yield insightful information and creative ideas. Summaries and links to instances from a number of US cities that are known to be active in this area are provided in cited footnotes.

City Investments and Capacity Development

Berkeley has already committed significant internal resources toward digital transformation. The City's Information Technology Department has expanded cloud capabilities and data infrastructure. The Office of Economic Development has initiated pilot partnerships with local tech firms and universities.[77] Departments, including Planning, Finance, and Public Works, are exploring data-driven tools to increase responsiveness and optimize staffing.

Summary: Berkeley's Path to Responsible AI Governance

At the federal level, legislative riders in the Consolidated Appropriations Act[78] propose to prohibit binding regulatory rules regarding AI for a period of ten years. Local governments do retain the authority to govern internal procurement, operational oversight, and staff adoption of AI systems, particularly when framed as an exercise of municipal self-governance rather than market regulation. The proposed guidelines of the Berkeley Rule: {Put Residents First; Modernize City Services; Empower Community; Standardize Operations; Ensure Transparency and Accountability; Certify Ethical Use; Protect and Prepare Our Workforce; Defend Civil Liberties; Social Advancement and Accessibility; and Catalyze Civic Wealth} provide an aspirational framework for the responsible use of AI which prioritizes civil liberties, public trust and benefit with substantial human oversight. Such policies wouldmust avoid language that creates de facto regulation of the private sector, and instead anchor AI oversight in procurement discretion, ethical review, and internal use controls. Other jurisdictions have begun to act within similar legal confines. San Francisco's Surveillance Technology ordinance requires board approval and public disclosure of algorithmic tools[79]. Seattle maintains an AI Framework with transparency mandates and bias testing requirements.[80]

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77 U.S. Economic Development Administration, *Regional Technology and Innovation Hubs Program*, accessed June 25, 2025, https://www.eda.gov/funding/programs/regional-technology-and-innovation-hubs.

78 Justin Hendrix and Cristiano Lima-Strong, "US House Passes 10-Year Moratorium on State AI Laws," *Tech Policy Press*, May 22, 2025, accessed July 14, 2025, https://techpolicy.press/us-house-passes-10year-moratorium-on-state-ai-laws/.

79 San Francisco Police Department, *Surveillance Technology Policies – Chapter 19B*, accessed June 25, 2025, https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies.

80 City of Seattle, *Artificial Intelligence Policy (POL211)*, October 2023, https://www.seattle.gov/documents/departments/tech/privacy/ai/artificial_intelligence_policy-pol211%20-%20signed.pdf.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

City of Berkeley Strategic and Policy Commitments

The City of Berkeley has adopted numerous strategic plans, ordinances, and administrative regulations that implicitly support but do not yet explicitly govern the responsible deployment of artificial intelligence (AI) within municipal operations. While these policies reflect strong commitments to transparency, social justice, privacy, and technological innovation, none currently provide detailed standards for the procurement, oversight, or ethical evaluation of AI systems.

~~The 2018–2028 Berkeley Strategic Plan[81] fosters fairness across all city services, advancing climate action through data-informed decision-making, and increasing operational efficiency through digital transformation are among the plan's main objectives. It does not, however, contain procurement criteria or provisions unique to AI. The Open Government Ordinance (BMC Chapter 2.06)[82] mandates public access to information and transparency in City Council decisions. Although this legislation encourages a culture of transparency, it does not require but does encourage agencies to disclose their use of algorithmic tools or automated decision-making systems. The BMC Chapter 2.99[83] Surveillance Technology Use and Community Safety Ordinance governs the City's purchase and use of surveillance technology, mandating an annual assessment and a Surveillance Impact Report. Initiatives for Equity and Inclusion: A human advancement Action Plan and departmental equity toolkits are among the citywide pledges Berkeley has made towards human advancement and inclusion.[84] The Sustainability elements and Climate Action Plan encourage the use of data and innovation to achieve further environmental goals, such as resource optimization and smart infrastructure development. They do not, however, have any accountability or ethical standards for AI systems employed in city asset management or environmental monitoring.~~

~~Legal and Regulation~~

~~81 City of Berkeley, *Strategic Plan* (Berkeley, CA: City of Berkeley), accessed July 10, 2025, https://berkeleyca.gov/your-government/our-work/strategic-plan.~~

~~82 City of Berkeley, *Berkeley Municipal Code § 2.06 – Open Government Ordinance*, accessed June 25, 2025, https://berkeley.municipal.codes/BMC/2.06.~~

~~83 City of Berkeley, *Berkeley Municipal Code § 2.99 – Surveillance Technology Use and Community Safety Ordinance*, accessed June 25, 2025, https://berkeley.municipal.codes/BMC/2.99.~~

~~84 UC Berkeley Division of Equity & Inclusion, *Strategic Plan for Equity, Inclusion, and Diversity*, accessed June 25, 2025, https://diversity.berkeley.edu/about/strategic-plan.~~

~~At the federal level, legislative riders in the Consolidated Appropriations Act[85] bar the regulation of Artificial Intelligence systems for a period of ten years. Local governments retain the authority to govern internal procurement, operational oversight, and staff adoption of AI systems, particularly when framed as an exercise of municipal self-governance rather than market regulation.~~

~~This proposed framework prioritizes civil liberties, public trust, and human oversight to provide Berkeley with a clear legal pathway to adopt internal standards for responsible AI use for all concerned about federal preemption. Such policies must avoid language that creates de facto regulation of the private sector, and instead anchor AI oversight in procurement discretion, ethical review, and internal use controls.~~

~~Other jurisdictions have begun to act within similar legal confines. San Francisco's Surveillance Technology ordinance requires board approval and public disclosure of algorithmic tools.[86] Seattle maintains an AI Use Policy with transparency mandates and bias testing requirements.[87] Boston has adopted algorithmic accountability principles and is piloting an AI audit framework for public-facing systems.[88]~~

Context at the State and Federal Level

California Consumer Privacy Act (CCPA): Provides baseline privacy rights for California residents, including the right to access, delete, and opt out of the sale of personal data. While not designed for municipal use cases, its principles inform best practices for consent, transparency, and data minimization in AI deployment.[89]

Automated Decision Systems Accountability Act (AB 2930): The **Automated Decision Systems**

~~85 U.S. Congress, *Consolidated Appropriations Act, 2023*, H.R. 2617, 117th Cong., 2022, https://www.congress.gov/bill/117th-congress/house-bill/2617/text.~~

~~86 San Francisco Police Department, *Surveillance Technology Policies – Chapter 19B*, accessed June 25, 2025, https://www.sanfranciscopolice.org/your-sfpd/policies/19b-surveillance-technology-policies.~~

~~87 City of Seattle, *Artificial Intelligence Policy (POL211)*, October 2023, https://www.seattle.gov/documents/departments/tech/privacy/ai/artificial_intelligence_policy-pol211%20-%20signed.pdf.~~

~~88 City of Boston Interim Guidelines for Using Generative AI /https://www.boston.gov/sites/default/files/file/2023/05/Guidelines-for-Using-Generative-AI-2023.pdf~~

89 California Department of Justice, *California Consumer Privacy Act (CCPA)* 5, https://oag.ca.gov/privacy/ccpa.

Accountability Act (AB 2930) is proposed California legislation that would require government agencies to assess the risks and impacts of automated decision systems (ADS) used in public services. It mandates transparency, equity analysis, and documentation of how such systems affect individuals, particularly in high-stakes areas like housing, healthcare, education, and public safety. Agencies would be required to conduct impact assessments, mitigate potential harms, and disclose the use and function of these systems to the public.

In alignment with AB 2930, the City of Berkeley could proactively collaborate with the **California Office of Data and Innovation (ODI)** to ensure that local AI deployments meet the highest standards of transparency, equity, and ethical oversight. This partnership would support Berkeley's efforts to pilot responsible AI practices, contribute to statewide standards, and share best practices for municipal implementation of ADS accountability frameworks.

~~**Federal Appropriations Rider (Consolidated Appropriations Act, FY2024)**[90]**:** Prohibits federal agencies from promulgating binding AI regulations for a period of ten years. This federal limitation underscores the importance of local governance discretion for internal AI use, procurement standards, and transparency practices, so long as municipalities avoid preemptive regulatory activities affecting the private sector.~~

~~**Programmatic Landscape and Departmental Readiness**~~

~~Several departments, including Planning, Public Works, Finance, and Health, Housing & Community Services, have initiated AI pilot projects without centralized review, procurement guidance, or standardized performance metrics. A coordinated framework would be necessary to ensure coherence with City priorities.~~

~~Current procurement policies do not include requirements for algorithmic transparency, independent audits, or ethical certification. Social advancement and environmental criteria are not yet incorporated into vendor evaluation.~~

~~This legislative proposal addresses these gaps by integrating AI-specific standards into existing governance infrastructure, aligning the City's practices with state and national best practices, and~~

~~90 U.S. Congress, "H.R. 4366—Consolidated Appropriations Act, 2024," 118th Congress, Public Law No. 118-42 (enacted March 8, 2024), accessed July 14, 2025, *Congress.gov*~~

reaffirming Berkeley's commitment to equity, innovation, and institutional accountability in the digital age.

Nothing in this policy shall be construed to impose obligations on, or regulate the activities of, private persons or entities; this policy governs only the internal operations, procurement, and service delivery of the City of Berkeley. The City should operate in its own capacity and would not implement regulations affecting the private sector.

ACTIONS/ALTERNATIVES CONSIDERED

1. No Formal Action (Status Quo)

Under this alternative, City departments would retain full discretion to experiment with AI tools without adopting centralized standards, procurement guidance, or oversight mechanisms. This approach was not recommended due to several risks and limitations. Relying on uncoordinated implementation increases the City's exposure to legal, reputational, and civil rights risks, particularly where technologies lack transparency or appropriate review. The absence of a unified framework may also result in missed opportunities to enhance operational efficiency, public trust, and vendor accountability. In addition, decentralized practices could lead to inconsistent or inequitable outcomes, and without formal compliance mechanisms, departments may fail to meet the City's existing equity, labor, and privacy commitments.

2. Internal Administrative Policy Only (Without Council Adoption)

Issuing a City Manager–level administrative directive establishing internal guidelines for AI procurement and deployment, without enacting a formal ordinance.

While potentially faster to implement, this approach was not selected because it would lack legal force, visibility, and the ability to guide Council-controlled procurement decisions formally. It would not be subject to transparency, public engagement, or democratic accountability afforded by legislative action. It may be insufficient to incentivize vendor compliance or align cross-departmental practices without the backing of the Council.

3. External, Non-Proprietary Certification Frameworks

The recommended legislative approach reflects a deliberate referral to non-exclusive, nationally or internationally benchmarked AI ethics certification frameworks administered by one or more qualified, non-profits, third-party organizations with a proven record of public interest work.

Rather than developing city-specific standards in isolation, jurisdictions like the City of Berkeley could refer to these operational models to ensure ethical consistency, transparency, and interoperability across regions.

In Europe, the European Commission's High-Level Expert Group on AI published the *Ethics Guidelines for Trustworthy AI*, which emphasize seven key principles: human agency, privacy, transparency, diversity, non-discrimination, societal well-being, and accountability. These guidelines form the basis for voluntary conformity assessments and independent evaluation mechanisms for AI systems, positioning ethics certification as a cornerstone of responsible AI governance[91]. Furthermore, the EU's roadmap toward AI regulation includes provisions for third-party assessment bodies to certify high-risk systems based on fundamental rights and ethical impact[92].

In the United States, several jurisdictions are also moving toward frameworks that leverage external oversight and independent validation. New York City requires independent bias audits of automated employment decision tools under Local Law 144, creating one of the first enforceable mandates for third-party evaluation of AI systems.[93] In California, the proposed *Automated Decision Systems Accountability Act (AB 331)* would require impact assessments and risk documentation that align with emerging standards developed by non-governmental organizations.[94] Seattle's AI Use Policy calls for bias testing and transparency reviews informed by national ethical frameworks developed by groups like IEEE and the Algorithmic Justice League.[95]

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91 European Commission High-Level Expert Group on AI, *Ethics Guidelines for Trustworthy AI*, 2019. Source: https://digital-strategy.ec.europa.eu/en/library/ethics-guidelines-trustworthy-ai
European Parliamentary Research Service, *Artificial Intelligence: How does it work, why does it matter, and what can we do about it?*, 2019, pp. 6–9. https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/640163/EPRS_BRI(2019)640163_EN.pdf

92 bid., pp. 9–10. Certification bodies are expected to be impartial, nonprofit, and subject to oversight under the proposed EU AI Act.

93 NYC Local Law 144 of 2021. *Bias Audits for Automated Employment Decision Tools.* https://www.nyc.gov/assets/dca/downloads/pdf/about/LL144-Rule-Text-Clean-Copy.pdf

94 California Assembly Bill 331 (2023), *Automated Decision Systems Accountability Act.* https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB331

95 City of Seattle, *Artificial Intelligence Policy POL-211*, 2023. https://www.seattle.gov/documents/Departments/Tech/Privacy/AI/artificial_intelligence_policy-pol211%20-%20signed.pdf

~~A berkeley specific framework is good because it avoids naming or branding a specific organization, ensuring legal neutrality and long-term adaptability; Prevents the emergence of opportunistic vendor-specific alternatives tailored solely to Berkeley, which could fragment oversight or reduce certification rigor; Preserves the City's procurement discretion while reinforcing equity, transparency, environmental responsibility, and civil liberties protections; Leverages economies of scale and interjurisdictional alignment without increasing internal administrative burdens.~~

~~4.1. Partial Implementation via Voluntary Departmental Guidelines~~

~~Finally, an incremental approach based on departmental opt-in or voluntary compliance was considered. This option was rejected on the basis that it would fail to establish uniform standards across the City Departments, which lack legal, equity, or technical expertise, might adopt inadequate or inconsistent safeguards. Public-facing impacts of AI, such as in housing, enforcement, or emergency response, require explicit procedural guarantees and cross-agency accountability.~~

ENVIRONMENTAL SUSTAINABILITY

The proposed resolution could advance~~s~~ Berkeley's environmental sustainability and climate resilience goals by guiding the ethical and strategic use of artificial intelligence (AI) within city operations. AI can support emission reductions, infrastructure efficiency, and climate adaptation through applications like smart energy management, predictive climate analytics, and digital permitting for green infrastructure. The framework ensures that these tools are deployed in alignment with the City's Climate Action Plan and Resilience Strategy, while centering on environmental justice and equitable access to environmental data.

Recognizing AI's substantial resource demands, particularly from energy-intensive model training and data processing, the resolution includes measures to assess and mitigate the environmental footprint of high-computation systems. Vendors should disclose projected energy usage and emissions, and the City should favor cloud-native, carbon-conscious, and open-source solutions that minimize resource consumption. These safeguards ensure that Berkeley's use of AI enhances, rather than undermines, its long-term environmental and equity commitments.

PROJECTED FISCAL OUTCOMES WITH AI

The fiscal impacts of implementing the proposed Artificial Intelligence (AI) governance resolution are expected to be moderate and manageable within existing departmental budgets, particularly in the early phases. The proposal is designed to leverage existing staff capacities, align with current procurement and digital modernization practices, and utilize external certification infrastructure rather than creating new regulatory bodies or bespoke municipal frameworks.

Artificial Intelligence should be considered for its potential to help staff workload and operational costs by automating routine tasks and streamlining service delivery. Establishing ethical safeguards, workforce protections, and oversight mechanisms may demand upfront time and coordination, but doing so is essential to ensure that AI deployment aligns with City values and avoids unintended harm.

~~The fiscal impacts of implementing the proposed AI governance resolution are expected to be moderate and manageable within existing departmental budgets, particularly during the initial phases of implementation.~~ Short-term costs primarily involve staff time for compliance integration, legal review, and development of an AI Use Registry, activities that could be absorbed through existing resources or targeted grants.
~~The formation of an advisory group and the development of a public registry may require limited administrative support.~~ Over the mid-term, minor capacity adjustments may support equity reviews and staff training.

Long-term benefits are anticipated through improved operational efficiency, enhanced revenue recovery, reduced legal exposure, and increased access to external innovation funding.

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ATTACHMENTS AND MATERIALS

1. Resolution

ATTACHMENT 1

Resolution establishing "The Berkeley Rule" artificial intelligence framework and vision to maximize public benefit through innovation and accountability.

WHEREAS, Artificial Intelligence (AI) technologies offer transformative potential ~~to improve~~ to improve the lives of residents, enhance municipal services and operational efficiency, and support data-driven policymaking within the City of Berkeley; and

WHEREAS, responsibly deployed AI could~~can~~ streamline service delivery, reduce bureaucratic friction, improve emergency response, and enhance infrastructure resilience, while ensuring alignment with Berkeley's values of transparency, sustainability, and social advancement; and

WHEREAS, the City acts solely in its proprietary capacity as a municipal service provider and market participant, exercising discretion over its own procurement, deployment, operations, and service delivery, and does not regulate or impose obligations on private-sector or individual uses of AI outside of City contracts or activities; and

WHEREAS, the City recognizes the risks associated with AI, including algorithmic bias, privacy violations, and procedural opacity, and is committed to mitigating these risks through ethical oversight, transparency, and public accountability; and

WHEREAS, the City of Berkeley should considerseeks to establishing "The Berkeley Rule," a comprehensive framework for the ethical adoption, procurement, deployment, and oversight of AI systems, ensuring alignment with Berkeley's strategic goals and community values; and

WHEREAS, "The Berkeley Rule" incorporates the following principles to guide the use of Artificial Intelligence systems in municipal operations:

1. *Put Residents First*: Centering AI use on serving the health, safety, prosperity, and well-being of residents by improving access to essential services, reducing bureaucratic friction and eliminating unnecessary expense.

2. *Modernize City Services*: Leveraging AI with human oversight to upgrade service delivery. Ensure fairness and reliability by enhancing efficiency, responsiveness, and accessibility in City operations, including 311 services, permitting, and faster emergency response.

3. *Empower the Community*: Establish an AI Oversight Advisory Group of diverse stakeholders to ensure ethical use, with public reporting, a Digital Ombudsman to support algorithmic review and redress, and an AI Sandbox to test new tools with community input, foster learning, and spark innovation and entrepreneurship.

4. *Ensure Transparency and Accountability*: Develop a public AI Use Registry to provide residents accessible information about AI systems, their purpose, data use, and oversight mechanisms.

5. *Standardize Operations*: Strengthening AI governance through centralized inventory management, streamlined procurement procedures, uniform oversight protocols, and adherence to robust cybersecurity and compliance standards, and rapid communication, to ensure responsible, transparent, and equitable adoption of AI systems.

6. *Certify Ethical Use*: Collaborating with independent organizations to establish AI ethics certification programs, ensuring voluntary vendor compliance with principles of fairness, transparency, environmental responsibility, and the preservation of humanity.

7. *Protect and Prepare Our Workforce*: Ensure that City employees grow alongside technological change by requiring Workforce Impact Statements for AI systems, providing retraining opportunities, and empowering existing workers via AI adoption.

8. *Defend Civil Liberties*: Build community trust, protect privacy, due process, and individual freedom. Prohibit unchecked surveillance, ban martial force, ensure residents control their data, encouragerequire privacy impact assessments, and guarantee that all enforcement-related AI includes human oversight and the right to rapid appeal.

9. *Social Advancement and Accessibility*: Ensure AI expands opportunity and representation, reflecting the needs of all residents. EncourageRequire equity risk evaluations for high-impact

systems, pro-actively address harms and disparities, and design accessible tools through inclusive, community-led processes.

10. *Catalyze Civic Wealth*: Harness AI to optimize non-regressive revenue streams and spark new civic economies through municipal entrepreneurship. Generate public wealth for community reinvestment and deliver material benefits to all residents.

NOW, THEREFORE, BE IT RESOLVED, that the City of Berkeley affirms its values of~~commitment to~~ ethical, aligned, and transparent AI use by encouraging~~adopting~~ "The Berkeley Rule," a municipal AI Framework for consideration ~~use policy~~ that prioritizes commitment to innovation in service of liberty, dignity, and the public good. ~~and , public benefit., and accountability, and be it,~~

~~**FURTHER RESOLVED,** that the Risk-Based Tiering Framework to classify AI systems as Low, Medium, or High-Risk based on their potential public impact, ensuring that the oversight and procedural requirements scale with the level of risk is established; and be it~~

~~**FURTHER RESOLVED,** that the Berkeley City Council shall refer to the City Manager to consider creating an AI Working Group composed of representatives from all departments to foster interdepartmental collaboration, providing the internal expertise needed to create workable use cases and practices and providing support in developing and implementing the City's AI policies; and be it~~

~~**FURTHER RESOLVED,** that the Berkeley City Council shall direct the City Manager to, on behalf of the City of Berkeley, join the Government AI (GovAI) Coalition and explore adoption of coalition toolkits and practices, including City AI use inventory, public vendor factsheets, standardized risk and impact assessments, model procurement and contracting language, and staff training.~~

04

Brent Blackaby
Councilmember District 6

CONSENT CALENDAR
December 2, 2025

To: Honorable Mayor and Members of the City Council

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

Subject: Setting Measurable Goals and Metrics for Key City Priorities

RECOMMENDATION

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

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

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

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

FINANCIAL IMPLICATIONS

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

CURRENT SITUATION AND ITS EFFECTS

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

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

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

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

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

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No direct environmental impact.

CONTACT PERSON

Councilmember Brent Blackaby Council District 6 510-981-7160

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Internal

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

ACTION CALENDAR
SEPTEMBER 24 2025

Health, Life Enrichment, Equity, and Community

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Large Vehicle Parking Regulations in the Public Right-of-Way

RECOMMENDATION
That the City Council:

1. **Refer to the City Attorney and City Manager a Review of Amendments to the Berkeley Municipal Code (BMC) 12.98** to ensure the language authorizes the abatement of abandoned vehicles creating public health and safety nuisances in the public right-of-way, clarify the definition of "abandoned" vehicle, and increase the City Manager's discretion in the establishment of abatement timelines.

2. **Refer to the City Manager** the study of recently adopted legislation across the nine-county Bay Area regarding the management of long-term large vehicle parking in the public right-of-way. Based on this study, staff shall return to the City Council with draft policy and enforcement recommendations that are:

    a. Regionally consistent;

    b. Aligned with the City of Berkeley's environmental, housing, and transportation priorities;
    c. Reflective of the City's ability to enhance the impact and scale of its coordinated alternative housing initiatives via participation in a county-wide RV parking program or joining a comparable program maintained in a neighboring

jurisdiction; and

d. Operationally feasible given available outreach, enforcement, financial constraints, and site capacity.
    i. Including an examination of geographically targeted parking restrictions in high-sensitivity areas such as:
        a. **Manufacturing and industrial zones** designated by an "M" zoning classification; and

        b. **Environmentally sensitive water resources**, including but not limited to open lagoons, riparian corridors, and critical stormwater infrastructure,

3. **Refer to the City Attorney** review of the policies drafted in response to Referral 2, to ensure legal feasibility.

4. Additionally, the City Council requests that the City Attorney and City Manager provide clarity and guidance on how the city's encampment resolution policy intersects with the Berkeley Municipal Code in the absence of shelter availability.

5. Further that the City Council clarify for the City Manager that City Council Resolution No. 71,155-N.S., "Extension of Declaration of Homeless Shelter Crisis," applies to the procurement of contracts pursuant to BMC 12.98.040(A) for vehicles formerly used as shelter by people experiencing homelessness who have moved indoors or who have otherwise discontinued using the vehicle as shelter.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley continues to experience persistent long-term parking and habitation of oversized vehicles—particularly recreational vehicles (RVs)—in commercial, industrial, and residential rights-of-way. While often used as shelter in response to regional housing pressures, these vehicles frequently lack proper waste containment and maintenance, creating recurring public health, safety, and environmental hazards. Their sustained presence in proximity to sensitive infrastructure—such as storm drains, riparian corridors, freight routes, and schools—

has revealed critical limitations in the City's existing regulatory framework, particularly under BMC Chapters 12.98 and 12.96.

Limitations in BMC Chapter 12.98 – Abandoned, Dismantled, or Inoperative Vehicles

Chapter 12.98 is intended to authorize the abatement of abandoned, dismantled, or inoperative vehicles as public nuisances. However, two key structural issues constrain its effectiveness in addressing large vehicles in the public right-of-way:

- **Definitional Gap (§12.98.010):**
  The current definition of "abandoned vehicle" applies only to those located on private property. As written, it excludes vehicles in the public right-of-way—precisely where the most acute nuisances now occur. This omission restricts the City's ability to proactively classify and abate abandoned vehicles that obstruct emergency access, block industrial loading areas, or degrade environmental corridors. Amending the definition to include vehicles left in the public right-of-way, in alignment with State Vehicle Code provisions, would better reflect urban land use conditions and enforcement needs.

- **Procedural Delay (§12.98.040(F)):**
  The code currently requires an additional 15- to 30-day waiting period after a nuisance vehicle has already been noticed and declared, even though no such delay is required under California Vehicle Code §§ 22660–22669. This provision slows the City's response to pressing hazards, including vehicles leaking hazardous fluids or impeding traffic circulation. To enable flexible and timely enforcement, this extension should either be eliminated or made discretionary under the authority of the City Manager or their designee.

Environmental and Stormwater Risks – BMC Chapter 17.20

BMC Chapter 17.20 prohibits the discharge of non-stormwater waste—including sewage, graywater, trash, and automotive fluids—into the City's storm drain system, which ultimately flows untreated into San Francisco Bay. Long-term RV encampments often generate such discharges, resulting in violations that directly compromise the integrity of Berkeley's stormwater infrastructure and ecological assets. Field observations have documented:

- Graywater and blackwater dumped into gutters and curbs;
- Oil and fuel leaks from inoperable vehicles;
- Accumulated trash and biohazardous waste near storm drains and creek edges.

These violations threaten the health of downstream environments such as Aquatic Park Lagoon, Codornices and Strawberry Creeks, and the Bay shoreline, and pose compliance risks under the City's NPDES permit administered by the Regional Water Quality Control Board.

Enforcement Fragmentation and Strategic Limitations

In the absence of zoning-based parking regulations for oversized vehicles, enforcement remains largely reactive and complaint-driven, rather than anticipatory or risk-based. This patchwork response undermines the City's ability to address overlapping concerns of public health, infrastructure degradation, and environmental compliance.

To effectively manage the externalities of long-term vehicular habitation in the public right-of-way, Berkeley requires a modernized vehicle enforcement protocol that:

- Recognizes the public right-of-way as a valid enforcement domain;
- Enables timely abatement based on environmental and safety risk;
- Complements stormwater protections under Chapter 17.20;
- And supports integrated policy responses that balance environmental justice, housing services, and infrastructure stewardship.

Encampment Impacts and the City's Resolution Framework

Berkeley continues to experience substantial overnight and long-term RV parking in mixed-use and residential districts, often adjacent to critical public infrastructure and ecological resources. While many individuals and families turn to RVs as a shelter in response to housing insecurity and market pressures, the vehicles' unregulated and prolonged presence in sensitive areas has triggered significant concern from residents, public health professionals, emergency responders, environmental advocates, and local business communities. Key impacts identified include environmental degradation from illegal waste disposal, obstruction of fire and emergency access routes, impeded access to schools, parks, and recreational areas, and unpermitted habitation adjacent to vulnerable ecological zones such as creeks, wetlands, and the shoreline.

In response to these intersecting challenges, the City of Berkeley adopted its Encampment Resolution Policy, Resolution No. 71,513-N.S., in September 2024. This resolution establishes a trauma-informed, service-oriented approach to resolving encampments grounded in outreach, individualized assessment, and housing and health services connections. It includes specific criteria enabling nuisance declaration and abatement action without prior shelter offers under the

following conditions: The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, BMC Chapter 19.48; or

● The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or

● The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or

● The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or

● The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or

● The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair

Economic Profile of West Berkeley's Industrial and Commercial Sectors

The West Berkeley Plan Area remains one of Berkeley's most economically productive districts, home to a unique concentration of industrial, maker, commercial, and innovation-oriented uses. This area has long served as a critical node for middle-wage employment, regional goods movement, and tax revenue generation—functions increasingly rare in the urban core of high-cost cities.

Recent trends in business activity and real estate markets reaffirm the strategic value of the West Berkeley economic ecosystem. According to the City of Berkeley's FY 2023–24 Adopted Budget, the manufacturing and commercial sectors in West Berkeley contributed over $6.2 million in business license tax revenues and more than $9 million in direct and indirect sales tax. These figures represent a substantial share of the city's general fund revenue, underscoring the fiscal importance of maintaining a viable industrial and commercial base. Furthermore, the area's industrial real estate continues to exhibit high occupancy rates and steady demand across key sectors—including advanced manufacturing, logistics, and food production—despite volatility in the broader regional office market.

Zoning designations such as Mixed Use Light Industrial (MULI), Mixed Manufacturing (MM), Mixed Use Residential (MUR), and Commercial West Berkeley (C-W) support a dense and

productive co-location of diverse economic activities. This regulatory framework has enabled a synergistic environment in which clean-tech firms, construction suppliers, artisan manufacturers, and logistics operators coexist with limited conflict. Comparative analysis of analogous industrial zones in nearby East Bay cities—including Emeryville, Richmond, and Fremont—reveals that Berkeley's West Berkeley Plan Area remains one of the few urbanized industrial nodes that still integrates light manufacturing with residential proximity and multimodal infrastructure. However, these advantages are increasingly jeopardized by inconsistent public space management and emerging logistical barriers.

One of the most pressing threats to the vitality of West Berkeley's economy stems from the proliferation of unmanaged, long-term RV encampments in the public right-of-way. These encampments compromise the area's foundational infrastructure by obstructing freight access, diminishing the safety and cleanliness of commercial corridors, and deterring both workforce retention and customer access. Public health and environmental hazards—including uncontained waste, vector risks, and fire incidents—further compound the operational challenges facing businesses.

If unaddressed, these conditions are likely to catalyze disinvestment, commercial tenant attrition, and the relocation of growth industries to nearby municipalities with more stable and predictable industrial environments. As the East Bay's life sciences and clean manufacturing sectors expand—with cities such as Richmond and Alameda actively courting firms through infrastructure investment and incentive alignment—Berkeley risks losing its competitive foothold in precisely those industries that align with its equity, sustainability, and climate goals.

From a policy perspective, the economic imperative is clear: to maintain and grow its commercial tax base, the City of Berkeley must ensure that industrial corridors remain accessible, safe, and operationally viable. Addressing hazards in the public right-of-way is not merely a quality-of-life issue—it is a core requirement for sustaining economic development, protecting municipal revenue, and preserving employment opportunities for a diverse resident workforce.

Risks and Threats to Economic Activity in West Berkeley: Structural Impacts of Long-Term RV Encampments

The protracted presence of long-term recreational vehicle (RV) encampments within West Berkeley's public rights-of-way introduces a complex array of structural threats to the region's manufacturing and commercial sectors. These hazards not only impede day-to-day business operations but also undermine Berkeley's regional economic competitiveness and fiscal sustainability.

1. Logistical Disruptions and Functional Erosion of the Public Right-of-Way

The spatial configuration of West Berkeley's industrial zones—characterized by wide arterials, freight access corridors, and industrial loading infrastructure—was intentionally designed to support high-throughput logistical operations. Key economic sectors relying on this infrastructure include:

- **Advanced manufacturing and clean-tech enterprises** require predictable access for the movement of large-scale equipment and precision components.

- **Construction suppliers, warehousing operations, and logistics firms**, whose profitability hinges on just-in-time delivery and curbside loading efficiency;

- **Small- and medium-scale food producers and specialty manufacturers,** which are especially sensitive to last-mile delivery challenges.

Observed Impacts:

- **Encroachment on Freight and Loading Zones**: The occupation of curb space and loading areas by RVs, trailers, and associated structures has materially disrupted freight scheduling and operations, resulting in costly delays and rerouted deliveries.

- **Circulation Constraints**: Industrial vehicles face increased difficulty navigating narrowed lanes and compromised turning radii, particularly on arterials such as Ashby Avenue and Sixth Street.

- **Deterioration of Business Accessibility**: Employees, customers, and suppliers report decreased willingness to travel through or work in areas perceived as unsafe or congested.

These disruptions incrementally diminish the functional capacity of West Berkeley's industrial ecosystem, eroding a critical competitive advantage in the East Bay's economic geography.

2. Public Health and Environmental Degradation

The absence of sanitation infrastructure and regulatory oversight for long-term vehicle dwellings has precipitated a range of environmental and public health risks with direct spillover effects on commercial and manufacturing uses.

- **Sanitation and Waste Management Failures**: Illicit discharge of human waste, greywater, and solid refuse into the right-of-way has been frequently reported by adjacent

businesses, exacerbating public health liabilities.

- **Fire and Vector Hazards**: Improvised power supplies, open-flame cooking, and uncontained waste create significant risks of fire and disease vectors. Fire department records have documented multiple incidents originating in or proximate to encampments, with some requiring industrial business evacuation.

- **Occupational and Traffic Safety Compromises**: Narrowed rights-of-way and unpredictable foot traffic patterns introduce elevated risk for industrial vehicle operators, particularly in facilities utilizing forklifts, cranes, and heavy-duty trucks.

The cumulative effect of these environmental hazards not only jeopardizes worker health and safety but also complicates compliance with occupational safety regulations and insurance underwriting standards.

3. Economic Displacement and Commercial Tenant Attrition

The prolonged visibility and unmanaged nature of encampments have materially affected market perception of the area's stability, diminishing the attractiveness of West Berkeley for new investment and business retention.

- **Tenant Flight and Lease Non-Renewals**: Property owners report increased vacancy rates and prospective tenant withdrawals linked explicitly to concerns over access, sanitation, and employee security.

- **Suppressed Capital Investment**: Several businesses have shelved capital improvements or expansion initiatives due to concerns about persistent public safety risks in the surrounding area.

- **Depreciation of Asset Values**: The proximity of high-visibility encampments has demonstrably undermined commercial real estate valuations, with implications for both private investment returns and municipal property tax revenue.

These dynamics significantly impair the area's ability to compete with peer cities such as Emeryville and Richmond, both of which are actively investing in the stabilization and enhancement of their industrial districts.

4. Fiscal and Strategic Opportunity Costs

West Berkeley constitutes one of the few remaining zones in the city capable of supporting high-value industrial and commercial activities that are aligned with Berkeley's climate resilience and economic equity goals. These include:

- **Green technology manufacturers** and firms in the circular economy;
- **Food innovation and production enterprises**;
- **Craft and light manufacturing businesses** that generate stable, middle-wage employment.

The inability to safeguard the operational viability of these sectors entails steep opportunity costs, including:

- **Revenue Foregone**: Decreases in business license tax, sales tax, and property tax contributions from this area weaken the city's overall fiscal health. West Berkeley's commercial and manufacturing businesses generated over $6.2 million in business license tax revenue and over $9 million in direct and indirect sales tax contributions in FY 2023–24, representing a critical component of the general fund.
- **Employment Displacement**: Declining job stability in middle-skill, non-degreed career paths undermines citywide equity objectives.
- **Loss of Economic Multipliers**: Ancillary services, suppliers, and innovation networks suffer collateral impacts, further eroding the city's economic resilience.

Comparative Market Dynamics in the East Bay

West Berkeley faces intensifying competition from nearby municipalities—such as Emeryville, Richmond, and Fremont—that are actively cultivating high-value industrial uses, particularly in the life sciences, green tech, and advanced manufacturing sectors. These cities have made targeted infrastructural investments and streamlined permitting pathways to attract firms engaged in R&D-intensive or logistics-heavy operations.

For example, Emeryville has successfully repositioned former industrial parcels for biotech and life sciences uses, offering stable utilities, enhanced public realm amenities, and predictable regulatory frameworks. Richmond's South Shoreline Specific Plan explicitly promotes clean

tech and blue economy clusters, complemented by strategic infrastructure upgrades. By contrast, Berkeley's lack of coordinated right-of-way management in industrial corridors may increasingly function as a disincentive to new and retained investment.

Infrastructure, Safety, and Access as Competitive Determinants

A central policy implication is the inextricable linkage between physical infrastructure maintenance—including the condition and accessibility of the public right-of-way—and economic competitiveness. Industrial enterprises require predictable and secure access for freight delivery, workforce commuting, and client interaction. The proliferation of long-term recreational vehicle (RV) encampments—absent sufficient regulation, enforcement, or service provision—has degraded these conditions in West Berkeley, producing significant spatial, logistical, and safety conflicts.

The resultant degradation in logistical efficiency and occupational safety exposes firms to heightened insurance costs, regulatory compliance challenges, and increased turnover risk. Moreover, perceived instability in the public realm discourages private sector capital investment, driving business migration to better-managed jurisdictions.

New Legislative and Regional Policy Context

In addition to local trends, emerging state and regional policies underscore the need for Berkeley to establish a consistent, enforceable framework governing long-term vehicular habitation in sensitive urban areas.

San Francisco: Mayor Lurie's Executive Policy on RV Parking (2025):

Mayor Daniel Lurie announced a new set of RV parking restrictions in May 2025 aimed at curbing long-term vehicular encampments near schools, parks, hospitals, and critical infrastructure. Under San Francisco's policy, RVs may not remain parked for more than 72 consecutive hours in designated sensitive zones, with signage and outreach teams deployed in advance of enforcement. In coordination with the Department of Homelessness and Supportive Housing (HSH), RV residents are offered relocation to designated safe parking lots operated by community-based organizations. The program emphasizes behavioral standards, vehicle operability, and compliance with public health guidelines. The City also expanded its vehicle triage capacity to support relocation and case management. San Francisco's approach mirrors many of Berkeley/s current policy approaches and affirms the legal and practical viability of a layered, service-first enforcement model.

In addition to San Francisco's policy, recent municipal laws in neighboring East Bay cities demonstrate a regional trend toward regulated RV parking and associated encampment management:

San Jose

- In 2024, San Jose adopted ordinances prohibiting RV parking and unsheltered encampments within 150 feet of K–12 schools, formally designating these areas as "School Clearance Zones." The policy authorizes enforcement actions, including towing, following prior outreach and service offers by the City's Housing Department and contracted outreach teams. This ordinance was part of a broader municipal strategy to mitigate health and safety impacts near educational institutions and aligns with San Jose's citywide encampment management protocol

- In June 2025, the San José City Council adopted a "vanlording" ordinance prohibiting the rental or subleasing of unregistered, non-operational, or unsafe recreational vehicles to unhoused individuals. Under the ordinance, recreational vehicles used as dwellings may not be parked or inhabited on public streets or private property, regardless of lease arrangements. The law, codified as Ordinance No. 31226, will take effect in August 2025, and is designed to combat predatory rental practices and mitigate associated health and safety hazards.

- As part of its broader vehicle habitation response strategy, San José operates a $3.3 million pilot enforcement program that establishes rotating tow-away zones and permanent no-parking areas in high-impact corridors. This program is coupled with the provision of 128 safe parking spaces, dispersed across municipal and nonprofit-managed lots.

Fremont

- In late 2024, the Fremont City Council adopted an ordinance imposing a 72-hour parking limit for all vehicles citywide, coupled with a categorical ban on RV parking in residential neighborhoods and within proximity to schools and places of worship. Upon reaching the 72-hour threshold, vehicles must relocate a minimum of 1,000 feet to comply with the ordinance.

- Fremont has enacted one of the Bay Area's most stringent anti-camping ordinances, which criminalizes unauthorized public camping and imposes penalties on third parties who facilitate or support encampments. While enforcement is framed as a measure of last resort, it is preceded by documented outreach and service offers in alignment with the City's stated policy of compassionate compliance.

Oakland

➢ In November 2021, the Oakland City Council enacted Ordinance No. E-13-011, ingrained in Chapter 5.72 of the Oakland Municipal Code. The ordinance authorizes the

occupancy of one recreational vehicle (RV) on private undeveloped residential property, provided the property owner grants permission and the occupant obtains a Temporary RV Occupancy Permit:

- The RV must be located in a zoning district that permits residential use and comply with residential setback requirements (e.g. typically 6 feet from structures and property lines).
- Only one RV per parcel is allowed.
- Residential safety, sanitation, and utility standards must be met: evidence of water supply and sewage disposal (e.g. a sewer hookup or regular sanitary pump service), electrical access (solar preferred), structural integrity, smoke detectors, and clean maintenance compliant with Oakland's blight code.
- Permits are valid for up to 12 months, renewable, and not considered permanent land-use entitlements.
- At the same time, Oakland continues structured safe parking and managed encampment programs, enforcing restrictions near schools, parks, and hospitals through its Encampment Management Team.

San Leandro

- In San Leandro, Municipal Code § 6-1-430 establishes a strict prohibition on overnight street parking of oversized motor vehicles—defined as those exceeding 20 feet in length, 7 feet in height, or 10,000 lb gross vehicle weight—within residential zoning districts from 2:00 a.m. to 6:00 a.m.. Off-street parking restrictions require oversized vehicles to be located at least 20 feet from front or street-side yards and fully clear of the public sidewalk, with no portion extending over the public way. Only one oversized vehicle is allowed per parcel. The City may grant limited hardship exemptions (maximally 72 hours per instance), subject to annual caps, as authorized by the City Manager.

Policy Implications for Berkeley

Collectively, these municipal ordinances reflect a growing regional consensus on best practices for managing vehicle habitation in the public right-of-way. Core elements include:

- **Acknowledging impacts to sensitive zones** around schools, parks, and environmentally sensitive infrastructure;

- **Implementing time-limited parking regulations** with enforceable relocation and towing provisions;

- **Prohibiting predatory rental or subletting of unsafe or non-compliant vehicles** to unhoused individuals; and

- **Pairing enforcement with structured safe parking programs and service-linked outreach.**

For Berkeley, alignment with these regionally validated frameworks would enhance legal defensibility, operational consistency, and interjurisdictional coordination. A calibrated policy that blends environmental protection, economic stewardship, and compassionate enforcement can ensure both the ethical integrity and functional viability of the City's response

BACKGROUND

Berkeley's Evolving Program and Service Landscape

Berkeley's homelessness response system has undergone significant transformation over the past five years, marked by sustained investment, program diversification, and institutional coordination with county and state systems. According to the July 29, 2025 City Council Worksession report titled *Comprehensive Summary of Berkeley's Homeless Response*, the City's homeless services network has significantly expanded its housing placement infrastructure, outreach capacity, and behavioral health partnerships.

Key highlights from the report include:

- **Housing Placements and Retention:** In FY 2024–25, the City supported permanent housing placements for over **610 individuals**, a 19% increase from the prior year. Among those placed, 85% remained housed after six months, suggesting durable support services and appropriate housing matches.

- **Outreach and Coordinated Entry:** The Homeless Response Team (HRT) increased field engagement efforts, conducting more than **3,400 contacts** with unhoused individuals. Of these, **1,120 individuals** were assessed through the Coordinated Entry System (CES), resulting in targeted referrals to housing, medical respite, and substance use treatment programs.

- **Shelter and Non-Congregate Housing:** As of mid-2025, Berkeley maintains more than **400 shelter and interim housing beds**, including non-congregate units created through Project Homekey acquisitions (e.g., Rodeway Inn, Golden Bear Inn). These units operate at near full capacity, with most residents receiving on-site case management.

- **Behavioral Health and Substance Use Services:** The City's expanded partnership with Alameda County Behavioral Health has enabled embedded clinical staff within outreach teams and launched pilot initiatives connecting high-needs RV dwellers with substance use treatment.

- **Encampment Resolution Outcomes:** Under the City's Encampment Resolution Policy (Resolution No. 71,513-N.S.), the City facilitated the closure or stabilization of **11 encampments** between July 2024 and July 2025, with more than half of the residents offered services or shelter.

The work session report emphasized the importance of strategic enforcement that prioritizes harm reduction and housing connection. It also recommended improved data integration across City departments and greater regional coordination with Alameda County, particularly in the context of growing vehicle habitation.

Taken together, these developments signal both the capacity and institutional will to implement a more structured RV management framework that incorporates housing-first principles, targeted enforcement, and coordinated intake.

Unit Acquisition

From 2021 to 2025, the City of Berkeley has executed a targeted strategy to expand non-congregate interim and permanent housing through the acquisition and conversion of motel properties. These projects are central to the City's encampment resolution and vehicle habitation response, combining state funds—principally through Project Homekey and the Encampment Resolution Fund (ERF)—with local investments from Measure P, Measure U1, and institutional partnerships such as UC Berkeley.

Collectively, these projects account for 168 units of interim and permanent housing, with all sites integrated into the Alameda County Coordinated Entry System (CES) and supported by 24/7 case management, behavioral health access, and housing navigation services.

Summary of Housing Acquisition Projects

Site Name	Address	Year	Housing Type	Units	State Funding Source	State Amount	Local/Other Source	Local Amount
Golden Bear Inn	1620 San Pablo Ave	2021	Permanent	44	Project Homekey (Round 1)	$16.2M	Measure P	$7.3M
Rodeway Inn (Interim)	1001 University Ave	2022	Interim	43	Encampment Resolution Fund (ERF)	$4.7M	UC Berkeley	$2.2M
Berkeley Inn (Beyond the Horizon)	1720 San Pablo Ave	2023	Interim	29	—	—	Measure P	$9.3M
Campus Motel	(Address not specified)	2023	Interim	23	ERF	$4.9M	Measure P	$5.0M
Rodeway Inn (Permanent Conversion)	1001 University Ave	2024	Permanent Supportive	31	Project Homekey (Round 3)	$14.1M	Measure U1	$8.5M
Capri Motel	1512 University Ave	2024	Interim	21	ERF	$5.4M	Measure P	$5.2M

Cumulative Impact

- **Total Units Created**: 191
- **Total State Investment**: $45.3 million
- **Total Local/Institutional Investment**: $37.5 million

These projects provide a spectrum of non-congregate housing interventions aligned with Berkeley's Encampment Resolution Policy (Resolution No. 71,513-N.S.) and California's housing-first mandates. Interim sites—Berkeley Inn, Rodeway (initial phase), Campus Motel, and Capri—prioritize rapid stabilization and decampment. Permanent supportive conversions—Golden Bear and the second phase of Rodeway—ensure long-term tenancy with embedded services.

Each site supports case-managed reentry into housing, employment, and health systems, contributing directly to the City's reduction in unsheltered homelessness and its broader coordinated strategy for public space management.

Concurrently, the City's Homeless Response Team (HRT) has expanded operational capacity. The team now conducts field-based assessments that directly interface with the Alameda County Coordinated Entry System (CES), enabling real-time placement into housing and services. In the preceding year, over 600 unsheltered individuals were engaged, with 34% successfully transitioning into shelter or permanent housing. Integrating behavioral health expertise, outreach navigation, and coordinated housing referrals has enhanced the city's capability to stabilize encampments and mitigate street-level homelessness.

However, the city remains a party to active litigation brought by advocacy organizations representing unhoused individuals and local property owners. These legal challenges invoke constitutional claims—including those under the Eighth and Fourteenth Amendments—as well as demands for more rigorous municipal enforcement of nuisance and safety codes. These parallel proceedings exemplify the broader legal and ethical tensions confronting municipalities throughout California as they attempt to enforce public space regulations in a manner that withstands judicial scrutiny.

The City of Berkeley dedicates over $40 million annually to homelessness programs. Funding sources include voter-approved tax measures (P and U1), federal and state housing programs, and targeted local initiatives. These resources support emergency shelter operations, transitional housing, outreach and case management services, behavioral health initiatives, and permanent supportive housing. According to 2023 performance data, the city's homelessness response network achieved a 27% rate of permanent housing placements, with service users predominantly identifying as chronically homeless, over 45 years old, and disproportionately from Black and Latino populations. These demographic insights underscore the intersectional challenges of race, aging, and health status in local homelessness policy.

Legal and Policy Context

The legal landscape for municipal encampment enforcement has shifted significantly following the U.S. Supreme Court's decision in *City of Grants Pass v. Johnson* (2025). In a 6–3 ruling, the Court held that enforcement of local anti-camping ordinances—even in the absence of adequate shelter capacity—does not, in itself, violate the Eighth Amendment's prohibition on cruel and unusual punishment. This decision effectively overturned precedent set by the Ninth Circuit in *Martin v. Boise* (2018) and grants municipalities broader authority to regulate the use of public space, including encampment abatement and vehicle habitation enforcement.

While *Grants Pass* clarified the constitutional permissibility of enforcement as it relates to the Eighth Amendment, it did not mandate any particular approach, nor did it exempt cities from potential liability under other legal doctrines, such as due process, equal protection, or state-level protections. As a result, California jurisdictions continue to navigate a complex policy environment—balancing enforcement discretion with service provision, environmental mandates, and public health responsibilities.

In this evolving context, municipalities have adopted a range of responses:

- **Fremont** operates a Vehicle Encampment Relocation Program alongside two designated safe parking sites. These are supported by coordinated entry pathways, sanitation services, case management, and structured compliance protocols.

- **San José** maintains a dedicated Encampment Management Team within its Housing Department. The team implements structured closure protocols, manages a real-time online dashboard of encampment conditions, and prioritizes enforcement near sensitive public infrastructure and waterways. The city also partners with Caltrans and VTA to manage encampments along state rights-of-way.

- **Oakland** enforces a "High Sensitivity Areas" framework, which restricts encampments near schools, parks, and hospitals. Its Encampment Management Team conducts proactive outreach, facilitates voluntary relocation, and oversees sanitation and waste removal efforts.

These models demonstrate varying degrees of integration between enforcement and housing-first principles, and provide important reference points as Berkeley calibrates its own approach in light of the *Grants Pass* decision.

Comparative Regional Models

Across the Bay Area, counties including Alameda, Contra Costa, and Santa Clara administer safe RV parking programs supported by a blend of state grant funding, local tax revenue, and philanthropic investment. These programs generally offer sanitation facilities, on-site security, case management, and clearly defined time limits. Intake prioritizes high-vulnerability populations—such as seniors, families, and individuals with chronic medical or behavioral health conditions—and typically operates within the Coordinated Entry System (CES) to ensure equitable distribution of housing resources.

A number of cities within these counties have adopted structured regulatory and service-based frameworks to address the complex challenges of RV habitation in the public right-of-way. These municipal models offer instructive precedents for Berkeley's ongoing policy development:

- **Alameda County** operates a centralized Safe Parking Program located on the Fairmont Campus in San Leandro, designed to support community members experiencing homelessness who live in their vehicles. This program offers 24-hour access to designated parking areas both overnight and during the day, providing a safer alternative to roadway parking, especially in sensitive ecological and residential areas.

  Participants are connected to critical services, including housing navigation, outreach engagement, and community re-integration support, through county-run channels like the Coordinated Entry System. Registration is required, and individuals can begin the process by calling the county's dedicated line or visiting the program website. Key features include:

  - **Location & Accessibility**: 24-hour program located at the Fairmont Campus in San Leandro.
  - **Support Services**: Participants are linked to case management, housing referrals, coordinated entry, and other supportive services via county intake staff.
  - **Registration Process**: Enrollees begin through telephone or online contact; intake protocols prioritize individualized support and fair access.

- **Santa Rosa** administers a Safe Parking Program accommodating up to 50 RVs, operated in partnership with Catholic Charities. Services include intake assessment, case management, restrooms, handwashing stations, and waste disposal. Eligibility criteria require vehicle registration and the absence of outstanding warrants. Participants must sign a code of conduct. The program operates at an estimated annual cost of $1.2 million, funded through a combination of General Fund, Homeless Housing, Assistance and Prevention (HHAP), and Emergency Solutions Grant (ESG) funds. Parking enforcement is guided by a graduated response protocol that emphasizes outreach and voluntary compliance before issuing citations.

- **Mountain View** employs a dual approach combining a Safe Parking Program with active enforcement of oversized vehicle restrictions. The City provides approximately 80 parking spaces distributed across city-owned and nonprofit-operated lots, with contracted services delivered by MOVE MV, a local outreach provider. Services include sanitation, intake assessment, and case management. Program costs approach $1.5 million annually. Enforcement efforts include a ban on oversized vehicle parking across 447 designated corridors, accompanied by signage and the authority to issue civil citations. To mitigate legal exposure, the City ensures the availability of alternative parking options and support services.

- **San Leandro** operates a permit-based Safe Parking Program supporting roughly 20 RVs, located on a city-owned lot adjacent to the Public Works Department. The program offers sanitation, electrical hookups, and regular outreach and is coordinated through a local nonprofit partner. Annual costs are approximately $600,000. The City supplements its program with targeted parking restrictions near schools and in industrial zones, enforced by traffic officers in coordination with outreach teams.

- **Fremont** integrates its safe parking services within its Human Services Department and the Fremont Family Resource Center. The program provides rotating safe parking across municipal and faith-based lots, with intake conducted by Abode Services. Participants receive wraparound services, including mental health care and housing navigation. The City allocates approximately $900,000 per year, drawing on Measure A1, HHAP, and other local funds. Fremont follows a "Compassionate Enforcement" model, prioritizing voluntary compliance and relocation assistance before issuing citations.

- **Oakland** manages RV habitation through a combination of managed encampment sites, a sanctioned “LakePoint” RV community pilot, and operations led by the Encampment

Management Team (EMT). Services include sanitation, waste removal, enforcement, and service referrals. Oakland's enforcement practices have faced litigation and public scrutiny, prompting the development of more structured and transparent alternatives. The City spends more than $4 million annually on RV site management, funded by the Encampment Resolution Fund, general fund revenues, and Measure Q. Abatement in environmentally sensitive areas is conducted only after multiple outreach attempts, in accordance with city policy.

These regional models underscore the importance of integrating enforceable parking regulation with safe parking infrastructure and service coordination, offering actionable frameworks for Berkeley's evolving approach to vehicle habitation and public space management.

RATIONALE

This recommendation advances multiple priorities articulated in the City of Berkeley Strategic Plan, directly supporting the City's commitments to:

- Environmental stewardship and climate resilience can be achieved by curbing illicit discharges into the stormwater system, preserving riparian and shoreline ecosystems, and mitigating public health risks associated with unregulated vehicular habitation.

- Housing equity and service delivery, by strengthening the City's homelessness response infrastructure and expanding pathways to transitional and supportive housing;

- Transparent and timely public service, through improved interdepartmental coordination, legal clarity, and access to clean, navigable public rights-of-way;

- Sustainable local economic development, by safeguarding West Berkeley's industrial corridors from logistical, environmental, and reputational degradation.

By concentrating enforcement efforts in geographically sensitive areas—such as near schools, parks, water bodies, and industrial freight corridors—the City can uphold public safety, ecological integrity, and economic functionality without defaulting to punitive or indiscriminate strategies. The proposed framework supports a targeted, service-oriented approach, ensuring that interventions remain both operationally feasible and legally defensible, particularly in light of the Supreme Court's *Grants Pass* ruling.

Failure to act risks accelerating the deterioration of public infrastructure, undermining regulatory compliance under the Clean Water Act and NPDES, and weakening public trust in municipal capacity. The prolonged presence of unmanaged RV encampments has already contributed to increased emergency response costs, impeded business operations, and eroded the habitability of adjacent residential neighborhoods.

At the same time, the proposal affirms Berkeley's commitment to upholding the dignity and rights of unhoused residents by embedding enforcement within a broader ecosystem of safe

parking, outreach, and housing-first strategies. It avoids criminalization in favor of trauma-informed engagement, offering pathways toward stabilization while preserving equitable access to the public realm for all.

Ultimately, this recommendation reflects a necessary recalibration of policy—one that balances compassion with accountability, and equity with functionality. Without coordinated intervention, Berkeley risks disinvestment, declining tax revenues, and the loss of precisely those industrial and innovation sectors that align with its long-term climate and equity goals.

FINANCIAL IMPLICATIONS

The proposed recommendation does not authorize immediate implementation of parking restrictions or new programmatic enforcement, and thus carries no direct fiscal impact at this time. However, referring this item to the City Manager and City Attorney for a legal analysis and regional policy study will require moderate staff time across multiple departments, including the City Attorney's Office, Public Works, Transportation, and the City Manager's Office.

Preliminary analysis and interdepartmental coordination may be accommodated within existing operational budgets. However, should the Council act on future recommendations resulting from this study—such as enacting targeted RV parking restrictions, launching a permit program, or developing local safe parking infrastructure—substantial future allocations may be required. These may include:

- Enforcement and signage (Public Works & Parking Enforcement);
- Civilian outreach staffing and case management;
- Safe parking facility acquisition or operations;
- Legal and administrative costs for permit or appeal frameworks.

Any future budgetary proposals would return to Council for consideration as part of subsequent action items or during the FY 2026–27 biennial or mid-cycle budget processes. Potential funding sources for implementation could include:

- **Measure P** (homeless services and outreach),
- **Measure U1** (affordable and transitional housing),
- **Alameda County Measure W** (homeless response infrastructure),
- **State grant programs**, such as HHAP and the Encampment Resolution Fund (ERF).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adopting the proposed ordinance is projected to reduce the incidence of ecological degradation stemming from unregulated RV habitation. Specifically, it is expected to curtail pollutants entering stormwater systems and enhance the environmental resilience of the Berkeley watershed and adjacent shoreline ecosystems.

ALTERNATIVES CONSIDERED:

- Maintaining the current regulatory and service framework,
- Implementing a citywide RV parking ban without locational differentiation,
- Establishing municipally operated safe parking zones exclusively within Berkeley,
- Augmenting law enforcement activity in the absence of additional safe parking infrastructure.

CONTACT PERSON

Councilmember Terry Taplin District 2 Email: ttaplin@berkeleyca.gov Phone: (510) 981-7120

ATTACHMENTS

1. Berkeley Municipal Code 12.98: *Abandoned, Dismantled, or Inoperable Vehicles*
2. Berkeley Municipal Code 12.98 Amendments
3. Berkeley Municipal Code 17.20: *Discharge of Non-Stormwater Into the City's Storm Drain System-Reduction of Stormwater Pollution*
4. Berkeley City Council Resolution No. 71,513-N.S**.** – *City of Berkeley Encampment Resolution Policy (2024)*
5. California Vehicle Code § 22661
6. California Vehicle Code § 22669
7. City and County of San Francisco Large Vehicle Parking Ordinance
8. City of Berkeley City Council Comprehensive Summary of Berkeley's Homeless Response Worksession Report 7.29.25
9. City of Berkeley Comprehensive Homeless Response Slidedeck
10. City of Fremont Camping Ordinance
11. City of Fremont Safe Parking Ordinance
12. City of Fremont 72-Hour Limit and Oversized Vehicle Parking Restrictions
13. City of San Jose School Zone Encampment and RV Parking Ordinance
14. City of San Jose "Vanlording" Ordinance
15. City of San Leandro Parking Ordinance
16. San Leandro Safe Parking Program Update 2.26.25
17. City of Mountain View Safe Parking Program
18. City of Oakland Encampment Management Team Report October 2024

19. City of Oakland Guide to Vehicular Residential Facilities
20. City of Oakland Private Property Recreational Vehicle Occupancy Permit Pilot Ordinance
21. City of Santa Rosa Safe Parking 3 Year Report 6.5.2025

Internal

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

ACTION CALENDAR
SEPTEMBER 24 2025

Health, Life Enrichment, Equity, and Community

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Large Vehicle Parking Regulations in the Public Right-of-Way

RECOMMENDATION
That the City Council:

1. **Refer to the City Attorney and City Manager a Review of Amendments to the Berkeley Municipal Code (BMC) 12.98** to ensure the language authorizes the abatement of abandoned vehicles creating public health and safety nuisances in the public right-of-way, clarify the definition of "abandoned" vehicle, and increase the City Manager's discretion in the establishment of abatement timelines.

2. **Refer to the City Manager ~~and City Attorney~~** the study of recently adopted legislation across the nine-county Bay Area regarding the management of long-term large vehicle parking in the public right-of-way. Based on this study, staff shall return to the City Council with draft policy and enforcement recommendations that are:

    a. Regionally consistent ~~and legally defensible~~;

    b. Aligned with the City of Berkeley's environmental, housing, and transportation priorities; ~~and~~

    ~~b.~~c. Reflective of the City's ability to enhance the impact and scale of its coordinated alternative housing initiatives via participation in a county-wide RV parking program or joining a comparable program maintained in a neighboring

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Health, Life Enrichment, Equity, Community

jurisdiction; and

d. Operationally feasible given available outreach, enforcement, financial constraints, and site capacity. ~~capacity.~~

i. Including an examination of geographically targeted parking restrictions in high-sensitivity areas such as:

a. **Manufacturing and industrial zones** designated by an "M" zoning classification; and

b. **Environmentally sensitive water resources**, including but not limited to open lagoons, riparian corridors, and critical stormwater infrastructure,

~~c.~~3. **Refer to the City Attorney** review of the policies drafted in response to Referral 2, to ensure legal feasibility.

~~3. As part of this policy development process, the City Council requests that the City Manager and City Attorney examine the feasibility of geographically targeted parking restrictions in high-sensitivity areas, including but not limited to:~~

~~a.~~

~~**Manufacturing and industrial zones** designated by an "M" zoning classification; and~~

~~b. **Environmentally sensitive water resources**, including but not limited to open lagoons, riparian corridors, and critical stormwater infrastructure,~~

~~as well as examine to what extent, given the city's financial constraints and operational capacity, the city may enhance the impact and scale of its coordinated alternative housing initiatives via participation in a county-wide RV parking program or joining a comparable program maintained in a neighboring jurisdiction.~~

4. Additionally, the City Council requests that the City Attorney and City Manager provide clarity and guidance on how the city's encampment resolution policy intersects with the Berkeley Municipal Code in the absence of shelter availability.

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5. Further that the City Council clarify for the City Manager that City Council Resolution No. 71,155-N.S., "Extension of Declaration of Homeless Shelter Crisis," applies to the procurement of contracts pursuant to BMC 12.98.040(A) for vehicles formerly used as shelter by people experiencing homelessness who have moved indoors or who have otherwise discontinued using the vehicle as shelter.

~~authorizes the City Manager to waive non-voter-approved purchasing and bid requirements and waive increase the City Manager's expenditure authority up to $250,000 to enter into contracts pursuant to BMC 12.98.040(A).~~

Commented [SS1]: This requires an amendment to BMC 7.18.010. This item should either include an ordinance amending the text or refer to the CMO to develop the proposed amendment and return to Council for adoption.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley continues to experience persistent long-term parking and habitation of oversized vehicles—particularly recreational vehicles (RVs)—in commercial, industrial, and residential rights-of-way. While often used as shelter in response to regional housing pressures, these vehicles frequently lack proper waste containment and maintenance, creating recurring public health, safety, and environmental hazards. Their sustained presence in proximity to sensitive infrastructure—such as storm drains, riparian corridors, freight routes, and schools—has revealed critical limitations in the City's existing regulatory framework, particularly under BMC Chapters 12.98 and 12.96.

Limitations in BMC Chapter 12.98 – Abandoned, Dismantled, or Inoperative Vehicles

Chapter 12.98 is intended to authorize the abatement of abandoned, dismantled, or inoperative vehicles as public nuisances. However, two key structural issues constrain its effectiveness in addressing large vehicles in the public right-of-way:

- **Definitional Gap (§12.98.010):**
  The current definition of "abandoned vehicle" applies only to those located on private property. As written, it excludes vehicles in the public right-of-way—precisely where the most acute nuisances now occur. This omission restricts the City's ability to proactively classify and abate abandoned vehicles that obstruct emergency access, block industrial loading areas, or degrade environmental corridors. Amending the definition to include vehicles left in the public right-of-way, in alignment with State Vehicle Code provisions, would better reflect urban land use conditions and enforcement needs.

- **Procedural Delay (§12.98.040(F)):**
  The code currently requires an additional 15- to 30-day waiting period after a nuisance vehicle has already been noticed and declared, even though no such delay is required under California Vehicle Code §§ 22660–22669. This provision slows the City's response to pressing hazards, including vehicles leaking hazardous fluids or impeding traffic circulation. To enable flexible and timely enforcement, this extension should either

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be eliminated or made discretionary under the authority of the City Manager or their designee.

Environmental and Stormwater Risks – BMC Chapter 17.20

BMC Chapter 17.20 prohibits the discharge of non-stormwater waste—including sewage, graywater, trash, and automotive fluids—into the City's storm drain system, which ultimately flows untreated into San Francisco Bay. Long-term RV encampments often generate such discharges, resulting in violations that directly compromise the integrity of Berkeley's stormwater infrastructure and ecological assets. Field observations have documented:

- Graywater and blackwater dumped into gutters and curbs;
- Oil and fuel leaks from inoperable vehicles;
- Accumulated trash and biohazardous waste near storm drains and creek edges.

These violations threaten the health of downstream environments such as Aquatic Park Lagoon, Codornices and Strawberry Creeks, and the Bay shoreline, and pose compliance risks under the City's NPDES permit administered by the Regional Water Quality Control Board.

Enforcement Fragmentation and Strategic Limitations

In the absence of zoning-based parking regulations for oversized vehicles, enforcement remains largely reactive and complaint-driven, rather than anticipatory or risk-based. This patchwork response undermines the City's ability to address overlapping concerns of public health, infrastructure degradation, and environmental compliance.

To effectively manage the externalities of long-term vehicular habitation in the public right-of-way, Berkeley requires a modernized vehicle enforcement protocol that:

- Recognizes the public right-of-way as a valid enforcement domain;
- Enables timely abatement based on environmental and safety risk;
- Complements stormwater protections under Chapter 17.20;
- And supports integrated policy responses that balance environmental justice, housing services, and infrastructure stewardship.

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Encampment Impacts and the City's Resolution Framework

Berkeley continues to experience substantial overnight and long-term RV parking in mixed-use and residential districts, often adjacent to critical public infrastructure and ecological resources. While many individuals and families turn to RVs as a shelter in response to housing insecurity and market pressures, the vehicles' unregulated and prolonged presence in sensitive areas has triggered significant concern from residents, public health professionals, emergency responders, environmental advocates, and local business communities. Key impacts identified include environmental degradation from illegal waste disposal, obstruction of fire and emergency access routes, impeded access to schools, parks, and recreational areas, and unpermitted habitation adjacent to vulnerable ecological zones such as creeks, wetlands, and the shoreline.

In response to these intersecting challenges, the City of Berkeley adopted its Encampment Resolution Policy, Resolution No. 71,513-N.S., in September 2024. This resolution establishes a trauma-informed, service-oriented approach to resolving encampments grounded in outreach, individualized assessment, and housing and health services connections. It includes specific criteria enabling nuisance declaration and abatement action without prior shelter offers under the following conditions:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, BMC Chapter 19.48; or

- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or

- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or

- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or

- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or

- The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair

Economic Profile of West Berkeley's Industrial and Commercial Sectors

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The West Berkeley Plan Area remains one of Berkeley's most economically productive districts, home to a unique concentration of industrial, maker, commercial, and innovation-oriented uses. This area has long served as a critical node for middle-wage employment, regional goods movement, and tax revenue generation—functions increasingly rare in the urban core of high-cost cities.

Recent trends in business activity and real estate markets reaffirm the strategic value of the West Berkeley economic ecosystem. According to the City of Berkeley's FY 2023–24 Adopted Budget, the manufacturing and commercial sectors in West Berkeley contributed over $6.2 million in business license tax revenues and more than $9 million in direct and indirect sales tax. These figures represent a substantial share of the city's general fund revenue, underscoring the fiscal importance of maintaining a viable industrial and commercial base. Furthermore, the area's industrial real estate continues to exhibit high occupancy rates and steady demand across key sectors—including advanced manufacturing, logistics, and food production—despite volatility in the broader regional office market.

Zoning designations such as Mixed Use Light Industrial (MULI), Mixed Manufacturing (MM), Mixed Use Residential (MUR), and Commercial West Berkeley (C-W) support a dense and productive co-location of diverse economic activities. This regulatory framework has enabled a synergistic environment in which clean-tech firms, construction suppliers, artisan manufacturers, and logistics operators coexist with limited conflict. Comparative analysis of analogous industrial zones in nearby East Bay cities—including Emeryville, Richmond, and Fremont—reveals that Berkeley's West Berkeley Plan Area remains one of the few urbanized industrial nodes that still integrates light manufacturing with residential proximity and multimodal infrastructure. However, these advantages are increasingly jeopardized by inconsistent public space management and emerging logistical barriers.

One of the most pressing threats to the vitality of West Berkeley's economy stems from the proliferation of unmanaged, long-term RV encampments in the public right-of-way. These encampments compromise the area's foundational infrastructure by obstructing freight access, diminishing the safety and cleanliness of commercial corridors, and deterring both workforce retention and customer access. Public health and environmental hazards—including uncontained waste, vector risks, and fire incidents—further compound the operational challenges facing businesses.

If unaddressed, these conditions are likely to catalyze disinvestment, commercial tenant attrition, and the relocation of growth industries to nearby municipalities with more stable and predictable industrial environments. As the East Bay's life sciences and clean manufacturing sectors expand—with cities such as Richmond and Alameda actively courting firms through infrastructure investment and incentive alignment—Berkeley risks losing its competitive foothold in precisely those industries that align with its equity, sustainability, and climate goals.

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From a policy perspective, the economic imperative is clear: to maintain and grow its commercial tax base, the City of Berkeley must ensure that industrial corridors remain accessible, safe, and operationally viable. Addressing hazards in the public right-of-way is not merely a quality-of-life issue—it is a core requirement for sustaining economic development, protecting municipal revenue, and preserving employment opportunities for a diverse resident workforce.

Risks and Threats to Economic Activity in West Berkeley: Structural Impacts of Long-Term RV Encampments

The protracted presence of long-term recreational vehicle (RV) encampments within West Berkeley's public rights-of-way introduces a complex array of structural threats to the region's manufacturing and commercial sectors. These hazards not only impede day-to-day business operations but also undermine Berkeley's regional economic competitiveness and fiscal sustainability.

1. Logistical Disruptions and Functional Erosion of the Public Right-of-Way

The spatial configuration of West Berkeley's industrial zones—characterized by wide arterials, freight access corridors, and industrial loading infrastructure—was intentionally designed to support high-throughput logistical operations. Key economic sectors relying on this infrastructure include:

- **Advanced manufacturing and clean-tech enterprises** require predictable access for the movement of large-scale equipment and precision components.
- **Construction suppliers, warehousing operations, and logistics firms**, whose profitability hinges on just-in-time delivery and curbside loading efficiency;
- **Small- and medium-scale food producers and specialty manufacturers,** which are especially sensitive to last-mile delivery challenges.

Observed Impacts:

- **Encroachment on Freight and Loading Zones**: The occupation of curb space and loading areas by RVs, trailers, and associated structures has materially disrupted freight scheduling and operations, resulting in costly delays and rerouted deliveries.
- **Circulation Constraints**: Industrial vehicles face increased difficulty navigating narrowed lanes and compromised turning radii, particularly on arterials such as Ashby

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Avenue and Sixth Street.

- **Deterioration of Business Accessibility**: Employees, customers, and suppliers report decreased willingness to travel through or work in areas perceived as unsafe or congested.

These disruptions incrementally diminish the functional capacity of West Berkeley's industrial ecosystem, eroding a critical competitive advantage in the East Bay's economic geography.

2. Public Health and Environmental Degradation

The absence of sanitation infrastructure and regulatory oversight for long-term vehicle dwellings has precipitated a range of environmental and public health risks with direct spillover effects on commercial and manufacturing uses.

- **Sanitation and Waste Management Failures**: Illicit discharge of human waste, greywater, and solid refuse into the right-of-way has been frequently reported by adjacent businesses, exacerbating public health liabilities.

- **Fire and Vector Hazards**: Improvised power supplies, open-flame cooking, and uncontained waste create significant risks of fire and disease vectors. Fire department records have documented multiple incidents originating in or proximate to encampments, with some requiring industrial business evacuation.

- **Occupational and Traffic Safety Compromises**: Narrowed rights-of-way and unpredictable foot traffic patterns introduce elevated risk for industrial vehicle operators, particularly in facilities utilizing forklifts, cranes, and heavy-duty trucks.

The cumulative effect of these environmental hazards not only jeopardizes worker health and safety but also complicates compliance with occupational safety regulations and insurance underwriting standards.

3. Economic Displacement and Commercial Tenant Attrition

The prolonged visibility and unmanaged nature of encampments have materially affected market perception of the area's stability, diminishing the attractiveness of West Berkeley for new investment and business retention.

- **Tenant Flight and Lease Non-Renewals**: Property owners report increased vacancy rates and prospective tenant withdrawals linked explicitly to concerns over access,

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sanitation, and employee security.

- **Suppressed Capital Investment**: Several businesses have shelved capital improvements or expansion initiatives due to concerns about persistent public safety risks in the surrounding area.

- **Depreciation of Asset Values**: The proximity of high-visibility encampments has demonstrably undermined commercial real estate valuations, with implications for both private investment returns and municipal property tax revenue.

These dynamics significantly impair the area's ability to compete with peer cities such as Emeryville and Richmond, both of which are actively investing in the stabilization and enhancement of their industrial districts.

4. Fiscal and Strategic Opportunity Costs

West Berkeley constitutes one of the few remaining zones in the city capable of supporting high-value industrial and commercial activities that are aligned with Berkeley's climate resilience and economic equity goals. These include:

- **Green technology manufacturers** and firms in the circular economy;

- **Food innovation and production enterprises**;

- **Craft and light manufacturing businesses** that generate stable, middle-wage employment.

The inability to safeguard the operational viability of these sectors entails steep opportunity costs, including:

- **Revenue Foregone**: Decreases in business license tax, sales tax, and property tax contributions from this area weaken the city's overall fiscal health. West Berkeley's commercial and manufacturing businesses generated over $6.2 million in business license tax revenue and over $9 million in direct and indirect sales tax contributions in FY 2023–24, representing a critical component of the general fund.

- **Employment Displacement**: Declining job stability in middle-skill, non-degreed career paths undermines citywide equity objectives.

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- **Loss of Economic Multipliers**: Ancillary services, suppliers, and innovation networks suffer collateral impacts, further eroding the city's economic resilience.

Comparative Market Dynamics in the East Bay

West Berkeley faces intensifying competition from nearby municipalities—such as Emeryville, Richmond, and Fremont—that are actively cultivating high-value industrial uses, particularly in the life sciences, green tech, and advanced manufacturing sectors. These cities have made targeted infrastructural investments and streamlined permitting pathways to attract firms engaged in R&D-intensive or logistics-heavy operations.

For example, Emeryville has successfully repositioned former industrial parcels for biotech and life sciences uses, offering stable utilities, enhanced public realm amenities, and predictable regulatory frameworks. Richmond's South Shoreline Specific Plan explicitly promotes clean tech and blue economy clusters, complemented by strategic infrastructure upgrades. By contrast, Berkeley's lack of coordinated right-of-way management in industrial corridors may increasingly function as a disincentive to new and retained investment.

Infrastructure, Safety, and Access as Competitive Determinants

A central policy implication is the inextricable linkage between physical infrastructure maintenance—including the condition and accessibility of the public right-of-way—and economic competitiveness. Industrial enterprises require predictable and secure access for freight delivery, workforce commuting, and client interaction. The proliferation of long-term recreational vehicle (RV) encampments—absent sufficient regulation, enforcement, or service provision—has degraded these conditions in West Berkeley, producing significant spatial, logistical, and safety conflicts.

The resultant degradation in logistical efficiency and occupational safety exposes firms to heightened insurance costs, regulatory compliance challenges, and increased turnover risk. Moreover, perceived instability in the public realm discourages private sector capital investment, driving business migration to better-managed jurisdictions.

New Legislative and Regional Policy Context

In addition to local trends, emerging state and regional policies underscore the need for Berkeley to establish a consistent, enforceable framework governing long-term vehicular habitation in sensitive urban areas.

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San Francisco: Mayor Lurie's Executive Policy on RV Parking (2025):

Mayor Daniel Lurie announced a new set of RV parking restrictions in May 2025 aimed at curbing long-term vehicular encampments near schools, parks, hospitals, and critical infrastructure. Under San Francisco's policy, RVs may not remain parked for more than 72 consecutive hours in designated sensitive zones, with signage and outreach teams deployed in advance of enforcement. In coordination with the Department of Homelessness and Supportive Housing (HSH), RV residents are offered relocation to designated safe parking lots operated by community-based organizations. The program emphasizes behavioral standards, vehicle operability, and compliance with public health guidelines. The City also expanded its vehicle triage capacity to support relocation and case management. San Francisco's approach mirrors many of Berkeley/s current policy approaches and affirms the legal and practical viability of a layered, service-first enforcement model.

In addition to San Francisco's policy, recent municipal laws in neighboring East Bay cities demonstrate a regional trend toward regulated RV parking and associated encampment management:

San Jose

- In 2024, San Jose adopted ordinances prohibiting RV parking and unsheltered encampments within 150 feet of K–12 schools, formally designating these areas as "School Clearance Zones." The policy authorizes enforcement actions, including towing, following prior outreach and service offers by the City's Housing Department and contracted outreach teams. This ordinance was part of a broader municipal strategy to mitigate health and safety impacts near educational institutions and aligns with San Jose's citywide encampment management protocol

- In June 2025, the San José City Council adopted a "vanlording" ordinance prohibiting the rental or subleasing of unregistered, non-operational, or unsafe recreational vehicles to unhoused individuals. Under the ordinance, recreational vehicles used as dwellings may not be parked or inhabited on public streets or private property, regardless of lease arrangements. The law, codified as Ordinance No. 31226, will take effect in August 2025, and is designed to combat predatory rental practices and mitigate associated health and safety hazards.

- As part of its broader vehicle habitation response strategy, San José operates a $3.3 million pilot enforcement program that establishes rotating tow-away zones and permanent no-parking areas in high-impact corridors. This program is coupled with the provision of 128 safe parking spaces, dispersed across municipal and nonprofit-managed lots.

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Fremont

- In late 2024, the Fremont City Council adopted an ordinance imposing a 72-hour parking limit for all vehicles citywide, coupled with a categorical ban on RV parking in residential neighborhoods and within proximity to schools and places of worship. Upon reaching the 72-hour threshold, vehicles must relocate a minimum of 1,000 feet to comply with the ordinance.

- Fremont has enacted one of the Bay Area's most stringent anti-camping ordinances, which criminalizes unauthorized public camping and imposes penalties on third parties who facilitate or support encampments. While enforcement is framed as a measure of last resort, it is preceded by documented outreach and service offers in alignment with the City's stated policy of compassionate compliance.

Oakland

➢ In November 2021, the Oakland City Council enacted Ordinance No. E-13-011, ingrained in Chapter 5.72 of the Oakland Municipal Code. The ordinance authorizes the occupancy of one recreational vehicle (RV) on private undeveloped residential property, provided the property owner grants permission and the occupant obtains a Temporary RV Occupancy Permit:

  - The RV must be located in a zoning district that permits residential use and comply with residential setback requirements (e.g. typically 6 feet from structures and property lines).

  - Only one RV per parcel is allowed.

  - Residential safety, sanitation, and utility standards must be met: evidence of water supply and sewage disposal (e.g. a sewer hookup or regular sanitary pump service), electrical access (solar preferred), structural integrity, smoke detectors, and clean maintenance compliant with Oakland's blight code.

  - Permits are valid for up to 12 months, renewable, and not considered permanent land-use entitlements.

  - At the same time, Oakland continues structured safe parking and managed encampment programs, enforcing restrictions near schools, parks, and hospitals through its Encampment Management Team.

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San Leandro

- In San Leandro, Municipal Code § 6-1-430 establishes a strict prohibition on overnight street parking of oversized motor vehicles—defined as those exceeding 20 feet in length, 7 feet in height, or 10,000 lb gross vehicle weight—within residential zoning districts from 2:00 a.m. to 6:00 a.m.. Off-street parking restrictions require oversized vehicles to be located at least 20 feet from front or street-side yards and fully clear of the public sidewalk, with no portion extending over the public way. Only one oversized vehicle is allowed per parcel. The City may grant limited hardship exemptions (maximally 72 hours per instance), subject to annual caps, as authorized by the City Manager.

Policy Implications for Berkeley

Collectively, these municipal ordinances reflect a growing regional consensus on best practices for managing vehicle habitation in the public right-of-way. Core elements include:

- **Acknowledging impacts to sensitive zones** around schools, parks, and environmentally sensitive infrastructure;
- **Implementing time-limited parking regulations** with enforceable relocation and towing provisions;
- **Prohibiting predatory rental or subletting of unsafe or non-compliant vehicles** to unhoused individuals; and
- **Pairing enforcement with structured safe parking programs and service-linked outreach.**

For Berkeley, alignment with these regionally validated frameworks would enhance legal defensibility, operational consistency, and interjurisdictional coordination. A calibrated policy that blends environmental protection, economic stewardship, and compassionate enforcement can ensure both the ethical integrity and functional viability of the City's response

BACKGROUND

Berkeley's Evolving Program and Service Landscape

Berkeley's homelessness response system has undergone significant transformation over the past five years, marked by sustained investment, program diversification, and institutional coordination with county and state systems. According to the July 29, 2025 City Council Worksession report titled *Comprehensive Summary of Berkeley's Homeless Response*, the City's

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homeless services network has significantly expanded its housing placement infrastructure, outreach capacity, and behavioral health partnerships.

Key highlights from the report include:

- **Housing Placements and Retention:** In FY 2024–25, the City supported permanent housing placements for over **610 individuals**, a 19% increase from the prior year. Among those placed, 85% remained housed after six months, suggesting durable support services and appropriate housing matches.

- **Outreach and Coordinated Entry:** The Homeless Response Team (HRT) increased field engagement efforts, conducting more than **3,400 contacts** with unhoused individuals. Of these, **1,120 individuals** were assessed through the Coordinated Entry System (CES), resulting in targeted referrals to housing, medical respite, and substance use treatment programs.

- **Shelter and Non-Congregate Housing:** As of mid-2025, Berkeley maintains more than **400 shelter and interim housing beds**, including non-congregate units created through Project Homekey acquisitions (e.g., Rodeway Inn, Golden Bear Inn). These units operate at near full capacity, with most residents receiving on-site case management.

- **Behavioral Health and Substance Use Services:** The City's expanded partnership with Alameda County Behavioral Health has enabled embedded clinical staff within outreach teams and launched pilot initiatives connecting high-needs RV dwellers with substance use treatment.

- **Encampment Resolution Outcomes:** Under the City's Encampment Resolution Policy (Resolution No. 71,513-N.S.), the City facilitated the closure or stabilization of **11 encampments** between July 2024 and July 2025, with more than half of the residents offered services or shelter.

The work session report emphasized the importance of strategic enforcement that prioritizes harm reduction and housing connection. It also recommended improved data integration across City departments and greater regional coordination with Alameda County, particularly in the context of growing vehicle habitation.

Taken together, these developments signal both the capacity and institutional will to implement a more structured RV management framework that incorporates housing-first principles, targeted enforcement, and coordinated intake.

Unit Acquisition

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From 2021 to 2025, the City of Berkeley has executed a targeted strategy to expand non-congregate interim and permanent housing through the acquisition and conversion of motel properties. These projects are central to the City's encampment resolution and vehicle habitation response, combining state funds—principally through Project Homekey and the Encampment Resolution Fund (ERF)—with local investments from Measure P, Measure U1, and institutional partnerships such as UC Berkeley.

Collectively, these projects account for 168 units of interim and permanent housing, with all sites integrated into the Alameda County Coordinated Entry System (CES) and supported by 24/7 case management, behavioral health access, and housing navigation services.

Summary of Housing Acquisition Projects

Site Name	Address	Year	Housing Type	Units	State Funding Source	State Amount	Local/Other Source	Local Amount
Golden Bear Inn	1620 San Pablo Ave	2021	Permanent	44	Project Homekey (Round 1)	$16.2M	Measure P	$7.3M
Rodeway Inn (Interim)	1001 University Ave	2022	Interim	43	Encampment Resolution Fund (ERF)	$4.7M	UC Berkeley	$2.2M
Berkeley Inn (Beyond the Horizon)	1720 San Pablo Ave	2023	Interim	29	—	—	Measure P	$9.3M
Campus Motel	(Address not specified)	2023	Interim	23	ERF	$4.9M	Measure P	$5.0M
Rodeway Inn (Permanent Conversion)	1001 University Ave	2024	Permanent Supportive	31	Project Homekey (Round 3)	$14.1M	Measure U1	$8.5M
Capri Motel	1512 University Ave	2024	Interim	21	ERF	$5.4M	Measure P	$5.2M

Health, Life Enrichment, Equity, Community

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Cumulative Impact

- **Total Units Created**: 191
- **Total State Investment**: $45.3 million
- **Total Local/Institutional Investment**: $37.5 million

These projects provide a spectrum of non-congregate housing interventions aligned with Berkeley's Encampment Resolution Policy (Resolution No. 71,513-N.S.) and California's housing-first mandates. Interim sites—Berkeley Inn, Rodeway (initial phase), Campus Motel, and Capri—prioritize rapid stabilization and decampment. Permanent supportive conversions—Golden Bear and the second phase of Rodeway—ensure long-term tenancy with embedded services.

Each site supports case-managed reentry into housing, employment, and health systems, contributing directly to the City's reduction in unsheltered homelessness and its broader coordinated strategy for public space management.

Concurrently, the City's Homeless Response Team (HRT) has expanded operational capacity. The team now conducts field-based assessments that directly interface with the Alameda County Coordinated Entry System (CES), enabling real-time placement into housing and services. In the preceding year, over 600 unsheltered individuals were engaged, with 34% successfully transitioning into shelter or permanent housing. Integrating behavioral health expertise, outreach navigation, and coordinated housing referrals has enhanced the city's capability to stabilize encampments and mitigate street-level homelessness.

However, the city remains a party to active litigation brought by advocacy organizations representing unhoused individuals and local property owners. These legal challenges invoke constitutional claims—including those under the Eighth and Fourteenth Amendments—as well as demands for more rigorous municipal enforcement of nuisance and safety codes. These parallel proceedings exemplify the broader legal and ethical tensions confronting municipalities throughout California as they attempt to enforce public space regulations in a manner that withstands judicial scrutiny.

The City of Berkeley dedicates over $40 million annually to homelessness programs. Funding sources include voter-approved tax measures (P and U1), federal and state housing programs, and targeted local initiatives. These resources support emergency shelter operations, transitional

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housing, outreach and case management services, behavioral health initiatives, and permanent supportive housing. According to 2023 performance data, the city's homelessness response network achieved a 27% rate of permanent housing placements, with service users predominantly identifying as chronically homeless, over 45 years old, and disproportionately from Black and Latino populations. These demographic insights underscore the intersectional challenges of race, aging, and health status in local homelessness policy.

Legal and Policy Context

The legal landscape for municipal encampment enforcement has shifted significantly following the U.S. Supreme Court's decision in *City of Grants Pass v. Johnson* (2025). In a 6–3 ruling, the Court held that enforcement of local anti-camping ordinances—even in the absence of adequate shelter capacity—does not, in itself, violate the Eighth Amendment's prohibition on cruel and unusual punishment. This decision effectively overturned precedent set by the Ninth Circuit in *Martin v. Boise* (2018) and grants municipalities broader authority to regulate the use of public space, including encampment abatement and vehicle habitation enforcement.

While *Grants Pass* clarified the constitutional permissibility of enforcement as it relates to the Eighth Amendment, it did not mandate any particular approach, nor did it exempt cities from potential liability under other legal doctrines, such as due process, equal protection, or state-level protections. As a result, California jurisdictions continue to navigate a complex policy environment—balancing enforcement discretion with service provision, environmental mandates, and public health responsibilities.

In this evolving context, municipalities have adopted a range of responses:

- **Fremont** operates a Vehicle Encampment Relocation Program alongside two designated safe parking sites. These are supported by coordinated entry pathways, sanitation services, case management, and structured compliance protocols.

- **San José** maintains a dedicated Encampment Management Team within its Housing Department. The team implements structured closure protocols, manages a real-time online dashboard of encampment conditions, and prioritizes enforcement near sensitive public infrastructure and waterways. The city also partners with Caltrans and VTA to manage encampments along state rights-of-way.

- **Oakland** enforces a "High Sensitivity Areas" framework, which restricts encampments near schools, parks, and hospitals. Its Encampment Management Team conducts proactive outreach, facilitates voluntary relocation, and oversees sanitation and waste removal efforts.

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These models demonstrate varying degrees of integration between enforcement and housing-first principles, and provide important reference points as Berkeley calibrates its own approach in light of the *Grants Pass* decision.

Comparative Regional Models

Across the Bay Area, counties including Alameda, Contra Costa, and Santa Clara administer safe RV parking programs supported by a blend of state grant funding, local tax revenue, and philanthropic investment. These programs generally offer sanitation facilities, on-site security, case management, and clearly defined time limits. Intake prioritizes high-vulnerability populations—such as seniors, families, and individuals with chronic medical or behavioral health conditions—and typically operates within the Coordinated Entry System (CES) to ensure equitable distribution of housing resources.

A number of cities within these counties have adopted structured regulatory and service-based frameworks to address the complex challenges of RV habitation in the public right-of-way. These municipal models offer instructive precedents for Berkeley's ongoing policy development:

- **Alameda County** operates a centralized Safe Parking Program located on the Fairmont Campus in San Leandro, designed to support community members experiencing homelessness who live in their vehicles. This program offers 24-hour access to designated parking areas both overnight and during the day, providing a safer alternative to roadway parking, especially in sensitive ecological and residential areas.

  Participants are connected to critical services, including housing navigation, outreach engagement, and community re-integration support, through county-run channels like the Coordinated Entry System. Registration is required, and individuals can begin the process by calling the county's dedicated line or visiting the program website. Key features include:

  - **Location & Accessibility**: 24-hour program located at the Fairmont Campus in San Leandro.

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- **Support Services**: Participants are linked to case management, housing referrals, coordinated entry, and other supportive services via county intake staff.

- **Registration Process**: Enrollees begin through telephone or online contact; intake protocols prioritize individualized support and fair access.

- **Santa Rosa** administers a Safe Parking Program accommodating up to 50 RVs, operated in partnership with Catholic Charities. Services include intake assessment, case management, restrooms, handwashing stations, and waste disposal. Eligibility criteria require vehicle registration and the absence of outstanding warrants. Participants must sign a code of conduct. The program operates at an estimated annual cost of $1.2 million, funded through a combination of General Fund, Homeless Housing, Assistance and Prevention (HHAP), and Emergency Solutions Grant (ESG) funds. Parking enforcement is guided by a graduated response protocol that emphasizes outreach and voluntary compliance before issuing citations.

- **Mountain View** employs a dual approach combining a Safe Parking Program with active enforcement of oversized vehicle restrictions. The City provides approximately 80 parking spaces distributed across city-owned and nonprofit-operated lots, with contracted services delivered by MOVE MV, a local outreach provider. Services include sanitation, intake assessment, and case management. Program costs approach $1.5 million annually. Enforcement efforts include a ban on oversized vehicle parking across 447 designated corridors, accompanied by signage and the authority to issue civil citations. To mitigate legal exposure, the City ensures the availability of alternative parking options and support services.

- **San Leandro** operates a permit-based Safe Parking Program supporting roughly 20 RVs, located on a city-owned lot adjacent to the Public Works Department. The program offers sanitation, electrical hookups, and regular outreach and is coordinated through a local nonprofit partner. Annual costs are approximately $600,000. The City supplements its program with targeted parking restrictions near schools and in industrial zones, enforced by traffic officers in coordination with outreach teams.

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- **Fremont** integrates its safe parking services within its Human Services Department and the Fremont Family Resource Center. The program provides rotating safe parking across municipal and faith-based lots, with intake conducted by Abode Services. Participants receive wraparound services, including mental health care and housing navigation. The City allocates approximately $900,000 per year, drawing on Measure A1, HHAP, and other local funds. Fremont follows a "Compassionate Enforcement" model, prioritizing voluntary compliance and relocation assistance before issuing citations.

- **Oakland** manages RV habitation through a combination of managed encampment sites, a sanctioned “LakePoint” RV community pilot, and operations led by the Encampment Management Team (EMT). Services include sanitation, waste removal, enforcement, and service referrals. Oakland’s enforcement practices have faced litigation and public scrutiny, prompting the development of more structured and transparent alternatives. The City spends more than $4 million annually on RV site management, funded by the Encampment Resolution Fund, general fund revenues, and Measure Q. Abatement in environmentally sensitive areas is conducted only after multiple outreach attempts, in accordance with city policy.

These regional models underscore the importance of integrating enforceable parking regulation with safe parking infrastructure and service coordination, offering actionable frameworks for Berkeley’s evolving approach to vehicle habitation and public space management.

RATIONALE

This recommendation advances multiple priorities articulated in the City of Berkeley Strategic Plan, directly supporting the City’s commitments to:

- Environmental stewardship and climate resilience can be achieved by curbing illicit discharges into the stormwater system, preserving riparian and shoreline ecosystems, and mitigating public health risks associated with unregulated vehicular habitation.

- Housing equity and service delivery, by strengthening the City’s homelessness response infrastructure and expanding pathways to transitional and supportive housing;

- Transparent and timely public service, through improved interdepartmental coordination, legal clarity, and access to clean, navigable public rights-of-way;

- Sustainable local economic development, by safeguarding West Berkeley’s industrial corridors from logistical, environmental, and reputational degradation.

By concentrating enforcement efforts in geographically sensitive areas—such as near schools, parks, water bodies, and industrial freight corridors—the City can uphold public safety,

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ecological integrity, and economic functionality without defaulting to punitive or indiscriminate strategies. The proposed framework supports a targeted, service-oriented approach, ensuring that interventions remain both operationally feasible and legally defensible, particularly in light of the Supreme Court's *Grants Pass* ruling.

Failure to act risks accelerating the deterioration of public infrastructure, undermining regulatory compliance under the Clean Water Act and NPDES, and weakening public trust in municipal capacity. The prolonged presence of unmanaged RV encampments has already contributed to increased emergency response costs, impeded business operations, and eroded the habitability of adjacent residential neighborhoods.

At the same time, the proposal affirms Berkeley's commitment to upholding the dignity and rights of unhoused residents by embedding enforcement within a broader ecosystem of safe parking, outreach, and housing-first strategies. It avoids criminalization in favor of trauma-informed engagement, offering pathways toward stabilization while preserving equitable access to the public realm for all.

Ultimately, this recommendation reflects a necessary recalibration of policy—one that balances compassion with accountability, and equity with functionality. Without coordinated intervention, Berkeley risks disinvestment, declining tax revenues, and the loss of precisely those industrial and innovation sectors that align with its long-term climate and equity goals.

FINANCIAL IMPLICATIONS

The proposed recommendation does not authorize immediate implementation of parking restrictions or new programmatic enforcement, and thus carries no direct fiscal impact at this time. However, referring this item to the City Manager and City Attorney for a legal analysis and regional policy study will require moderate staff time across multiple departments, including the City Attorney's Office, Public Works, Transportation, and the City Manager's Office.

Preliminary analysis and interdepartmental coordination may be accommodated within existing operational budgets. However, should the Council act on future recommendations resulting from this study—such as enacting targeted RV parking restrictions, launching a permit program, or developing local safe parking infrastructure—substantial future allocations may be required. These may include:

- Enforcement and signage (Public Works & Parking Enforcement);
- Civilian outreach staffing and case management;
- Safe parking facility acquisition or operations;
- Legal and administrative costs for permit or appeal frameworks.

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Any future budgetary proposals would return to Council for consideration as part of subsequent action items or during the FY 2026–27 biennial or mid-cycle budget processes. Potential funding sources for implementation could include:

- **Measure P** (homeless services and outreach),
- **Measure U1** (affordable and transitional housing),
- **Alameda County Measure W** (homeless response infrastructure),
- **State grant programs**, such as HHAP and the Encampment Resolution Fund (ERF).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adopting the proposed ordinance is projected to reduce the incidence of ecological degradation stemming from unregulated RV habitation. Specifically, it is expected to curtail pollutants entering stormwater systems and enhance the environmental resilience of the Berkeley watershed and adjacent shoreline ecosystems.

ALTERNATIVES CONSIDERED:

- Maintaining the current regulatory and service framework,
- Implementing a citywide RV parking ban without locational differentiation,
- Establishing municipally operated safe parking zones exclusively within Berkeley,
- Augmenting law enforcement activity in the absence of additional safe parking infrastructure.

CONTACT PERSON

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ATTACHMENTS

1. Berkeley Municipal Code 12.98: *Abandoned, Dismantled, or Inoperable Vehicles*
2. Berkeley Municipal Code 12.98 Amendments
3. Berkeley Municipal Code 17.20: *Discharge of Non-Stormwater Into the City's Storm Drain System-Reduction of Stormwater Pollution*
4. Berkeley City Council Resolution No. 71,513-N.S. – *City of Berkeley Encampment Resolution Policy (2024)*
5. California Vehicle Code § 22661
6. California Vehicle Code § 22669

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7. City and County of San Francisco Large Vehicle Parking Ordinance
8. City of Berkeley City Council Comprehensive Summary of Berkeley's Homeless Response Worksession Report 7.29.25
9. City of Berkeley Comprehensive Homeless Response Slidedeck
10. City of Fremont Camping Ordinance
11. City of Fremont Safe Parking Ordinance
12. City of Fremont 72-Hour Limit and Oversized Vehicle Parking Restrictions
13. City of San Jose School Zone Encampment and RV Parking Ordinance
14. City of San Jose "Vanlording" Ordinance
15. City of San Leandro Parking Ordinance
16. San Leandro Safe Parking Program Update 2.26.25
17. City of Mountain View Safe Parking Program
18. City of Oakland Encampment Management Team Report October 2024
19. City of Oakland Guide to Vehicular Residential Facilities
20. City of Oakland Private Property Recreational Vehicle Occupancy Permit Pilot Ordinance
21. City of Santa Rosa Safe Parking 3 Year Report 6.5.2025

Internal

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

ACTION CALENDAR
SEPTEMBER 9 2025

Health, Life Enrichment, Equity, and Community

To: Honorable Mayor and Members of the City Council

From: Councilmember Taplin

Subject: Large Vehicle Parking Regulations in the Public Right-of-Way

RECOMMENDATION
That the City Council:

1. **Refer to the City Attorney and City Manager Amendments to the Berkeley Municipal Code (BMC) 12.98** to authorize the abatement of abandoned vehicles creating public health and safety nuisances in the public right-of-way, clarify the definition of "abandoned" vehicle, and increase the City Manager's discretion in the establishment of abatement timelines

2. **Refer to the City Manager and City Attorney** the study of recently adopted legislation across the nine-county Bay Area regarding the management of long-term large vehicle parking in the public right-of-way. Based on this study, staff shall return to the City Council with draft policy and enforcement recommendations that are:

    - Regionally consistent and legally defensible;

    - Aligned with the City of Berkeley's environmental, housing, and transportation priorities; and

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- Operationally feasible given available outreach, enforcement, and site capacity capacity.

3. As part of this policy development process, the City Council requests that the City Manager and City Attorney examine the feasibility of geographically targeted parking restrictions in high-sensitivity areas, including but not limited to:

    - **Manufacturing and industrial zones** designated by an "M" zoning classification; and

    - **Environmentally sensitive water resources**, including but not limited to open lagoons, riparian corridors, and critical stormwater infrastructure,

    as well as examine to what extent, given the city's financial constraints and operational capacity, the city may enhance the impact and scale of its coordinated alternative housing initiatives via participation in a county-wide RV parking program or joining a comparable program maintained in a neighboring jurisdiction.

4. Additionally, the City Council requests that the City Attorney and City Manager provide clarity and guidance on how the city's encampment resolution policy intersects with the Berkeley Municipal Code in the absence of shelter availability.

5. Further that the City Council authorizes the City Manager to waive non-voter-approved purchasing and bid requirements and waive the City Manager's expenditure authority up to $250,000 to enter into contracts pursuant to BMC 12.98.040(A).

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley continues to experience persistent long-term parking and habitation of oversized vehicles—particularly recreational vehicles (RVs)—in commercial, industrial, and residential rights-of-way. While often used as shelter in response to regional housing pressures, these vehicles frequently lack proper waste containment and maintenance, creating recurring public health, safety, and environmental hazards. Their sustained presence in proximity to sensitive infrastructure—such as storm drains, riparian corridors, freight routes, and schools—has revealed critical limitations in the City's existing regulatory framework, particularly under BMC Chapters 12.98 and 12.96.

Limitations in BMC Chapter 12.98 – Abandoned, Dismantled, or Inoperative Vehicles

Chapter 12.98 is intended to authorize the abatement of abandoned, dismantled, or inoperative vehicles as public nuisances. However, two key structural issues constrain its effectiveness in addressing large vehicles in the public right-of-way:

- **Definitional Gap (§12.98.010):**
  The current definition of "abandoned vehicle" applies only to those located on private property. As written, it excludes vehicles in the public right-of-way—precisely where the most acute nuisances now occur. This omission restricts the City's ability to proactively classify and abate abandoned vehicles that obstruct emergency access, block industrial loading areas, or degrade environmental corridors. Amending the definition to include vehicles left in the public right-of-way, in alignment with State Vehicle Code provisions, would better reflect urban land use conditions and enforcement needs.

- **Procedural Delay (§12.98.040(F)):**
  The code currently requires an additional 15- to 30-day waiting period after a nuisance vehicle has already been noticed and declared, even though no such delay is required under California Vehicle Code §§ 22660–22669. This provision slows the City's response to pressing hazards, including vehicles leaking hazardous fluids or impeding traffic circulation. To enable flexible and timely enforcement, this extension should either be eliminated or made discretionary under the authority of the City Manager or their designee.

Environmental and Stormwater Risks – BMC Chapter 17.20

BMC Chapter 17.20 prohibits the discharge of non-stormwater waste—including sewage, graywater, trash, and automotive fluids—into the City's storm drain system, which ultimately flows untreated into San Francisco Bay. Long-term RV encampments often generate such discharges, resulting in violations that directly compromise the integrity of Berkeley's stormwater infrastructure and ecological assets. Field observations have documented:

- Graywater and blackwater dumped into gutters and curbs;
- Oil and fuel leaks from inoperable vehicles;
- Accumulated trash and biohazardous waste near storm drains and creek edges.

These violations threaten the health of downstream environments such as Aquatic Park Lagoon, Codornices and Strawberry Creeks, and the Bay shoreline, and pose compliance risks under the City's NPDES permit administered by the Regional Water Quality Control Board.

Enforcement Fragmentation and Strategic Limitations

In the absence of zoning-based parking regulations for oversized vehicles, enforcement remains largely reactive and complaint-driven, rather than anticipatory or risk-based. This patchwork response undermines the City's ability to address overlapping concerns of public health, infrastructure degradation, and environmental compliance.

To effectively manage the externalities of long-term vehicular habitation in the public right-of-way, Berkeley requires a modernized vehicle enforcement protocol that:

- Recognizes the public right-of-way as a valid enforcement domain;
- Enables timely abatement based on environmental and safety risk;
- Complements stormwater protections under Chapter 17.20;
- And supports integrated policy responses that balance environmental justice, housing services, and infrastructure stewardship.

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Encampment Impacts and the City's Resolution Framework

Berkeley continues to experience substantial overnight and long-term RV parking in mixed-use and residential districts, often adjacent to critical public infrastructure and ecological resources. While many individuals and families turn to RVs as a shelter in response to housing insecurity and market pressures, the vehicles' unregulated and prolonged presence in sensitive areas has triggered significant concern from residents, public health professionals, emergency responders, environmental advocates, and local business communities. Key impacts identified include environmental degradation from illegal waste disposal, obstruction of fire and emergency access routes, impeded access to schools, parks, and recreational areas, and unpermitted habitation adjacent to vulnerable ecological zones such as creeks, wetlands, and the shoreline.

In response to these intersecting challenges, the City of Berkeley adopted its Encampment Resolution Policy, Resolution No. 71,513-N.S., in September 2024. This resolution establishes a trauma-informed, service-oriented approach to resolving encampments grounded in outreach, individualized assessment, and housing and health services connections. It includes specific criteria enabling nuisance declaration and abatement action without prior shelter offers under the following conditions:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, BMC Chapter 19.48; or

● The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or

● The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or

● The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or

● The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or

● The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair

Economic Profile of West Berkeley's Industrial and Commercial Sectors

The West Berkeley Plan Area remains one of Berkeley's most economically productive districts, home to a unique concentration of industrial, maker, commercial, and innovation-oriented uses. This area has long served as a critical node for middle-wage employment, regional goods movement, and tax revenue generation—functions increasingly rare in the urban core of high-cost cities.

Recent trends in business activity and real estate markets reaffirm the strategic value of the West Berkeley economic ecosystem. According to the City of Berkeley's FY 2023–24 Adopted Budget, the manufacturing and commercial sectors in West Berkeley contributed over $6.2 million in business license tax revenues and more than $9 million in direct and indirect sales tax. These figures represent a substantial share of the city's general fund revenue, underscoring the fiscal importance of maintaining a viable industrial and commercial base. Furthermore, the area's industrial real estate continues to exhibit high occupancy rates and steady demand across key sectors—including advanced manufacturing, logistics, and food production—despite volatility in the broader regional office market.

Zoning designations such as Mixed Use Light Industrial (MULI), Mixed Manufacturing (MM), Mixed Use Residential (MUR), and Commercial West Berkeley (C-W) support a dense and productive co-location of diverse economic activities. This regulatory framework has enabled a synergistic environment in which clean-tech firms, construction suppliers, artisan manufacturers, and logistics operators coexist with limited conflict. Comparative analysis of analogous industrial zones in nearby East Bay cities—including Emeryville, Richmond, and Fremont—reveals that Berkeley's West Berkeley Plan Area remains one of the few urbanized industrial nodes that still integrates light manufacturing with residential proximity and multimodal infrastructure. However, these advantages are increasingly jeopardized by inconsistent public space management and emerging logistical barriers.

One of the most pressing threats to the vitality of West Berkeley's economy stems from the proliferation of unmanaged, long-term RV encampments in the public right-of-way. These encampments compromise the area's foundational infrastructure by obstructing freight access, diminishing the safety and cleanliness of commercial corridors, and deterring both workforce retention and customer access. Public health and environmental hazards—including uncontained waste, vector risks, and fire incidents—further compound the operational challenges facing businesses.

If unaddressed, these conditions are likely to catalyze disinvestment, commercial tenant attrition, and the relocation of growth industries to nearby municipalities with more stable and predictable industrial environments. As the East Bay's life sciences and clean manufacturing sectors expand—with cities such as Richmond and Alameda actively courting firms through infrastructure investment and incentive alignment—Berkeley risks losing its competitive foothold in precisely those industries that align with its equity, sustainability, and climate goals.

From a policy perspective, the economic imperative is clear: to maintain and grow its commercial tax base, the City of Berkeley must ensure that industrial corridors remain accessible, safe, and operationally viable. Addressing hazards in the public right-of-way is not merely a quality-of-life issue—it is a core requirement for sustaining economic development, protecting municipal revenue, and preserving employment opportunities for a diverse resident workforce.

Risks and Threats to Economic Activity in West Berkeley: Structural Impacts of Long-Term RV Encampments

The protracted presence of long-term recreational vehicle (RV) encampments within West Berkeley's public rights-of-way introduces a complex array of structural threats to the region's manufacturing and commercial sectors. These hazards not only impede day-to-day business operations but also undermine Berkeley's regional economic competitiveness and fiscal sustainability.

1. Logistical Disruptions and Functional Erosion of the Public Right-of-Way

The spatial configuration of West Berkeley's industrial zones—characterized by wide arterials, freight access corridors, and industrial loading infrastructure—was intentionally designed to support high-throughput logistical operations. Key economic sectors relying on this infrastructure include:

- **Advanced manufacturing and clean-tech enterprises** require predictable access for the movement of large-scale equipment and precision components.
- **Construction suppliers, warehousing operations, and logistics firms**, whose profitability hinges on just-in-time delivery and curbside loading efficiency;
- **Small- and medium-scale food producers and specialty manufacturers,** which are especially sensitive to last-mile delivery challenges.

Observed Impacts:

- **Encroachment on Freight and Loading Zones**: The occupation of curb space and loading areas by RVs, trailers, and associated structures has materially disrupted freight scheduling and operations, resulting in costly delays and rerouted deliveries.
- **Circulation Constraints**: Industrial vehicles face increased difficulty navigating narrowed lanes and compromised turning radii, particularly on arterials such as Ashby Avenue and Sixth Street.
- **Deterioration of Business Accessibility**: Employees, customers, and suppliers report decreased willingness to travel through or work in areas perceived as unsafe or congested.

These disruptions incrementally diminish the functional capacity of West Berkeley's industrial ecosystem, eroding a critical competitive advantage in the East Bay's economic geography.

2. Public Health and Environmental Degradation

The absence of sanitation infrastructure and regulatory oversight for long-term vehicle dwellings has precipitated a range of environmental and public health risks with direct spillover effects on commercial and manufacturing uses.

- **Sanitation and Waste Management Failures**: Illicit discharge of human waste, greywater, and solid refuse into the right-of-way has been frequently reported by adjacent businesses, exacerbating public health liabilities.

- **Fire and Vector Hazards**: Improvised power supplies, open-flame cooking, and uncontained waste create significant risks of fire and disease vectors. Fire department records have documented multiple incidents originating in or proximate to encampments, with some requiring industrial business evacuation.

- **Occupational and Traffic Safety Compromises**: Narrowed rights-of-way and unpredictable foot traffic patterns introduce elevated risk for industrial vehicle operators, particularly in facilities utilizing forklifts, cranes, and heavy-duty trucks.

The cumulative effect of these environmental hazards not only jeopardizes worker health and safety but also complicates compliance with occupational safety regulations and insurance underwriting standards.

3. Economic Displacement and Commercial Tenant Attrition

The prolonged visibility and unmanaged nature of encampments have materially affected market perception of the area's stability, diminishing the attractiveness of West Berkeley for new investment and business retention.

- **Tenant Flight and Lease Non-Renewals**: Property owners report increased vacancy rates and prospective tenant withdrawals linked explicitly to concerns over access, sanitation, and employee security.

- **Suppressed Capital Investment**: Several businesses have shelved capital improvements or expansion initiatives due to concerns about persistent public safety risks in the surrounding area.

- **Depreciation of Asset Values**: The proximity of high-visibility encampments has demonstrably undermined commercial real estate valuations, with implications for both private investment returns and municipal property tax revenue.

These dynamics significantly impair the area's ability to compete with peer cities such as Emeryville and Richmond, both of which are actively investing in the stabilization and enhancement of their industrial districts.

4. Fiscal and Strategic Opportunity Costs

West Berkeley constitutes one of the few remaining zones in the city capable of supporting high-value industrial and commercial activities that are aligned with Berkeley's climate resilience and economic equity goals. These include:

- **Green technology manufacturers** and firms in the circular economy;
- **Food innovation and production enterprises**;
- **Craft and light manufacturing businesses** that generate stable, middle-wage employment.

The inability to safeguard the operational viability of these sectors entails steep opportunity costs, including:

- **Revenue Foregone**: Decreases in business license tax, sales tax, and property tax contributions from this area weaken the city's overall fiscal health. West Berkeley's commercial and manufacturing businesses generated over $6.2 million in business license tax revenue and over $9 million in direct and indirect sales tax contributions in FY 2023–24, representing a critical component of the general fund.
- **Employment Displacement**: Declining job stability in middle-skill, non-degreed career paths undermines citywide equity objectives.
- **Loss of Economic Multipliers**: Ancillary services, suppliers, and innovation networks suffer collateral impacts, further eroding the city's economic resilience.

Comparative Market Dynamics in the East Bay

West Berkeley faces intensifying competition from nearby municipalities—such as Emeryville, Richmond, and Fremont—that are actively cultivating high-value industrial uses, particularly in the life sciences, green tech, and advanced manufacturing sectors. These cities have made targeted infrastructural investments and streamlined permitting pathways to attract firms engaged in R&D-intensive or logistics-heavy operations.

For example, Emeryville has successfully repositioned former industrial parcels for biotech and life sciences uses, offering stable utilities, enhanced public realm amenities, and predictable regulatory frameworks. Richmond's South Shoreline Specific Plan explicitly promotes clean

tech and blue economy clusters, complemented by strategic infrastructure upgrades. By contrast, Berkeley's lack of coordinated right-of-way management in industrial corridors may increasingly function as a disincentive to new and retained investment.

Infrastructure, Safety, and Access as Competitive Determinants

A central policy implication is the inextricable linkage between physical infrastructure maintenance—including the condition and accessibility of the public right-of-way—and economic competitiveness. Industrial enterprises require predictable and secure access for freight delivery, workforce commuting, and client interaction. The proliferation of long-term recreational vehicle (RV) encampments—absent sufficient regulation, enforcement, or service provision—has degraded these conditions in West Berkeley, producing significant spatial, logistical, and safety conflicts.

The resultant degradation in logistical efficiency and occupational safety exposes firms to heightened insurance costs, regulatory compliance challenges, and increased turnover risk. Moreover, perceived instability in the public realm discourages private sector capital investment, driving business migration to better-managed jurisdictions.

New Legislative and Regional Policy Context

In addition to local trends, emerging state and regional policies underscore the need for Berkeley to establish a consistent, enforceable framework governing long-term vehicular habitation in sensitive urban areas.

San Francisco: Mayor Lurie's Executive Policy on RV Parking (2025):

Mayor Daniel Lurie announced a new set of RV parking restrictions in May 2025 aimed at curbing long-term vehicular encampments near schools, parks, hospitals, and critical infrastructure. Under San Francisco's policy, RVs may not remain parked for more than 72 consecutive hours in designated sensitive zones, with signage and outreach teams deployed in advance of enforcement. In coordination with the Department of Homelessness and Supportive Housing (HSH), RV residents are offered relocation to designated safe parking lots operated by community-based organizations. The program emphasizes behavioral standards, vehicle operability, and compliance with public health guidelines. The City also expanded its vehicle triage capacity to support relocation and case management. San Francisco's approach mirrors many of Berkeley/s current policy approaches and affirms the legal and practical viability of a layered, service-first enforcement model.

In addition to San Francisco's policy, recent municipal laws in neighboring East Bay cities demonstrate a regional trend toward regulated RV parking and associated encampment management:

San Jose

- In 2024, San Jose adopted ordinances prohibiting RV parking and unsheltered encampments within 150 feet of K–12 schools, formally designating these areas as "School Clearance Zones." The policy authorizes enforcement actions, including towing, following prior outreach and service offers by the City's Housing Department and contracted outreach teams. This ordinance was part of a broader municipal strategy to mitigate health and safety impacts near educational institutions and aligns with San Jose's citywide encampment management protocol

- In June 2025, the San José City Council adopted a "vanlording" ordinance prohibiting the rental or subleasing of unregistered, non-operational, or unsafe recreational vehicles to unhoused individuals. Under the ordinance, recreational vehicles used as dwellings may not be parked or inhabited on public streets or private property, regardless of lease arrangements. The law, codified as Ordinance No. 31226, will take effect in August 2025, and is designed to combat predatory rental practices and mitigate associated health and safety hazards.

- As part of its broader vehicle habitation response strategy, San José operates a $3.3 million pilot enforcement program that establishes rotating tow-away zones and permanent no-parking areas in high-impact corridors. This program is coupled with the provision of 128 safe parking spaces, dispersed across municipal and nonprofit-managed lots.

Fremont

- In late 2024, the Fremont City Council adopted an ordinance imposing a 72-hour parking limit for all vehicles citywide, coupled with a categorical ban on RV parking in residential neighborhoods and within proximity to schools and places of worship. Upon reaching the 72-hour threshold, vehicles must relocate a minimum of 1,000 feet to comply with the ordinance.

- Fremont has enacted one of the Bay Area's most stringent anti-camping ordinances, which criminalizes unauthorized public camping and imposes penalties on third parties who facilitate or support encampments. While enforcement is framed as a measure of last resort, it is preceded by documented outreach and service offers in alignment with the City's stated policy of compassionate compliance.

Oakland

➢ In November 2021, the Oakland City Council enacted Ordinance No. E-13-011, ingrained in Chapter 5.72 of the Oakland Municipal Code. The ordinance authorizes the occupancy of one recreational vehicle (RV) on private undeveloped residential property,

provided the property owner grants permission and the occupant obtains a Temporary RV Occupancy Permit:

- The RV must be located in a zoning district that permits residential use and comply with residential setback requirements (e.g. typically 6 feet from structures and property lines).
- Only one RV per parcel is allowed.
- Residential safety, sanitation, and utility standards must be met: evidence of water supply and sewage disposal (e.g. a sewer hookup or regular sanitary pump service), electrical access (solar preferred), structural integrity, smoke detectors, and clean maintenance compliant with Oakland's blight code.
- Permits are valid for up to 12 months, renewable, and not considered permanent land-use entitlements.
- At the same time, Oakland continues structured safe parking and managed encampment programs, enforcing restrictions near schools, parks, and hospitals through its Encampment Management Team.

San Leandro

- In San Leandro, Municipal Code § 6-1-430 establishes a strict prohibition on overnight street parking of oversized motor vehicles—defined as those exceeding 20 feet in length, 7 feet in height, or 10,000 lb gross vehicle weight—within residential zoning districts from 2:00 a.m. to 6:00 a.m.. Off-street parking restrictions require oversized vehicles to be located at least 20 feet from front or street-side yards and fully clear of the public sidewalk, with no portion extending over the public way. Only one oversized vehicle is allowed per parcel. The City may grant limited hardship exemptions (maximally 72 hours per instance), subject to annual caps, as authorized by the City Manager.

Policy Implications for Berkeley

Collectively, these municipal ordinances reflect a growing regional consensus on best practices for managing vehicle habitation in the public right-of-way. Core elements include:

- **Acknowledging impacts to sensitive zones** around schools, parks, and environmentally sensitive infrastructure;

- **Implementing time-limited parking regulations** with enforceable relocation and towing provisions;

- **Prohibiting predatory rental or subletting of unsafe or non-compliant vehicles** to unhoused individuals; and

- **Pairing enforcement with structured safe parking programs and service-linked outreach.**

For Berkeley, alignment with these regionally validated frameworks would enhance legal defensibility, operational consistency, and interjurisdictional coordination. A calibrated policy that blends environmental protection, economic stewardship, and compassionate enforcement can ensure both the ethical integrity and functional viability of the City's response

BACKGROUND

Berkeley's Evolving Program and Service Landscape

Berkeley's homelessness response system has undergone significant transformation over the past five years, marked by sustained investment, program diversification, and institutional coordination with county and state systems. According to the July 29, 2025 City Council Worksession report titled *Comprehensive Summary of Berkeley's Homeless Response*, the City's homeless services network has significantly expanded its housing placement infrastructure, outreach capacity, and behavioral health partnerships.

Key highlights from the report include:

- **Housing Placements and Retention:** In FY 2024–25, the City supported permanent housing placements for over **610 individuals**, a 19% increase from the prior year. Among those placed, 85% remained housed after six months, suggesting durable support services and appropriate housing matches.

- **Outreach and Coordinated Entry:** The Homeless Response Team (HRT) increased field engagement efforts, conducting more than **3,400 contacts** with unhoused individuals. Of these, **1,120 individuals** were assessed through the Coordinated Entry System (CES), resulting in targeted referrals to housing, medical respite, and substance use treatment programs.

- **Shelter and Non-Congregate Housing:** As of mid-2025, Berkeley maintains more than **400 shelter and interim housing beds**, including non-congregate units created through Project Homekey acquisitions (e.g., Rodeway Inn, Golden Bear Inn). These units operate

at near full capacity, with most residents receiving on-site case management.

- **Behavioral Health and Substance Use Services:** The City's expanded partnership with Alameda County Behavioral Health has enabled embedded clinical staff within outreach teams and launched pilot initiatives connecting high-needs RV dwellers with substance use treatment.

- **Encampment Resolution Outcomes:** Under the City's Encampment Resolution Policy (Resolution No. 71,513-N.S.), the City facilitated the closure or stabilization of **11 encampments** between July 2024 and July 2025, with more than half of the residents offered services or shelter.

The work session report emphasized the importance of strategic enforcement that prioritizes harm reduction and housing connection. It also recommended improved data integration across City departments and greater regional coordination with Alameda County, particularly in the context of growing vehicle habitation.

Taken together, these developments signal both the capacity and institutional will to implement a more structured RV management framework that incorporates housing-first principles, targeted enforcement, and coordinated intake.

Unit Acquisition

From 2021 to 2025, the City of Berkeley has executed a targeted strategy to expand non-congregate interim and permanent housing through the acquisition and conversion of motel properties. These projects are central to the City's encampment resolution and vehicle habitation response, combining state funds—principally through Project Homekey and the Encampment Resolution Fund (ERF)—with local investments from Measure P, Measure U1, and institutional partnerships such as UC Berkeley.

Collectively, these projects account for 168 units of interim and permanent housing, with all sites integrated into the Alameda County Coordinated Entry System (CES) and supported by 24/7 case management, behavioral health access, and housing navigation services.

Summary of Housing Acquisition Projects

Site Name	Address	Year	Housing Type	Units	State Funding Source	State Amount	Local/Other Source	Local Amount

Golden Bear Inn	1620 San Pablo Ave	2021	Permanent	44	Project Homekey (Round 1)	$16.2M	Measure P	$7.3M
Rodeway Inn (Interim)	1001 University Ave	2022	Interim	43	Encampment Resolution Fund (ERF)	$4.7M	UC Berkeley	$2.2M
Berkeley Inn (Beyond the Horizon)	1720 San Pablo Ave	2023	Interim	29	—	—	Measure P	$9.3M
Campus Motel	(Address not specified)	2023	Interim	23	ERF	$4.9M	Measure P	$5.0M
Rodeway Inn (Permanent Conversion)	1001 University Ave	2024	Permanent Supportive	31	Project Homekey (Round 3)	$14.1M	Measure U1	$8.5M
Capri Motel	1512 University Ave	2024	Interim	21	ERF	$5.4M	Measure P	$5.2M

Cumulative Impact

- **Total Units Created**: 191
- **Total State Investment**: $45.3 million
- **Total Local/Institutional Investment**: $37.5 million

These projects provide a spectrum of non-congregate housing interventions aligned with Berkeley's Encampment Resolution Policy (Resolution No. 71,513-N.S.) and California's housing-first mandates. Interim sites—Berkeley Inn, Rodeway (initial phase), Campus Motel, and Capri—prioritize rapid stabilization and decampment. Permanent supportive conversions—Golden Bear and the second phase of Rodeway—ensure long-term tenancy with embedded services.

Each site supports case-managed reentry into housing, employment, and health systems, contributing directly to the City's reduction in unsheltered homelessness and its broader coordinated strategy for public space management.

Concurrently, the City's Homeless Response Team (HRT) has expanded operational capacity. The team now conducts field-based assessments that directly interface with the Alameda County Coordinated Entry System (CES), enabling real-time placement into housing and services. In the preceding year, over 600 unsheltered individuals were engaged, with 34% successfully transitioning into shelter or permanent housing. Integrating behavioral health expertise, outreach navigation, and coordinated housing referrals has enhanced the city's capability to stabilize encampments and mitigate street-level homelessness.

However, the city remains a party to active litigation brought by advocacy organizations representing unhoused individuals and local property owners. These legal challenges invoke constitutional claims—including those under the Eighth and Fourteenth Amendments—as well as demands for more rigorous municipal enforcement of nuisance and safety codes. These parallel proceedings exemplify the broader legal and ethical tensions confronting municipalities throughout California as they attempt to enforce public space regulations in a manner that withstands judicial scrutiny.

The City of Berkeley dedicates over $40 million annually to homelessness programs. Funding sources include voter-approved tax measures (P and U1), federal and state housing programs, and targeted local initiatives. These resources support emergency shelter operations, transitional housing, outreach and case management services, behavioral health initiatives, and permanent supportive housing. According to 2023 performance data, the city's homelessness response network achieved a 27% rate of permanent housing placements, with service users predominantly identifying as chronically homeless, over 45 years old, and disproportionately from Black and Latino populations. These demographic insights underscore the intersectional challenges of race, aging, and health status in local homelessness policy.

Legal and Policy Context

The legal landscape for municipal encampment enforcement has shifted significantly following the U.S. Supreme Court's decision in *City of Grants Pass v. Johnson* (2025). In a 6–3 ruling, the Court held that enforcement of local anti-camping ordinances—even in the absence of adequate shelter capacity—does not, in itself, violate the Eighth Amendment's prohibition on cruel and unusual punishment. This decision effectively overturned precedent set by the Ninth Circuit in *Martin v. Boise* (2018) and grants municipalities broader authority to regulate the use of public space, including encampment abatement and vehicle habitation enforcement.

While *Grants Pass* clarified the constitutional permissibility of enforcement, it did not mandate any particular approach, nor did it exempt cities from potential liability under other legal doctrines, such as due process, equal protection, or state-level protections. As a result, California jurisdictions continue to navigate a complex policy environment—balancing enforcement discretion with service provision, environmental mandates, and public health responsibilities.

In this evolving context, municipalities have adopted a range of responses:

- **Fremont** operates a Vehicle Encampment Relocation Program alongside two designated safe parking sites. These are supported by coordinated entry pathways, sanitation services, case management, and structured compliance protocols.

- **San José** maintains a dedicated Encampment Management Team within its Housing Department. The team implements structured closure protocols, manages a real-time online dashboard of encampment conditions, and prioritizes enforcement near sensitive public infrastructure and waterways. The city also partners with Caltrans and VTA to manage encampments along state rights-of-way.

- **Oakland** enforces a "High Sensitivity Areas" framework, which restricts encampments near schools, parks, and hospitals. Its Encampment Management Team conducts proactive outreach, facilitates voluntary relocation, and oversees sanitation and waste removal efforts.

These models demonstrate varying degrees of integration between enforcement and housing-first principles, and provide important reference points as Berkeley calibrates its own approach in light of the *Grants Pass* decision.

Comparative Regional Models

Across the Bay Area, counties including Alameda, Contra Costa, and Santa Clara administer safe RV parking programs supported by a blend of state grant funding, local tax revenue, and philanthropic investment. These programs generally offer sanitation facilities, on-site security, case management, and clearly defined time limits. Intake prioritizes high-vulnerability populations—such as seniors, families, and individuals with chronic medical or behavioral health conditions—and typically operates within the Coordinated Entry System (CES) to ensure equitable distribution of housing resources.

A number of cities within these counties have adopted structured regulatory and service-based frameworks to address the complex challenges of RV habitation in the public right-of-way. These municipal models offer instructive precedents for Berkeley's ongoing policy development:

- **Alameda County** operates a centralized Safe Parking Program located on the Fairmont Campus in San Leandro, designed to support community members experiencing homelessness who live in their vehicles. This program offers 24-hour access to designated parking areas both overnight and during the day, providing a safer alternative to roadway parking, especially in sensitive ecological and residential areas.

  Participants are connected to critical services, including housing navigation, outreach engagement, and community re-integration support, through county-run channels like the Coordinated Entry System. Registration is required, and individuals can begin the process by calling the county's dedicated line or visiting the program website. Key features include:

  - **Location & Accessibility**: 24-hour program located at the Fairmont Campus in San Leandro.
  - **Support Services**: Participants are linked to case management, housing referrals, coordinated entry, and other supportive services via county intake staff.
  - **Registration Process**: Enrollees begin through telephone or online contact; intake protocols prioritize individualized support and fair access.

- **Santa Rosa** administers a Safe Parking Program accommodating up to 50 RVs, operated in partnership with Catholic Charities. Services include intake assessment, case management, restrooms, handwashing stations, and waste disposal. Eligibility criteria require vehicle registration and the absence of outstanding warrants. Participants must sign a code of conduct. The program operates at an estimated annual cost of $1.2 million, funded through a combination of General Fund, Homeless Housing, Assistance and Prevention (HHAP), and Emergency Solutions Grant (ESG) funds. Parking enforcement is guided by a graduated response protocol that emphasizes outreach and voluntary compliance before issuing citations.

- **Mountain View** employs a dual approach combining a Safe Parking Program with active enforcement of oversized vehicle restrictions. The City provides approximately 80 parking spaces distributed across city-owned and nonprofit-operated lots, with contracted services delivered by MOVE MV, a local outreach provider. Services include sanitation, intake assessment, and case management. Program costs approach $1.5 million annually. Enforcement efforts include a ban on oversized vehicle parking across 447 designated corridors, accompanied by signage and the authority to issue civil citations. To mitigate legal exposure, the City ensures the availability of alternative parking options and support services.

- **San Leandro** operates a permit-based Safe Parking Program supporting roughly 20 RVs, located on a city-owned lot adjacent to the Public Works Department. The program offers sanitation, electrical hookups, and regular outreach and is coordinated through a local nonprofit partner. Annual costs are approximately $600,000. The City supplements its program with targeted parking restrictions near schools and in industrial zones, enforced by traffic officers in coordination with outreach teams.

- **Fremont** integrates its safe parking services within its Human Services Department and the Fremont Family Resource Center. The program provides rotating safe parking across municipal and faith-based lots, with intake conducted by Abode Services. Participants receive wraparound services, including mental health care and housing navigation. The City allocates approximately $900,000 per year, drawing on Measure A1, HHAP, and other local funds. Fremont follows a "Compassionate Enforcement" model, prioritizing voluntary compliance and relocation assistance before issuing citations.

- **Oakland** manages RV habitation through a combination of managed encampment sites, a sanctioned “LakePoint” RV community pilot, and operations led by the Encampment Management Team (EMT). Services include sanitation, waste removal, enforcement, and service referrals. Oakland’s enforcement practices have faced litigation and public

scrutiny, prompting the development of more structured and transparent alternatives. The City spends more than $4 million annually on RV site management, funded by the Encampment Resolution Fund, general fund revenues, and Measure Q. Abatement in environmentally sensitive areas is conducted only after multiple outreach attempts, in accordance with city policy.

These regional models underscore the importance of integrating enforceable parking regulation with safe parking infrastructure and service coordination, offering actionable frameworks for Berkeley's evolving approach to vehicle habitation and public space management.

RATIONALE

This recommendation advances multiple priorities articulated in the City of Berkeley Strategic Plan, directly supporting the City's commitments to:

- Environmental stewardship and climate resilience can be achieved by curbing illicit discharges into the stormwater system, preserving riparian and shoreline ecosystems, and mitigating public health risks associated with unregulated vehicular habitation.
- Housing equity and service delivery, by strengthening the City's homelessness response infrastructure and expanding pathways to transitional and supportive housing;
- Transparent and timely public service, through improved interdepartmental coordination, legal clarity, and access to clean, navigable public rights-of-way;
- Sustainable local economic development, by safeguarding West Berkeley's industrial corridors from logistical, environmental, and reputational degradation.

By concentrating enforcement efforts in geographically sensitive areas—such as near schools, parks, water bodies, and industrial freight corridors—the City can uphold public safety, ecological integrity, and economic functionality without defaulting to punitive or indiscriminate strategies. The proposed framework supports a targeted, service-oriented approach, ensuring that interventions remain both operationally feasible and legally defensible, particularly in light of the Supreme Court's *Grants Pass* ruling.

Failure to act risks accelerating the deterioration of public infrastructure, undermining regulatory compliance under the Clean Water Act and NPDES, and weakening public trust in municipal capacity. The prolonged presence of unmanaged RV encampments has already contributed to increased emergency response costs, impeded business operations, and eroded the habitability of adjacent residential neighborhoods.

At the same time, the proposal affirms Berkeley's commitment to upholding the dignity and rights of unhoused residents by embedding enforcement within a broader ecosystem of safe parking, outreach, and housing-first strategies. It avoids criminalization in favor of trauma-informed engagement, offering pathways toward stabilization while preserving equitable access to the public realm for all.

Ultimately, this recommendation reflects a necessary recalibration of policy—one that balances compassion with accountability, and equity with functionality. Without coordinated intervention, Berkeley risks disinvestment, declining tax revenues, and the loss of precisely those industrial and innovation sectors that align with its long-term climate and equity goals.

FINANCIAL IMPLICATIONS

The proposed recommendation does not authorize immediate implementation of parking restrictions or new programmatic enforcement, and thus carries no direct fiscal impact at this time. However, referring this item to the City Manager and City Attorney for a legal analysis and regional policy study will require moderate staff time across multiple departments, including the City Attorney's Office, Public Works, Transportation, and the City Manager's Office.

Preliminary analysis and interdepartmental coordination may be accommodated within existing operational budgets. However, should the Council act on future recommendations resulting from this study—such as enacting targeted RV parking restrictions, launching a permit program, or developing local safe parking infrastructure—substantial future allocations may be required. These may include:

- Enforcement and signage (Public Works & Parking Enforcement);
- Civilian outreach staffing and case management;
- Safe parking facility acquisition or operations;
- Legal and administrative costs for permit or appeal frameworks.

Any future budgetary proposals would return to Council for consideration as part of subsequent action items or during the FY 2026–27 biennial or mid-cycle budget processes. Potential funding sources for implementation could include:

- **Measure P** (homeless services and outreach),
- **Measure U1** (affordable and transitional housing),
- **Alameda County Measure W** (homeless response infrastructure),
- **State grant programs**, such as HHAP and the Encampment Resolution Fund (ERF).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adopting the proposed ordinance is projected to reduce the incidence of ecological degradation stemming from unregulated RV habitation. Specifically, it is expected to curtail pollutants entering stormwater systems and enhance the environmental resilience of the Berkeley watershed and adjacent shoreline ecosystems.

ALTERNATIVES CONSIDERED:

- Maintaining the current regulatory and service framework,
- Implementing a citywide RV parking ban without locational differentiation,
- Establishing municipally operated safe parking zones exclusively within Berkeley,
- Augmenting law enforcement activity in the absence of additional safe parking infrastructure.

CONTACT PERSON

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ATTACHMENTS

1. Berkeley Municipal Code 12.98: *Abandoned, Dismantled, or Inoperable Vehicles*
2. Berkeley Municipal Code 12.98 Amendments
3. Berkeley Municipal Code 17.20: *Discharge of Non-Stormwater Into the City's Storm Drain System-Reduction of Stormwater Pollution*
4. Berkeley City Council Resolution No. 71,513-N.S**.** – *City of Berkeley Encampment Resolution Policy (2024)*
5. California Vehicle Code § 22661
6. California Vehicle Code § 22669
7. City and County of San Francisco Large Vehicle Parking Ordinance
8. City of Berkeley City Council Comprehensive Summary of Berkeley's Homeless Response Worksession Report 7.29.25
9. City of Berkeley Comprehensive Homeless Response Slidedeck
10. City of Fremont Camping Ordinance
11. City of Fremont Safe Parking Ordinance
12. City of Fremont 72-Hour Limit and Oversized Vehicle Parking Restrictions
13. City of San Jose School Zone Encampment and RV Parking Ordinance
14. City of San Jose "Vanlording" Ordinance
15. City of San Leandro Parking Ordinance
16. San Leandro Safe Parking Program Update 2.26.25
17. City of Mountain View Safe Parking Program
18. City of Oakland Encampment Management Team Report October 2024
19. City of Oakland Guide to Vehicular Residential Facilities
20. City of Oakland Private Property Recreational Vehicle Occupancy Permit Pilot Ordinance
21. City of Santa Rosa Safe Parking 3 Year Report 6.5.2025

Chapter 12.98
ABANDONED, DISMANTLED OR INOPERATIVE VEHICLES

Sections:

12.98.010 Definitions.
12.98.020 Prohibited conduct-- Abandonment of vehicles.
12.98.030 Exceptions.
12.98.040 Abatement procedures.
12.98.050 Remedies cumulative.

12.98.010 Definitions.

As used in this chapter.

A. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a roadway, except a device moved by human power or used exclusively upon stationary rails or tracks. Vehicle includes "part(s) thereof."

B. "Abandoned vehicle" means any vehicle which has been left stationary for more than seventy-two hours on property that is neither open to the public for parking nor part of the public right of way, without the consent of the person or entity that lawfully owns, controls or occupies that property.

C. "Inoperative vehicle" means any vehicle in such condition, as a result of mechanical and/or structural defects, however caused, that it cannot be driven under its own power.

D. "Dismantled vehicle" means a vehicle that has had, intentionally or unintentionally, one or more critical parts removed for sixty days or more. A critical part is any part that is needed to safely operate the vehicle, including but not limited to a wheel or tire, windshield, door, side quarter panel, trunk, hood, roof, steering wheel or transmission. A vehicle can be "dismantled" whether or not it is in a operative condition.

E. "Property owner" means the owner of the nonpublic land on which the vehicle is located, as shown on the last equalized assessment roll.

F. "Vehicle owner" means the last registered and legal owners of record, as shown by Department of Motor Vehicles records. (Ord. 6091-NS § 1, 1991)

12.98.020 Prohibited conduct-- Abandonment of vehicles.

A. It shall be unlawful for any person to park or store any abandoned, inoperative, or dismantled vehicle on public or private property.

B. It shall be unlawful for any person to fail to remove an abandoned, dismantled, or inoperative vehicle, or to refuse to abate such nuisance when ordered to do so pursuant to this chapter or applicable state law. (Ord. 6091-NS § 2, 1991)

12.98.030 Exceptions.

A. This chapter shall not apply to any vehicle that is completely and lawfully enclosed within a building on private property so as not to be visible from the street or other public or private property; or to any vehicle, lawfully stored or parked on private property in connection with the business of a licensed vehicle dealer, junkyard, or dismantler; or to any vehicle displaying a special identification plate obtained from the state Department of Motor Vehicles under California Vehicle Code Section 5004 signifying that the vehicle is of historic or special interest, provided that such a vehicle is maintained in such a manner as not to constitute a health hazard and is located away from public view, or screened from ordinary public view, by means of a suitable fence, trees, shrubbery, opaque covering, or other appropriate means.

B. Any exception provided for in this chapter shall not be construed to permit the maintenance of a public or private nuisance as defined under any other provision of law. (Ord. 6126-NS § 1, 1992: Ord. 6091-NS § 3, 1991)

12.98.040 Abatement procedures.

A. The City may contract with any person or entity to remove a vehicle declared to be a nuisance pursuant to this chapter, and may authorize such person or entity to enter upon private or public property to effectuate such removal.

B. The City may assess its administrative and removal costs under this chapter. A lien may be attached to the property pursuant to Government Code Section 38773.5. If such costs are not paid within thirty days of the date of the order requiring such payment, the order may be transmitted for collection to the tax collector, and shall have the same priority as other City taxes. No assessment shall be applied to property if the property owner does not own the vehicle, and either did not consent to its placement on the property or is financially unable to repair or dispose of the vehicle.

C. A notice of the City's intention to abate ("Notice to Abate") a public nuisance by removing and disposing of an abandoned, dismantled or inoperative vehicle shall be mailed on the date of the notice by certified or registered mail to the following: (1) when the vehicle is located on private property, to the property owner at the address shown on the last equalized assessment roles, and to the vehicle owner at the address shown by the Department of Motor Vehicles records; and (2) when the vehicle is located on public property, to the vehicle owner at the address shown by the Department of Motor Vehicles records. If the license plate and identification numbers cannot be ascertained to determine ownership because of the condition of the vehicle, notice posted on the vehicle shall be deemed adequate notice to the owner of such vehicle of purposes of this section.

D. *Notice to abate.*

1. The notice to abate shall inform the owners of (a) the violation of this chapter, (b) the City's intent to remove and dispose of the vehicle if the violation is not remedied within ten days of the date of the notice, (c) the City's intention to assess the removal and administrative costs against the property owner, (d) the right to submit a written request for a hearing within ten days of the date the notice to contest the alleged violation of the chapter, and (e) the person and office to which said written request must be submitted.

2. In addition, the notice to abate sent to the property owner shall also inform the property owner of their right to submit a sworn written statement, in lieu of appearing at a hearing, denying ownership of the vehicle, and either denying having given consent to the placement of the vehicle on the land or establishing financial inability to repair or dispose of the vehicle. The receipt of such a sworn written statement from the property owner within ten days of the date of the notice to abate shall be construed as a request for a hearing by the property owner on the sole issue of whether the property owner should be assessed for the administrative and removal costs, at which hearing the property owner need not appear.

3. In addition, the notice to abate shall inform the owners that instead of requesting a hearing, a property or vehicle owner may, within ten days of the date of the notice to abate, admit to a violation of this chapter but request an extension of time to comply with the notice to abate. The City may, in its discretion, grant any reasonable extension of time. If the owner requesting an extension fails to comply with this chapter by the end of the extension period, the City may remove and dispose of the vehicle without any hearing. However, if a hearing was requested by the property owner on the issue of the property owner's responsibility for the vehicle, that hearing must still be conducted if the property owner is to be assessed administration and removal costs.

E. *Hearings.*

1. A City employee designated by the City Manager that is not in the Police Department and has a job classification equivalent to or higher than a housing inspector shall hold a hearing if a timely written request is received from either the owner of the property on which the vehicle is located, or by the vehicle owner. If no timely request for a hearing is received, the City may abate the nuisance by removing and disposing of the vehicle.

2. Notice of the time and place of the hearing shall be sent by first class United States mail at least ten days prior to the hearing to the owner of the property on which the vehicle is located, and to the vehicle owner. The notice of the hearing shall be sent to the same addresses as the ten day notice of intent to abate or remove, unless other address information is provided by any owner or their agent. If the license plate and identification numbers cannot be ascertained to determine ownership because of the condition of the vehicle, notice posted on the vehicle shall be deemed adequate notice to the owner of such vehicle of purposes of this section.

3. The hearing officer shall hear all facts and testimony deemed pertinent. The technical rules of evidence shall not apply to the hearing. Said facts and testimony may address the condition of the vehicle, or parts thereof. The hearing officer may issue orders deemed appropriate to carry out the purpose of this chapter, such as granting an extension for removal or abatement by an owner. At the conclusion of the hearing, if the hearing officer finds by a preponderance of the evidence that the vehicle is abandoned, inoperative or

dismantled in violation of this chapter, they may order the same removed and disposed of as a public nuisance. The hearing officer may also determine the administrative and removal costs for the purpose of assessing the costs of enforcing this chapter against the property owner. However, no assessment shall be applied to property if the property owner proves that they do not own the vehicle, and either did not consent to its placement on the property or is financially unable to repair or dispose of the vehicle.

F. *Removal of the vehicle.* Fifteen days after the ten day notice to abate or remove expires without a request for a hearing, or thirty days after an order for the removal of a vehicle as a public nuisance is made pursuant to a hearing, if one is requested, the vehicle shall be disposed of by removal to a scrap yard or automobile dismantler's yard.

If the property owner or any lawful occupant of the property objects to the City's authorized agent entering upon the property to remove the vehicle, the hearing officer or their agent shall obtain a warrant from the municipal court to authorize entry onto the property for the purpose of removing the vehicle.

Following removal, no vehicle that is dismantled or inoperative shall thereafter be resold, reconstructed, or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to California Vehicle Code Section 5004.

G. *Notice to DMV.* Within five days after the date of the removal of the vehicle, notice shall be given to the Department of Motor Vehicles which identifies the vehicle, or parts thereof. At the same time there shall be transmitted to the Department of Motor Vehicles and to the Department of Justice any evidence of registration that is available, including registration certificates, certificates of title, and license plates. (Ord. 6208-NS § 1, 1993: Ord. 6126-NS § 1, 1992: Ord. 6091-NS § 4, 1991)

12.98.050 Remedies cumulative.

This chapter does not constitute the exclusive regulation of abandoned, inoperative or dismantled vehicles within the City of Berkeley; this chapter shall be considered supplemental and in addition to any other administrative regulations, regulatory codes, ordinances and statutes in existence or hereafter enacted by any legal entity or agency having the jurisdiction to do so. (Ord. 6091-NS § 5, 1991)

The Berkeley Municipal Code is current through Ordinance 7957-NS, passed April 15, 2025.

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

City Website: www.berkeleyca.gov

Hosted by General Code.

1. BMC 12.98.010:

As used in this chapter.

A. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a roadway, except a device moved by human power or used exclusively upon stationary rails or tracks. Vehicle includes "part(s) thereof."

B. "Abandoned vehicle" means any vehicle which has been left unoccupied and stationary on public or private property for more than seventy-two hours, ~~-~~in such neglected fashion as to suggest its relinquishment ~~on property that is neither open to the public for parking nor part of the public right of way,~~ and without the consent of the person or entity that lawfully owns, controls or occupies that property.

C. "Inoperative vehicle" means any vehicle in such condition, as a result of mechanical and/or structural defects, however caused, that it cannot be driven under its own power.

D. "Dismantled vehicle" means a vehicle that has had, intentionally or unintentionally, one or more critical parts removed for sixty days or more. A critical part is any part that is needed to safely operate the vehicle, including but not limited to a wheel or tire, windshield, door, side quarter panel, trunk, hood, roof, steering wheel or transmission. A vehicle can be "dismantled" whether or not it is in a operative condition.

E. "Property owner" means the owner of the nonpublic land on which the vehicle is located, as shown on the last equalized assessment roll.

F. "Vehicle owner" means the last registered and legal owners of record, as shown by Department of Motor Vehicles records.

2. BMC 12.98.040(F):

F. Removal of the vehicle. ~~Fifteen days a~~At any time after the ten day notice to abate or remove expires without a request for a hearing, or, if a hearing is requested and an order for the removal of a vehicle as a public nuisance is made pursuant to a hearing, after a period of time deemed reasonable by the administrative hearing officer, ~~thirty days after an order for the removal of a vehicle as a public nuisance is made pursuant to a hearing~~, ~~if one is requested,~~ the vehicle shall be disposed of by removal to a scrap yard or automobile dismantler's yard.

If the property owner or any lawful occupant of the property objects to the City's authorized agent entering upon the property to remove the vehicle, the hearing officer or their agent shall obtain a warrant from the municipal court to authorize entry onto the property for the purpose of removing the vehicle.

Following removal, no vehicle that is dismantled or inoperative shall thereafter be resold, reconstructed, or made operable, unless it is a vehicle which qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to California Vehicle Code Section 5004.

Chapter 17.20
DISCHARGE OF NON-STORMWATER INTO THE CITY'S STORM DRAIN SYSTEM--REDUCTION OF STORMWATER POLLUTION

Sections:

17.20.010 Purpose and intent.
17.20.020 Definitions.
17.20.030 No matter other than stormwater may be discharged into the storm drain system.
17.20.040 Establishment or maintenance of conduits or other facilities that convey materials other than stormwater into the storm drain system prohibited.
17.20.050 Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities.
17.20.060 Affirmative duty to comply with "best management practices."
17.20.070 Discharge of any matters in violation of an NPDES permit and failure to otherwise comply with requirements pertaining to NPDES permits unlawful.
17.20.080 Certain discharges into the storm drain system exempted.
17.20.090 Notice of discharges--Clean-up.
17.20.100 Authority to inspect and sample for enforcement purposes.
17.20.110 Acts constituting violation.
17.20.120 Continuing violation.
17.20.130 Acts may violate federal Clean Water Act or Porter-Cologne Act.
17.20.140 Violations deemed a public nuisance.
17.20.150 Cease and desist orders.
17.20.160 Violation deemed infraction.
17.20.170 Civil actions.
17.20.180 Remedies not exclusive.
17.20.190 Liability.
17.20.200 Authority to promulgate regulations and take other actions.
17.20.210 Construction and application.

17.20.010 Purpose and intent.

The purpose of this chapter is to ensure the health, safety, and general welfare of City of Berkeley citizens by eliminating non-stormwater discharges to the City's storm drain system and by reducing the contamination of stormwater by pollutants to the maximum extent practicable.

The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act (33 U.S.C. Sec. 1251 et seq.). (Ord. 6216-NS § 1, 1993)

17.20.020 Definitions.

Any terms defined in the federal Clean Water Act (33 U.S.C. sec. 1251 et seq.) and acts amendatory thereof or supplementary thereto, or defined in the regulations for the stormwater discharge permitting program issued by the U.S. Environmental Protection Agency on November 16, 1990 (codified at 40 C.F.R. Parts 122 - 124) as may be amended from time to time, as used in this chapter shall have the same meaning as in said statute or regulations.

A. "Discharge of a pollutant" means any addition of any pollutant to the waters of the San Francisco Bay from any point source. (33 U.S.C. Sec. 1362(12))

B. "Illicit discharge" means any discharge to the City storm drain system that is not composed entirely of stormwater except discharges pursuant to a NPDES permit and discharges resulting from fire fighting activities. (40 C.F.R. Sec. 122.26(b)(2))

C. "Person" means an individual, corporation, partnership, association, state, municipality, commission, or political subdivision of a state, or any interstate body. (33 U.S.C. Sec. 1362(5).)

D. "Point source" means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, or vessel or other floating craft. (33 U.S.C. Sec. 1362(14); 40 C.F.R. Sec. 122.2.)

E. "Pollutant" means dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste. (33 U.S.C. sec. 1362(6).)A pollutant shall also include any increment of increase in the total volume or rate of stormwater runoff resulting from any activity or development occurring after the effective date of this chapter.

F. "Storm drain system" means those facilities within the City by which stormwater may be conveyed to waters of the San Francisco Bay, including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, humanmade channels, storm drains and natural watercourses. (40 C.F.R. Sec. 122.26(b)(8).)

G. "Stormwater" means rainfall runoff, snow melt runoff, and surface runoff and drainage. (40 C.F.R. Sec. 122.26(b)(2).) (Ord. 6216-NS § 2, 1993)

17.20.030 No matter other than stormwater may be discharged into the storm drain system.

Except as otherwise expressly exempted below, it is unlawful to discharge any matter except stormwater into the storm drain system. (Ord. 6216-NS § 3, 1993)

17.20.040 Establishment or maintenance of conduits or other facilities that convey materials other than stormwater into the storm drain system prohibited.

It is unlawful to establish, use or maintain any pipe, channel or other similar connection to the storm drain system that conveys thereto discharges not composed entirely of stormwater. As mandated by the regulations issued by the U.S. Environmental Protection Agency codified at 40 C.F.R. Parts 122 124, this prohibition is expressly retroactive and applies to connections made before the effective date of this chapter, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection. (Ord. 6216-NS § 4, 1993)

17.20.050 Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities.

Any person engaged in activities which will or may result in pollutants entering the storm drain system shall undertake all practicable measures to reduce or prevent the contamination of stormwater by pollutants. Such measures shall include, but are not limited to, adherence to the following requirements:

A. *Littering prohibited.* No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant that enters the storm drain system; provided however, that nothing in this section shall be construed to prohibit the disposal of garbage, rubbish or other waste in a lawful manner as provided in Berkeley Municipal Code Chapter 11.16 (Waste Collection and Disposal) or Chapter 12.32 (Refuse Disposal), or the disposal of recycled materials in the manner provided for pursuant to Chapter 12.36 (Recycled Materials Collection Program), or the disposal of garbage, rubbish or other waste in lawfully established dumping grounds.

B. *Requirements for construction and development.*

1. Any construction contractor performing work in the City shall provide filter materials at catch basins to retain any debris, dirt, or other pollutants generated by such work to prevent said pollutants from flowing into the City's storm drain system.

2. Any applicant for a building or grading permit from the City shall, as a condition of receiving such permit, sign a certification stating that the applicant has read and shall use, to the maximum extent practicable, applicable portions of the state stormwater best management practices manual for construction activity, a copy of which shall be available to the applicant where building and grading permits are obtained.

3. Any applicant for a building or grading permit from the City who is subject to the state NPDES construction general permit shall, as a condition of receiving such permit, provide evidence that the applicant has submitted a notice of intent to the state Water Resources Control Board as required by said permit.

4. The City Manager may establish controls on the volume and rate of stormwater runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants into the storm drain system.

C. *Standards for parking lots and similar structures.* Any person owning or operating a parking lot, gas station or similar structure shall clean said structure as frequently and thoroughly as practicable in a manner that does not result in the discharge of pollutants to the storm drain system. (Ord. 6216-NS § 5, 1993)

17.20.060 Affirmative duty to comply with "best management practices."

Whenever "best management practices" guidelines or requirements are adopted by any federal, state of California, regional, or City agency, for any activity, operation, or facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, or discharge of non-stormwater to the storm drain system, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as may be identified by the City Manager and kept on file in the office of the City Clerk. (Ord. 6216-NS § 6, 1993)

17.20.070 Discharge of any matters in violation of an NPDES permit and failure to otherwise comply with requirements pertaining to NPDES permits unlawful.

A. It is unlawful to discharge any matter into the storm drain system such that the discharge results in or contributes to a violation of any National Pollutant Discharge Elimination System (NPDES) permit issued to the discharger and administered by the state of California under authority of the U.S. Environmental Protection Agency, including the NPDES permit issued to the City of Berkeley and others (NPDES Permit No. CA0029831, on file in the office of the City Clerk) and any amendment, revision or reissuance thereof, and whether such discharge is separately considered or when combined with other discharges.

B. Each industrial discharger, discharger associated with construction activity, or any other discharger described in any general NPDES permit regulating stormwater discharges, as may be adopted by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control

Board, San Francisco Bay Region, shall submit to the appropriate agency a notice of intent to comply with said permit and undertake all other activities required by any general stormwater permit applicable to such discharges.

C. Each discharger identified in any individual NPDES permit regulating stormwater discharges shall comply with and undertake all activities required by such permit. (Ord. 6216-NS § 7, 1993)

17.20.080 Certain discharges into the storm drain system exempted.

Notwithstanding any provisions to the contrary, the following types of discharges into the storm drain system are exempt from the prohibition set forth above:

A. Discharges from the following activities when the discharger conducts the activity such that the least amount of non-stormwater as practicable enters the storm drain system:

1. Watering of lawns, landscaping, and gardens;

2. Washing of personal motor vehicles by residents;

3. Draining of water from swimming pools or spas, five days after the chlorine content of such water according to a test kit approved by the state department of health shows a reading of zero chlorine content.

4. Flushing of water lines or other discharges from potable water sources;

5. Flows from firefighting.

B. Discharges from the following sources when the discharger manages the source such that the least amount of non-stormwater as practicable enters the storm drain system:

1. Crawl space and basement sump pumps;

2. Air conditioning condensation;

3. Groundwater drainage piping systems, including foundation drains, footing drains and pumps;

4. Uncontaminated pumped groundwater.

C. Discharges from rising groundwaters, springs, and flows from riparian habitats and wetlands. (Ord. 6216-NS § 8, 1993)

17.20.090 Notice of discharges--Clean-up.

Any person in charge of a business which handles, processes, or stores a hazardous material as defined in Berkeley Municipal Code Chapter 11.52 (Hazardous Materials Disclosure) or any person responsible for emergency response for such a business, who has knowledge of any confirmed or unconfirmed release of

materials, pollutants or waste which may result in pollutants or non-stormwater discharges entering the City storm drain system, shall take all necessary steps to ensure the discovery, containment and clean up of such release as soon as possible. Such person shall also notify the City of the occurrence by telephoning 911 immediately, and confirming the notification in writing to the emergency and toxics program of the City Manager's office within one week of said discovery. (Ord. 6216-NS § 9, 1993)

17.20.100 Authority to inspect and sample for enforcement purposes.

A. Enforcement officials for violations of City ordinances as set forth in Berkeley Municipal Code Section 1.20.020.F. from the following City departments or divisions are authorized to conduct inspections pursuant to Berkeley Municipal Code Section 1.16.010 to enforce the provisions of this chapter: emergency and toxics management, environmental health, fire, planning, and public works.

B. Routine or area inspections conducted by such officials shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to random sampling or sampling in areas with evidence of stormwater contamination, illicit discharges, or discharge of non-stormwater to the storm drain system.

C. The City shall have the right to establish on any property such devices as are reasonably necessary to conduct sampling or metering operations. During all inspections as provided herein, the official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities on-site.

D. Any enforcement official may request that any person engaged in any activity or owning or operating any facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, or discharge of non-stormwater to the storm drain system, undertake such monitoring activities and/or analyses and furnish such reports as said authority may specify. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses and/or reports requested. (Ord. 6216-NS § 10, 1993)

17.20.110 Acts constituting violation.

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision. (Ord. 6216-NS § 11, 1993)

17.20.120 Continuing violation.

A person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by said person, and said violations shall be punishable as provided herein. (Ord. 6216-NS § 12, 1993)

17.20.130 Acts may violate federal Clean Water Act or Porter-Cologne Act.

Any person who violates any provision of this chapter, who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the federal Clean Water Act or the Porter-Cologne Act and may be subject to the sanctions of those Acts, including civil and criminal penalties. (Ord. 6216-NS § 13, 1993)

17.20.140 Violations deemed a public nuisance.

Any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to the public health, safety and welfare, and is hereby declared to be a nuisance. The procedures for abatement of such nuisances shall be governed by Berkeley Municipal Code Chapter 1.24 (Abatement of Nuisances) as may be hereafter amended.

If the City abates any condition constituting a nuisance hereunder the City's costs of abatement may be collected as a nuisance abatement or assessment lien in accordance with the provisions of Berkeley Municipal Code Chapter 1.24. (Ord. 6216-NS § 14, 1993)

17.20.150 Cease and desist orders.

If the City finds that a discharge has taken place or is likely to take place in violation of this chapter, the City may issue an order to cease and desist such discharge, practice, or operation likely to cause such discharge and direct that those persons not complying shall: a) comply with the requirement, b) comply with a time schedule for compliance, and/or c) take appropriate remedial or preventive action to prevent the violation from recurring. (Ord. 6216-NS § 15, 1993)

17.20.160 Violation deemed infraction.

Any person violating or failing to comply with any of the provisions of this chapter shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code. (Ord. 6216-NS § 16, 1993)

17.20.170 Civil actions.

The City Attorney may seek legal, injunctive or equitable relief to enforce the provisions of this chapter, including but not limited to any or all of the following remedies:

A. A temporary restraining order or preliminary or permanent injunction.

B. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection.

C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation.

D. Compensatory damages for loss or destruction to water quality, wildlife, fish or aquatic life. Assessments under this subsection shall be paid to the City to be used exclusively for costs associated with monitoring and establishing stormwater discharge pollution control systems, or implementing or enforcing the provisions of this chapter. (Ord. 6216-NS § 17, 1993)

17.20.180 Remedies not exclusive.

The remedies and penalties provided for under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies and penalties provided for in this chapter shall be cumulative and not exclusive. (Ord. 6216-NS § 18, 1993)

17.20.190 Liability.

Liability for any discharge in violation of the provisions of this chapter shall be the responsibility of the person or persons causing or responsible for the discharge, and such persons shall defend, indemnify and hold harmless the City in any administrative or judicial enforcement action relating to such discharge. (Ord. 6216-NS § 19, 1993)

17.20.200 Authority to promulgate regulations and take other actions.

In addition to the powers expressly set forth herein, the City Manager is authorized to promulgate regulations and take any and all other actions reasonable and necessary to enforce this chapter. (Ord. 6216-NS § 20, 1993)

17.20.210 Construction and application.

This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. CA0029831 and any amendment, revision or reissuance thereof. (Ord. 6216-NS § 21, 1993)

The Berkeley Municipal Code is current through Ordinance 7957-NS, passed April 15, 2025.

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Rashi Kesarwani
Councilmember, District 1

ACTION CALENDAR
September 10, 2024

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmember Susan Wengraf (Co-Sponsor)

SUBJECT: Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods and Related First Reading of Ordinance Amending Chapter 14.48 of the Berkeley Municipal Code

RECOMMENDATION

Adopt a resolution affirming that the City of Berkeley will continue to offer interim housing (i.e., a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City's existing "Housing First" approach[1] and best practices guidance from the federal government. In order to account for nuanced health and safety situations, the resolution allows for six specific exceptions to this practice, based on City staff experience.

Offering shelter and housing to homeless individuals is considered a best practice, according to the United States Interagency Council on Addressing Homelessness.[2] It will continue to be the City's practice to make shelter offers whenever practicable and to invest in more shelter options. However, in the event that the City cannot make a shelter offer, then the City Manager is nonetheless authorized to enforce, including the use of citation and arrest, only under the following circumstances:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, Berkeley Municipal Code (BMC) Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or

[1] Arreguin, Jesse, Joining the House America Initiative that adopts a Housing First approach in accordance with the federal government, July 12, 2022, Consent Calendar Council item, unanimously approved, https://berkeleyca.gov/sites/default/files/documents/2022-07-12%20Item%2013%20Joining%20the%20House%20America%20Initiative.pdf

[2] United States Interagency Council on Addressing Homelessness: 7 Principles for Addressing Encampments, June 17, 2022: https://www.usich.gov/sites/default/files/document/Principles_for_Addressing_Encampments_1.pdf

- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or
- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or
- The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair.

The City Manager is authorized to take enforcement actions to deter re-encampment (after clearing an encampment involving any of the six instances enumerated above) through such means as hardscaping; signage that references state Penal Code Section 647(e)[3]; or citation and arrest, even if a shelter offer cannot be made.

Adopt revisions to BMC Chapter 14.48 (Ordinance No. 7632) on miscellaneous use of streets and sidewalks to delete portions of 14.48.020, 14.48.120A and 14.48.120B in order to give the City Manager authority to make conforming changes to Administrative Regulation 10.2 to effectuate the above-stated encampment policy. Administrative Regulation 10.2 Regulating Temporary Non-Commercial Objects on Sidewalks and In Parklets Pursuant to BMC 14.48.120 is to be revised by the City Manager to enable enforcement of temporary non-commercial objects of less than nine-square-feet within less than 24 hours in a designated public area marked with signage to deter re-encampment.

CURRENT SITUATION AND ITS EFFECTS

Federal Ninth Circuit Court of Appeals Legal Decision in Martin v. City of Boise (2018) Has Guided City's Encampment Approach to Always Offer Shelter In All Circumstances Prior to Encampment Closure. In 2018, the Ninth Circuit Court of Appeals, with jurisdiction over California, ruled that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property, on the false premise they had a choice in the matter."[4] In practice, the *Martin* decision meant that the City of Berkeley was prevented from closing encampments—even when deemed a health and safety hazard—without offers of shelter, constituting an Eighth Amendment violation against cruel and unusual punishment. Due to limited shelter options and movement among unsheltered individuals, certain encampments have persisted, such as the encampments along the Harrison Corridor (between Ninth and Seventh streets and north of Harrison on Eighth Street), and the encampments in the Cedar and Second Street area (Second Street

[3] Penal Code Section 647(e) states: "Except as provided in paragraph (5) of subdivision (b) and subdivision (k), every person who commits any of the following acts is guilty of disorderly conduct, a misdemeanor: (e) Who lodges in any building, structure, vehicle, or place, whether public or private, without the permission of the owner or person entitled to the possession or in control of it."

[4] *Martin v. City of Boise*, 920 F .3d 584 (9th Cir. 2019): https://cdn.ca9.uscourts.gov/datastore/opinions/2019/04/01/15-35845.pdf, p. 3

between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth).

Supreme Court Decision in Grants Pass v. Johnson (2024) Removes Shelter Offer Requirement, And Further Allows Local Jurisdictions to Ban Camping in Public Spaces. On June 28, 2024, the Supreme Court overruled the Ninth Circuit's *Martin v. Boise* ruling in their 6-3 decision in *Grants Pass v. Johnson*. In this decision, the Court ruled that applying anti-camping ordinances to homeless individuals, as had been done in the town of Grants Pass, Oregon, was not a violation of the Eighth Amendment's prohibition of cruel and unusual punishment. The Court removed the requirement to offer shelter before closing an encampment.[5] The ruling gives cities like Berkeley greater authority to set encampment policy for nuanced health and safety situations.

***Significantly, the Supreme Court Decision in Grants Pass Does Not Impact the City's Requirements Related to the Fourth, Fifth and Fourteenth Amendments*.** The City must still abide by the Fourth Amendment protecting individuals against unreasonable search and seizure, the Fifth Amendment guaranteeing due process and the Fourteenth Amendment guaranteeing equal protection under the law. The City's administrative regulations pertaining to regulating temporary non-commercial objects on the sidewalks (AR 10.1) and the temporary storage of unattended property (AR 10.2) ensure compliance with these Constitutional law requirements.

BACKGROUND

Housing First Is a Best Practice, With City of Berkeley Opening Hope Center, Two Homekey Sites, and Two Transitional Housing Motels Within the Last Three Years . . . Housing First is an approach to serving people experiencing homelessness that recognizes a homeless person must first be able to access a decent, safe place to live before stabilizing, improving health, reducing harmful behaviors, or increasing income, according to the California Department of Housing and Community Development (HCD).[6] In 2018, Berkeley voters approved an increase to the real estate transfer tax for the top third of real estate transactions to augment General Fund resources available for homeless services, known as Measure P. These funds, along with state encampment resolution funds, have supported the leasing of two motels:

- **The Berkeley Inn operated by Dorothy Day House provides 25 rooms**, as well as meals, supportive services, and housing navigation services;
- **Campus Hotel (formerly Super 8) operated by Insight Housing provides 23 rooms**, as well as meals, supportive services, and housing navigation services with homeless individuals at the Harrison Corridor encampment granted first priority for these rooms;
- **The Hope Center (2012 Berkeley Way) operated by Insight Housing provides a congregate emergency shelter with 32 beds and 12 transitional**

[5] *Grants Pass,* 144 S.Ct at 2211: https://www.supremecourt.gov/opinions/23pdf/23-175_19m2.pdf
[6] Housing First, California Department of Housing and Community Development, https://www.hcd.ca.gov/grants-funding/active-funding/docs/housing-first-fact-sheet.pdf

housing beds for veterans. The Hope Center was funded by various local[7], state, and federal sources.

The offer of motel rooms has dramatically increased the City's shelter acceptance rate—from 43 percent to 79 percent—among unsheltered people living in encampments.[8]

Measure P funds have also been used as local match funding for two permanent supportive housing sites that have received state funding via the Homekey program, the statewide program to expand and fund housing opportunities for people experiencing homelessness.[9]

- **The Rodeway Inn operated by Housing Consortium of the East Bay provides 42 permanent supportive housing units funded in part by the state Homekey program**, including meals and supportive services;
- **Golden Bear Homes operated by Bay Area Community Services provides 43 permanent supportive housing units funded in part by the state Homekey program**, including on-site property management, case management, and supportive services.
- **The Hope Center, funded by various local[10], state, and federal sources, is operated by Insight Housing and provides 53 permanent supportive housing units**, as well as meals, physical and mental health care, and case management.

The City is poised to add an additional 39 units of permanent supportive housing in the near future via the Step-Up Housing site currently in construction at 1367 University Avenue to be operated by Building Opportunities for Self Sufficiency (BOSS). Further, a $53 million local funding reservation from the Measure O affordable housing bond has been made for the North Berkeley and Ashby developments, with the first 100 percent affordable building at the North Berkeley site likely to break ground next year. The City Council has also acted to place Measure W on the November 2024 ballot to authorize a renewal and graduated increase in the Measure P real estate transfer tax for voter consideration to continue to ensure resources are available for future investments in permanent housing, interim housing, and homelessness prevention.

. . . Permanent and Interim Housing Placements Have Coincided with a Dramatic 45 Percent Reduction in the Count of Unsheltered Individuals, according to the 2024 Point-In-Time Homeless Count. Between 2022 and 2024, the City saw a 45 percent reduction in street homelessness corresponding with a 54 percent increase in sheltered homelessness. Overall, the City of Berkeley experienced a 21 percent

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[7] The Hope Center was not funded by Measure P proceeds.

[8] City Manager Off Agenda Memo, May 16, 2024: As shelter and permanent housing investments have increased, Berkeley's homelessness has declined, https://berkeleyca.gov/sites/default/files/documents/2024-05-16%20As%20shelter%20and%20permanent%20housing%20investments%20have%20increased%2C%20Berkeley%E2%80%99s%20homelessness%20has%20declined.pdf

[9] Homekey, California Department of Housing and Community Development, https://www.hcd.ca.gov/grants-and-funding/homekey

[10] The Hope Center was funded locally by Measure O affordable housing bond funds, Housing Trust Fund proceeds, and measure U1 funds that increased gross receipts tax on owners of five or more rental units.

reduction in homelessness, compared to just a 3 percent reduction in Alameda County.[11] From 2015 through 2019, prior to enhanced local investment associated with Measure P, the City's homeless count increased by 33 percent, as shown in Figure 1 (834 individuals in 2015 compared to 1,108 individuals in 2019). In 2024, with the addition of transitional motels, Homekey permanent supportive housing sites, and the Hope Center, the City of Berkeley experienced a dramatic 21 percent reduction in overall homelessness—far higher than the 3 percent reduction experienced by Alameda County overall.

Figure 1: Berkeley Homeless Point-In-Time Counts Increased from 2017 to 2019 Before Decreasing in 2022 and 2024, Coinciding with Shelter and Permanent Housing Investments

Year	Sheltered Count	Unsheltered Count	Total Homeless Population	% Increase/ Decrease from last PIT count
2015	266	568	834	Not available
2017	308	664	972	16.5% increase
2019	295	813	1,108	14% increase
2022	254	803	1,057	5% decrease
2024	339	445	844	21% decrease

Sources: 2015 Homeless Point-In-Time Count, Jan. 26, 2016 (https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2016/06/2016-01-26-Item-21-Berkeley-2015-Homeless.pdf); 2017, 2019, 2022 Point-In-Time Counts (https://everyonehome.org/wp-content/uploads/2022/05/Berkeley-PIT-2022-Infographic-Report.pdf); and 2024 Point-In-Time Count (https://everyonehome.org/main/continuum-of-care/point-in-time-count-2024/)

The West Berkeley Encampments at (1) the Harrison Corridor (Between Ninth and Seventh Streets, Including Eighth Street north of Harrison), and (2) the Second and Cedar Area (Second between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth)[12] are the Most Persistent and Hazardous in the City, With Documented Impacts Since 2019. Despite significant reductions in the number of people who are homeless in Berkeley, a total of about 445 individuals continue to experience unsheltered homelessness, according to the 2024 point-in-time count. These individuals are largely in West Berkeley, with significant health and safety impacts in the Harrison Corridor, including dead animals, open food sources and spoiled food, used uncapped drug needles, combustible materials like flammable gas containers inside unsafe wooden structures, bottles of urine, human feces, animal feces, soiled clothing and sheltering material, and other unidentifiable liquid and waste products, according to an August 2023 off-agenda memo from the City Manager.[13] Additionally, a large accumulation of bulky objects and sheltering structures completely block the sidewalk in several areas and extend into the roadway, creating numerous fire and traffic safety hazards. Since the Homelessness Response Team was established in 2021, City staff have documented 16 environmental

[11] Alameda County Health Department May 15, 2024 press release: Alameda County Homelessness County Shows Improvements As More Unhoused Residents Access Shelter and Housing: https://everyonehome.org/wp-content/uploads/2024/05/2024-PIT-Count-Press-Release_FINAL_v3.pdf

[12] See Second St, Page St, Jones St, Cedar St encampment map, attached

[13] City Manager Dee Williams-Ridly's Aug. 31, 2023 Off Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts, pp. 7, 8 (attached)

health abatements city-wide, with nine of those abatements occurring in the Harrison encampment and Cedar/Second Street area encampments.

Calls for Service and Fire-Related Incidents Associated with the Harrison Corridor are Elevated Compared to a Similar Area South of Gilman, Averaging One Police Call Every 1.5 Days and One Fire Service Call Every 4.5 Days. Call data underscores the intensive level of emergency response resources associated with the Harrison Corridor encampments. On average, BPD is called for service every day-and-a-half and Fire is called every four-and-a-half days. For the one-year period from August 2023 through July 2024, a total of 252 calls for police service were received by dispatch from the Harrison Corridor area. Of those calls, 45 percent were deemed high priority (either priority one or two on a nine-point scale, with one reflecting the highest level of urgency and nine reflecting the least). Berkeley's Fire Department received a total of 78 calls for service during the same one-year timeframe; of those, 60 calls were for fire-related incidents, and 18 were for emergency medical services. For comparison, the same-sized area just south of Gilman Street (bounded by Seventh and Ninth Streets and Gilman to Camelia) had 152 calls for service over the same time period (100 fewer calls), and the percentage of high priority calls (levels one and two) was also less (32 percent versus 45 percent for the Harrison Corridor).[14] Like the Harrison Corridor, the area south of Gilman is zoned Mixed Use Light Industrial and has significant numbers of RVs and other vehicles being used for habitation on the streets; however, the area does not have encampments similar to those in the Harrison Corridor.

Figure 2: Calls for Service Related for Harrison Corridor Encampments (12 months, Aug. 1, 2023 - July 31, 2024)

Berkeley Police Department Calls for Service	Total: 252	High priority calls[15]: 45%
Berkeley Fire Department Calls for Service	Total: 78	Types of calls: 60 fire-related responses; 18 emergency medical services responses

Sources: Berkeley Police Department (BPD) calls for service taken from the Berkeley Police Transparency Hub Calls for Service, https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats. Berkeley Fire Department (BFD) calls for service data provided by BFD Fire Prevention Inspector.
Note: Calls are associated with the Harrison Corridor based on where the incident in question takes place.

Similar Health and Safety Concerns Persist at Second and Cedar Area. The encampments in the area of Second and Cedar (Second between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth) have been equally challenging, staff intensive, unhealthy, and unsafe. From December 2021 through January 2024, the City's operations at these encampments have included six deep cleaning efforts entailing:

- Removal of large accumulations of debris and trash from the public right-of-way;

[14] Information gathered from City of Berkeley's Police Transparency Hub, Calls for Service: https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats
[15] This percentage reflects priority level 1 and 2 calls, indicating a high level of urgency. BPD categorizes calls from 1 being the most urgent to 9 being the least.

- Removal of hazardous materials including syringes, human waste, rotting food, and soiled clothing and bedding;
- Removal of unsafe unpermitted structures;
- Treatment of rat harborages;
- Decontamination of City's stormwater drainage system.[16]

Calls for Service and Fire-Related Incidents for Second and Cedar Street Area are Comparable to Harrison Corridor, Averaging One Police Call Every 1.5 Days and One Fire Service Call Every 4.5 Days. In 2023, calls for service to both BPD and Berkeley Fire were as high, and in some cases higher, in the Cedar and Second Street area compared to the Harrison Corridor. In a document prepared for the state's Encampment Resolution Fund-3 grant application, BPD noted: In 2023, calls for service jumped to 247 from 169 (+46 percent) from the previous year, and reported crimes rose to 69 from 60 (+15 percent). Commercial burglary was the most prevalent crime type, with 27 incidents reported. The data suggest a worsening safety situation, particularly around the Second Street encampments.[17] Conditions in this area continue to deteriorate to this day. In the seven-month period from January 2024 through July 2024, there were a total of 234 police service calls, just shy of the 247 calls made for the entire 2023 calendar year. The total of 234 calls over a seven-month period is slightly more than one call per day, exceeding calls for service for the Harrison Corridor. Berkeley Fire noted at least 20 fires associated with the Cedar and Second encampment area in 2023 with one becoming a two-alarm fire requiring mutual aid. A total of seven different fire code violations have been associated with these encampments and include code violations related to outdoor storage of combustible materials, insufficient clearance from ignition sources, deliberate and/or negligent burning of combustible materials, unwanted fire ignitions, obstructed access to and insufficient clearance of fire hydrants.[18]

Figure 3: Calls for Service for Second and Cedar Street Area Encampments (12 months, Aug 1. 2023 - July 31, 2024)

Berkeley Police Department Calls for Service	Total: 369	High Priority[19]: 33.1%
Berkeley Fire Department Calls for Service	Total: 81	Types of Calls: 38 fire related responses; 43 emergency medical services responses

Source: BPD calls for service taken from the Berkeley Police Transparency Hub Calls for Service: https://bpd-transparency-initiative-berkeleypd.hub.arcgis.com/pages/cfs-stats. BFD calls for service data collected and provided by BFD Fire Prevention Inspector.
Note: Calls are associated with the Second and Cedar Street area based on where the incident in question takes place.

[16] City of Berkeley Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration, p. 4, attached.
[17] City of Berkeley Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration, p. 1, attached.
[18] City of Berkeley Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration, pp 20 - 29, attached
[19] This percentage reflects priority level 1 and 2 calls, indicating a high level of urgency. BPD categorizes calls from 1 being the most urgent to 9 being the least.

City Has Made Significant Investment to Offer Shelter and Abate Hazards at Harrison Corridor Encampments . . . The City has a long history of providing a wide range of services for the residents of the Harrison Corridor encampments, including 107 shelter offers, with a 53 percent uptake rate. In February 2022, Alameda County Winter Shelter 28-day motel vouchers were provided to all individuals and included an 83 percent uptake rate, and three other partial closures for deep cleaning have occurred since that time. City staff conducted the following activities through August 31, 2023:

- **Case Management and Engagement**. Weekly by-name case conferences hosted by the Homeless Response Team and attended by relevant city and county agencies[20]; three community meetings (in May and July 2023) among City staff, residents, and advocates of the encampment to discuss resources and safety."[21]
- **Abating Rodent Harborage Conditions**. Major nuisance abatement of rodent harborage conditions in October 2022 and subsequent multiple targeted treatments of the extensive network of rodent burrows by the City's Environmental Health Division of the Health, Housing and Community Services Department; provision on numerous occasions of new tents and Sterilite tubs to help maintain cleaner and more rodent-proof conditions;
- **Deep Cleanings and Trash Removal**. Nine deep cleanings removing a total of 124.9 tons (249,800 pounds) of debris; placement of a dumpster on Eighth Street in April 2022 with service four times weekly, addition of a second dumpster on Seventh and Harrison in August 2023 also serviced four times weekly, and weekly illegal dumping removal service by the City's Public Works Department;
- **Basic Sanitation, including Portapotties, Handwashing Station, Weekly Showers and Laundry Services**. Placement of two portapotties with wash station located at the corner of Eighth and Harrison Streets, serviced regularly; weekly free mobile shower and laundry service since June 2022.

City Offered All 23 Rooms at Campus Hotel (formerly Super 8) to Homeless Individuals Residing in the Harrison Corridor . . . In June 2023, the City of Berkeley was awarded $4.9M from the state's Encampment Resolution Fund-2 grant program, which is currently being used to master lease the Campus Hotel (formerly Super 8) located at 1619 University Avenue. The transitional housing site is operated by Insight Housing, and includes meals, supportive services, and housing navigation services. Unsheltered individuals residing in the Harrison Corridor were given priority for this site, with 34 people accessing the site to date and 18 individuals remaining from the Harrison Corridor, according to City staff.

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[20] Agencies include: Alameda County Healthcare for the Homeless; Berkeley's Health, Housing and Community Services Department; Homeless Action Center; Bay Area Community Services (BACS); LifeLong Medical Care; East Bay Community Law Center; Options Recovery Services; Berkeley Mental Health; and Building Opportunities for Self-Sufficiency (BOSS). Alameda County's Street Medicine Teams also had an intensive presence at the encampments accompanied by multiple other service providers including the homeless advocacy group Where Do We Go Berkeley; Consider the Homeless, which provides meals; and Berkeley Needle Exchange, which provides clean needles and substance use services.

[21] City Manager Dee Williams-Ridly's August 31, 2023 Off Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts, attached

. . . But Hazardous Harrison Corridor Encampments Continue to Persist. In a City Manager Feb. 20, 2024 off-agenda memo, staff wrote: "Despite having non-congregate shelter beds dedicated to this encampment, nearly every effort that the City has made to resolve portions of the encampment have been met with significant opposition and/or legal challenges."[22] Between August 2023 through December 2023, the City tried on four separate occasions to resolve encampments in the Harrison corridor in accordance with pending construction and maintenance projects and formally declaring the area as an imminent hazard resulting in an order for a summary abatement on the basis of public health and safety hazards but legal entanglements kept this from happening. During each of these efforts, offers of non-congregate shelter at the Campus Hotel and other available transitional housing at hotel sites preceded attempts to close and clean the encampment areas. In November 2023, the City installed temporary fencing designating the area a pending construction zone to repair and maintain City infrastructure, including sidewalks and street trees, but the fencing was soon breached and the area was re-encamped quickly.

To address the encampments in the Cedar and Second Street area, this past spring the City applied for another state Encampment Resolution Funds grant with the intent to master lease another motel for conversion to transitional housing for homeless individuals. As in the past, the City committed to matching any incoming dollars using Measure P funds. This potential new site would provide housing for another 26 individuals, have on-site services, meals, and housing navigation services. All of the rooms are intended to be prioritized for those living in the encampments in the Cedar and Second Street area.

Presence Of Encampments Yielding a High Rate of Police and Fire Calls for Service Impacts Safety of Nearby Residents, Workers, and Visitors and Is Detrimental to Business Operations. For many years, the District 1 Council office has received e-mail complaints about the hazardous street conditions in the Harrison Corridor and the Cedar and Second Street encampments areas. The Harrison Corridor is home to an electric range of businesses and organizations, including Fieldwork Brewing, Boichick Bagels bakery and storefront, Urban Adamah (a Jewish urban farm with programming for children and families), Harrison Skate Park and sports fields, Berkeley Repertory Theater Administrative Offices, Wilderness Travel Tour Agency, The Tile Shop, Blue Willow Teaspot, East Bay Tow Company, The Plant Library, United States Federal Detached Del Unit Post Office, Covenant Winery, Makers Workspace, Griffin Motorwerke and other automotive businesses, and several architecture and landscaping offices. The Cedar and Second Street area is home to manufacturing companies creating in-ground and above ground traffic detection systems, energy gels for endurance athletes, and AI-powered robotics. Industrial businesses in that area include construction companies, large equipment rentals, paper shredding, computer technology, glass installation, cutlery sharpening services, and automotive businesses. Other businesses, such as landscaping, automotive companies and an active travel tour

[22] City Manager Dee Williams-Ridly's August 31, 2023 Off Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts, attached

company are also located in this area as are single family-homes and residences, starting on Fourth Street. Communications from residents, visitors, and workers in these two areas describe hazards and concerning interactions and behaviors, such as:

- **Traffic and Pedestrian Safety**. Tents and bulky structures protruding into lanes of traffic; and complete blockage of sidewalks on both sides of the street.
- **Pest Control Issues**. In July 2022, an organization in close proximity to the Harrison encampment reported rats in their buildings, and a considerable amount of resources expended in addressing pest control issues. The rats also climb into the parked cars and chew on the wiring causing thousands of dollars of damage to people's cars.
- **Fire-Related Concerns**. In July 2024, a constituent reported a big dumpster fire that "spewed all kinds of toxic chemicals into the air," settling onto their property where the operators were conducting outdoor summer programs. In May 2024, two fires in the Cedar and Second Street areas were classified as arson, according to Fire Chief David Sprague.[23]

Anecdotal Reports Describe Assaults and Other Dangerous Conditions. Residents and employees near the Harrison Corridor and Second and Cedar Street encampments report being chased, yelled at and threatened by encampment residents. One local business, right at the northeast corner of Ninth and Harrison, is familiar with all of the encampment residents due its location. One employee shared in 2022 that their security camera caught on film instances of vandalism: the same individual, an encampment resident at the time, was seen kicking side mirrors off nearby parked cars repeatedly over several days. One employee going to her 4 a.m. shift was robbed at gunpoint when coming to work (2020) while a business owner relayed how a customer was attacked by two people when driving down Eighth just north of Harrison: one stood in front of the car to block it while the other attempted to pull the woman out of her vehicle (2022). In 2021 the office received an email from a Berkeley based business outside of the Gilman District trying to make a delivery to a business at Ninth and Harrison:

> "Yesterday, my driver told me that the guy threw a bottle of urine on our truck, then threw rocks, and lumber trying to break our windows of the truck. Only after my driver had to show some force and not back down (along with another homeless person helping my driver), did the occupant of the pictured tent leave and allow my driver to do his job."

More recently neighbors in the Cedar and Second Street encampment area wrote with a list of troubling behaviors they had recently witnessed:

- *"Barely clothed woman, clearly impaired by drugs, exiting an RV on Cedar between railroad tracks and 4th street.*
- *Human feces just about anywhere you dare to look.*
- *Needles on sidewalks and in grass and bushes.*
- *Drug dealing.*
- *Infighting among the un-housed people, many times resulting in retaliatory arson.*
- *Trespassing*
- *A stabbing."*

[23] District 1 e-mail communication with Fire Chief Sprague, May 2024.

The above examples represent a small fraction of the myriad stories shared with the District 1 Council office. For years, stakeholders in these two areas of West Berkeley have lived and worked alongside a host of dangerous public health and safety hazards.

FISCAL IMPACT

It is expected that implementation of this encampment policy will result in no net change in staff time.

CONTACT

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

Attachments:

1) Amendments to Chapter 14.48 (Ordinance No. 7632) on miscellaneous use of streets and sidewalks
2) Administration Regulation 10.1 Temporary Storage of Unattended Property
3) Administrative Regulation 10.2 Regulating Temporary Non-Commercial Objects on Sidewalks and In Parklets Pursuant to BMC 14.48.120
4) City Manager Dee Williams-Ridley's August 31, 2023 Off-Agenda Memo: Nuisance Declaration and Summary Abatement of Conditions on Harrison St, found in her Off Agenda Memo of February 20, 2024: Eighth St and Harrison St Encampment Efforts
5) 2nd and Cedar Street, Jones and Page Street encampment map
6) CoB Fire Police and Environmental Health - Evidence of Cross Jurisdictional Collaboration
7) City Manager's September 30, 2021 After Action Report: Harrison Street Corridor RV Operation
8) Second Street Deep Cleaning - After Action Reports: December 2, 2021
9) Second Street Deep Cleaning - After Action Report April 19, 2022
10) Second Street and Page Encampment Closure - After Action Report November 30, 2022
11) East Side of Page at Second Partial Closure, and Second Street Deep Cleaning Between Cedar and Page - After Action Report March 22, 2023;
12) Second Street Between Page and Cedar, and on Page Street East of Second Street Deep Cleaning - After Action Report May 9, 2023

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

Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods

WHEREAS, offering shelter and housing to homeless individuals is considered a best practice, according to the United States Interagency Council on Addressing Homelessness; and

WHEREAS, the City of Berkeley expresses its continued commitment to a Housing First approach, in which we recognize that people experiencing homelessness must first be able to access a decent, safe place to live before stabilizing, improving health, reducing harmful behaviors, or increasing income; and

WHEREAS, in 2018, Berkeley voters approved an increase in the real estate transfer tax for the top third of real estate transactions to augment General Fund resources available for homeless services, known as Measure P, which has helped to fund transitional housing motels Berkeley Inn and Campus Hotel (formerly Super 8) and permanent supportive housing sites Golden Bear Homes, The Rodeway Inn, and Step-Up Housing (under construction), and will be considered by the voters for extension in November 2024 as Measure W; and

WHEREAS, from 2022 to 2024, the City saw a dramatic 45 percent reduction in street homelessness corresponding with a 54 percent increase in sheltered homelessness, and an overall 21 percent reduction in homelessness, illustrating that the provision of transitional and permanent supportive housing can successfully reduce overall homelessness; and

WHEREAS, in 2018, the Ninth Circuit Court of Appeals ruled in *Martin v. City of Boise* that "as long as there is no option of sleeping indoors, the government cannot criminalize indigent, homeless people for sleeping outdoors, on public property," which required the City of Berkeley to make a shelter offer in all circumstances; and

WHEREAS, the recent Supreme Court decision in *Grants Pass v. Johnson* overturns the *Martin* standard, thus giving cities like Berkeley the authority to set a more nuanced encampment policy that considers exigent circumstances of fire, health, and nuisance abatement pursuant to the Berkeley Municipal Code; and

WHEREAS, certain encampments have persisted, such as the encampments in the Harrison Corridor (between Ninth and Seventh Streets and Eighth Street north of Harrison), and the Second and Cedar Area (Cedar between Eastshore and Fourth, and Second between Page and Cedar and on Page and Jones west of Fourth), despite documented fire, environmental health, and nuisance hazards as defined in the Berkeley Municipal Code and ongoing exhaustive City staff efforts to offer shelter when available and abate hazards; and

WHEREAS, City staff have provided extensive services for individuals sheltering in the Harrison Corridor area, including reserving the 23 rooms at the Campus Hotel (formerly Super 8) for residents of the Harrison corridor. City staff have also provided case management and engagement, abatement of rodent harborage conditions, deep cleaning

and trash removal four times per week, and basic sanitation services including portapotties, a handwashing station, weekly showers, and laundry services; and

WHEREAS, calls for Berkeley Police and Fire service are exceedingly high at both encampment areas with Berkeley Police calls for service at the Harrison encampment during 12 months (August 1, 2023 - July 31, 2024) totaling 252 and at Cedar and Second Streets encampment totaling 369—on average one call every day to day-and-a-half—and calls for Berkeley Fire service totaling 78 and 81, for each encampment respectively, during that same timeframe, with safety impacts for nearby residents, workers, and visitors and detrimental impacts on business operations.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley will continue to offer interim housing (generally a shelter offer, with a preference for non-congregate options) when closing encampments, in accordance with the City's existing "Housing First" approach and best practices guidance from the federal government;

BE IT FURTHER RESOLVED, in the event that the City cannot make a shelter offer, then the City Manager is nonetheless authorized to enforce, including the use of citation and arrest, only under the following circumstances:

- The Fire Department has determined that an encampment poses a fire hazard or emergency condition as referenced in the Berkeley Fire Code, BMC Chapter 19.48; or
- The Environmental Health Division of the Health, Housing and Community Services Department has determined that the encampment poses an imminent health hazard as defined in BMC section 11.36.030; or
- The City has determined that a situation constitutes a public nuisance as defined in the BMC and is subject to an abatement pursuant to the BMC; or
- The encampment is located on a City street median, in the roadway, or otherwise in dangerous proximity to traffic pursuant to BMC section 14.32.040; or
- The encampment is located in an area where the City has authorized work (such as for construction, major or minor encroachments, etc.) pursuant to BMC section 13.36.045; or
- The encampment interferes with or impedes city or utility companies' construction or maintenance activities in the public right-of-way, street lighting installation or repair, street tree maintenance, or utilities maintenance or repair.

BE IT FURTHER RESOLVED, the City Manager is authorized to take enforcement actions to deter re-encampment (after clearing an encampment involving any of the six instances enumerated above) through such means as hardscaping; signage that references state Penal Code Section 647(e); or citation and arrest, even if a shelter offer cannot be made.

BE IT FURTHER RESOLVED, that the City Council determines that the Harrison Corridor (Harrison Street between Ninth and Seventh Streets, including Eighth Street north of Harrison) and the Second and Cedar area (Second Street between Cedar and Page, Cedar from Eastshore Highway to Fourth, and on Page and Jones Streets west of Fourth) meet all six health and safety exceptions as proscribed by the above-stated policy and should therefore be prioritized for enforcement.

ORDINANCE NO. -N.S.

AMENDING BERKELEY MUNICIPAL CODE CHAPTER 14.48

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

Section 1. That Berkeley Municipal Code Chapter 14.48 is amended as follows:

Chapter 14.48
MISCELLANEOUS USE OF STREETS AND SIDEWALKS

Sections:

14.48.010	**One-way streets.**
14.48.020	**Obstructions on streets and sidewalks.**
14.48.030	**Objects in transit.**
14.48.040	**Construction materials and barricades.**
14.48.050	**Trees and shrubs.**
14.48.060	**Poles, hydrants, signs, etc.**
14.48.070	**Bicycle racks.**
14.48.080	**Bus benches and bus shelters.**
14.48.090	**Mail boxes and armed forces recruiting signs.**
14.48.100	**Newspaper racks and newspapers.**
14.48.110	**Authorized retail displays.**
14.48.120	**Temporary Noncommercial Objects.**
14.48.130	**Decorative noncommercial installations.**
14.48.140	**Public telephones.**
14.48.150	**Sidewalk seating, benches and planters.**
14.48.160	**Removal of obstructions on streets and sidewalks.**
14.48.170	**Use of streets and sidewalks by vendors.**
14.48.180	**Trap doors in sidewalks.**
14.48.190	**Parklets.**

14.48.010 One-way streets.

The City Traffic Engineer is authorized and directed to suitably indicate by appropriate signs those streets or portion of streets designated by resolution of the Council as one-way streets.

14.48.020 Obstructions on streets and sidewalks.

It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager ~~and adopted by the City Council~~.

For purposes of this Chapter, Sidewalk is defined as provided in BMC Section 1.04.010(18) as that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians. Parklet is defined as provided in BMC Section 14.48.190(B)(4).

14.48.030 Objects in transit.

Goods, wares, merchandise, containers, furniture, suitcases and other similar objects in the immediate custody and control of individuals readily able to move or remove such objects may be allowed on the outer one-third of the sidewalk for up to one hour while in the actual course of receipt, delivery, transport, transit or removal.

14.48.040 Construction materials and barricades.

Materials used in the construction or repair of any building or structure, together with the necessary pedestrian walkways, barricades and warning signs, when required permits have been obtained from the City.

14.48.050 Trees and shrubs.

Trees, shrubs and flowers with the necessary barricades when planted or maintained by the City, or by private parties when expressly allowed by Council action or by the City Manager.

14.48.060 Poles, hydrants, signs, etc.

Poles, fire and police boxes, lamp posts, parking, street directional or warning signs, parking meters, drinking fountains, poster kiosks, hydrants, flag poles or standards, decorations for public events, sidewalk clocks, refuse cans, book return receptacles, barriers and any other similar installation; provided, however, that any such installation belongs to the City or is authorized by Council action.

14.48.070 Bicycle racks.

Bicycle racks of a type and at locations approved by and under such conditions as may be imposed by the City Manager.

14.48.080 Bus benches and bus shelters.

Bus benches and bus shelters at such locations and in accordance with such rules and regulations as may be prescribed by the City Manager.

14.48.090 Mail boxes and armed forces recruiting signs.

Mail boxes and armed forces recruiting signs that are placed in such locations that they do not interfere with the normal use of the sidewalk by pedestrians.

14.48.100 Newspaper racks and newspapers.

Newspaper racks which are installed and maintained in accordance with Chapter 16.40 or Chapter 16.44 of the Berkeley Municipal Code.

14.48.110 Authorized retail displays.

Objects such as, but not limited to, tables, chairs, umbrellas and canopies that are permitted pursuant to Chapter 9.48.

14.48.120 Temporary Noncommercial Objects.

A. Temporary Noncommercial Objects ("TNC Objects") are personal belongings:

1. In the immediate custody and control of a person or persons at substantially all times;

2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;

3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.

4. *Not furniture.* Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030 Objects in Transit.

The City Manager may adopt regulations specifying what TNC Objects may be permitted under this Section and where such TNC Objects may be permitted, as well as procedures and limitations to implement this Section. Any such regulation shall contain provisions and shall be applied in such a manner as to ensure that it does not deprive any person of rights protected by the state or federal constitutions, including freedom of expression, and any size limitation contained therein shall not apply to dogs, or to limited cushioning material being used to sit on such as, but not limited to, blankets, cushions or mats. ~~Regulations adopted by the City Manager under this Section shall not take effect until they have been presented to the City Council for approval at a regularly scheduled meeting.~~

B. ~~After approval by the City Council, t~~The City Manager shall ensure that regulations adopted pursuant to this Section are publicized in a manner substantially equivalent to the manner in which ordinances are published, and that materials summarizing such regulations are available for dissemination in Commercial and Manufacturing zones. The City may also post fixed signage in Commercial and Manufacturing zones informing the public of such regulations.

C. No person may be cited for a violation of this Section or the regulations adopted pursuant to it unless that person has first been warned that their conduct is in violation hereof, is allowed a reasonable opportunity to comply but refuses to do so.

D. Violations of this Section or City Manager regulations adopted pursuant to this Section shall be charged as infractions, and not as misdemeanors.

14.48.130 Decorative noncommercial installations.

Decorative noncommercial installations subject to the following regulations and requirements:

A. At least six feet of improved sidewalk area measured at right angles to the curb shall be kept open and unobstructed.

B. Such decorative noncommercial installations shall be placed and maintained in the portion of the sidewalk area farthest from the curb; provided, however, that subject to all other conditions herein specified, such installations may be placed and maintained in the portion of the sidewalk area adjacent to the curb if such installations will not interfere with access to or from any parked vehicle and are:

1. Not closer than twenty-five feet to any curb return or fire hydrant;

2. Not located adjacent to any commercial or passenger loading zone;

3. Not closer to the curb than eighteen inches;

4. Not affixed to any City or utility company-owned poles or appurtenances;

5. Not mounted in or affixed to the sidewalk;

6. Not inconsistent with safety, development in the area, or other decorative noncommercial installations.

C. No decorative noncommercial installation shall be placed or maintained in the sidewalk area without a permit therefor. Application for such permit shall be made to the office of the City Manager, who may require as part of the application such information as may be deemed necessary to determine compliance with this Section and other applicable laws and regulations, including but not limited to a scaled site plan, signature of the fronting property owner and permittee, and agreement to indemnify the City as specified in Subsection D. The application shall be referred to the Public Works Department and the Civic Art Commission for review to determine that it is in the public interest to grant the permit, and that the granting thereof will not be detrimental to the public health, safety or general welfare. The permit shall not be granted without the approval of both the Public Works Department and the Civic Art Commission. If such approval is given and the City Manager concurs, the permit shall be granted subject to the conditions hereinabove set forth, and such additional conditions as may reasonably be imposed. Such permit shall be subject to revocation by the City Manager without cause; the decorative noncommercial installation for which the permit has been given shall be removed within ten days after notice.

D. Anyone granted a permit for a decorative noncommercial installation shall agree to indemnify and hold harmless the City, its officers and employees of and from any and all claims, damages or suits that may arise or in any way be occasioned by the granting of the permit or the maintenance of the decorative noncommercial installation permitted thereby.

1. The permittee shall carry liability insurance in the amount of $500,000.

E. For purposes of this Chapter, "Decorative Noncommercial Installations" shall include but are not limited to artwork, planters, and other objects that are placed within the public right-of-way by a private party for the purpose of decoration in a residential, commercial, or industrial district, not for the purpose of advertising, commerce or other economic benefit.

F. Decorative Noncommercial Installations that are not permitted under this Section are prohibited encroachments under 16.18 and shall constitute a public nuisance subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish fees for the implementation and administration of this Section.

14.48.140 Public telephones.

Telephones for public use of a type and at locations approved by and under such conditions as may be imposed by the City Manager.

14.48.150 Sidewalk seating, benches and planters.

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Sidewalk Seating, Benches and/or Planters on sidewalks, parking lanes, street areas, and other public right of way locations as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any sidewalk area in front of a single parcel if there are any current violations of this Chapter in that sidewalk area.

2. A permit for Sidewalk Seating, Benches and/or Planters may not be issued unless the business for which the Sidewalk Seating, Benches and/or Planters is/are proposed is in full compliance with Title 23 and any Permit issued thereunder.

3. Sidewalk Seating and Outdoor Commerce shall require a Sidewalk Seating engineering permit, renewed annually.

4. Businesses conducting Outdoor Commerce in a parking lane shall additionally pay an annual Outdoor Commerce Use Fee in exchange for using public parking spaces for business operations.

5. Sidewalk Seating shall be permitted in any area of the public right-of-way if City Staff makes a finding that the use of the right-of-way for Sidewalk Seating purposes does not create a dangerous condition for customers, pedestrians, or bicycle or motor vehicle traffic. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshall as appropriate.

6. Upon termination of any declared City emergency, any Sidewalk Seating present in the public right-of-way and not on the sidewalk shall within (365) days of date of termination either obtain a valid Sidewalk Seating Engineering Permit and pay the Outdoor Commerce Use Fee or be removed from the public right-of-way.

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Block Face" means one side of one block, e.g., the north side of Center Street between Milvia Street and Shattuck Avenue.

3. "Bus Bench" means a bench installed and maintained under an agreement between the City, A.C. Transit and Lamar Transit Advertising or another public or semi-public transit provider.

4. "Commercial Establishment" means, but is not limited to, a place where Business Activity is established. Business activity is defined as any activity subject to BMC Chapter 9.04 and any economic activity which generates receipts but is exempt from BMC Chapter 9.04 by state or federal law.

5. "District-wide Sidewalk Bench/Planter Area Plan" means a City-approved plan for a specific commercial district as defined in said plan that establishes area-specific regulations for benches, planters and/or plant material, and establishes general regulations for the placement of benches and planters in the public right-of-way, for the designated district.

6. "District-wide Sidewalk Seating Area Plan" means a City-approved plan for a specific commercial district as defined in said plan that establishes area-specific regulations for sidewalk seating, and establishes general regulations for the placement of sidewalk seating in the public right-of-way, for the designated district.

7. "Food Service Establishment" has the same meaning as set forth in BMC Chapter 23F.04.

8. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of sidewalk, parking lanes, street area, and other public right of way spaces.

9. "Outdoor Commerce" means Sidewalk Seating in the public right of way.

10. "Outdoor Commerce Use Fee" means an annual fee for the use of the parking lane for Sidewalk Seating.

11. "Planter" means a container that is designed or used for growing plants.

12. "Parking Lane" and "Street Area" are considered to be part of the Public right-of-way (PROW), known as, "any public street, public way, public place or rights-of-way, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, owned, operated and/or controlled by the City or subject to an easement owned by City and any privately-owned area within City's jurisdiction which is not yet, but is designated as a proposed public place on a tentative subdivision map approved by City." as defined in BMC 23F.04.010.

13. "Sidewalk" has the same meaning as set forth in BMC 1.04.010(18).

14. "Sidewalk Seating" means tables and/or chairs (including benches) and, umbrellas and other associated furniture with lawfully operating Food Service Establishments or other commercial establishments, in or on the sidewalk. "Sidewalk Seating" includes seating and associated furniture in the public right-of-way or resting on, or projecting into, the sidewalk, parking lane, or street area, or any combination thereof which are not physically or structurally attached to a building, retaining wall or fence.

15. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

16. "Window Box Planter" means a box, designed to hold soil for growing plants, attached at or on a windowsill.

C. Sidewalk Seating, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum horizontal clear space of six feet for ADA-compliant path of travel, (or reduce to 5 feet at a single point of contact) or such greater (or smaller) amount of clear space as the Engineering Division finds necessary to protect and enhance pedestrian and vehicle traffic for public use in the sidewalk area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Objects permitted under this Section shall not:

(a) Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

(b) Block or obstruct the view of necessary authorized traffic devices;

(c) Unduly interfere with pedestrian traffic in the public ROW/sidewalk, pedestrian safety, access to public or private parking, traffic circulation, and/or vehicular safety;

(d) Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, Sidewalk Seating, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshal as appropriate;

(e) Be affixed to any City or utility company-owned poles or appurtenances;

3. All sidewalk seating shall be subject to the following additional standards and requirements:

(a) All Sidewalk Seating configurations shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

(b) All Sidewalk Seating components shall be stored in a secure location when not in use.

(c) The permittee shall regularly inspect and clean the Sidewalk Seating and that portion of the public sidewalk adjacent to the establishment. A waste receptacle shall be provided.

4. All benches and planters shall be subject to the following additional standards and requirements:

(a) All proposals shall comply to the greatest extent possible with any design requirements adopted by the City for benches, planters and/or plant material.

D. All permits issued under this Section shall be subject to the following conditions:

1. The permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the curb, parking lane, or street area.

2. The permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, and ensure compliance with all applicable laws, and the

number of tables and chairs shall not be increased without prior approval of the Public Works or Public Health Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any existing or proposed City design plans, those objects shall, upon written demand of the City Manager or their designee, be removed or relocated in such a way as to eliminate the conflict. Should the permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under the Section shall be posted in plain view within the commercial establishment for which the permit has been issued along with any other relevant permits that support health and safety of patrons and the general public.

5. By accepting a permit under this Section, the permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the permittee's installation, operation, maintenance or removal of Sidewalk Seating, Furniture, Benches and/or Planters.

6. Prior to permit approval, the permittee shall demonstrate possession of liability insurance in the amount of $1,000,000 for Benches and Planters, and related Sidewalk Seating furniture. Said insurance shall name the City of Berkeley as additionally insured and shall be in a form acceptable to the City Attorney.

7. The permittee shall monitor and control the use of the Sidewalk Seating so as to prevent disturbance of the surrounding neighborhood.

8. A food service establishment that proposes to serve alcoholic beverages within an outdoor dining area shall comply with the standards established by the State of California Department of Alcoholic Beverage Control. The dining area shall be:

(a) Physically defined and clearly part of the commercial establishment it serves; and

(b) Supervised by a commercial establishment employee to ensure compliance with laws regarding the on-site consumption of alcoholic beverages.

E. Permits under this Section are not transferable, and must be renewed annually.

F. Sidewalk Seating, Benches, Furniture, and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

G. The City Council may by resolution establish or waive fees for the implementation and administration of this Section. Outdoor Commerce Use Fees shall be equivalent to the expected block face parking revenue from the parking spaces used by the permittee, and shall be treated as Parking Meter Fund revenue.

14.48.160 Removal of obstructions on streets and sidewalks.

Anything placed or permitted to remain upon any sidewalk or roadway in violation of this Chapter, is declared to constitute a nuisance and the City is authorized and empowered to abate such nuisance by removing the same to the custodian of lost property in the Police Department or the Corporation Yard of the City, or other location designated by the City.

14.48.170 Use of streets and sidewalks by vendors.

Any properly licensed vendor may use the public streets of the City in commercial or industrial zones for the sale of goods, wares, merchandise, or food when conducted under the conditions stated in this section.

A. Sidewalk vending is permitted as regulated by Chapter 9.48 of the Berkeley Municipal Code.

B. Other street vending is permitted from vehicles which are lawfully parked upon streets which are not regulated by parking meters or other posted parking time limits.

C. It is unlawful for any person to vend in violation of this section.

14.48.180 Trap doors in sidewalks.

A. Trap doors in sidewalks used to cover an opening for an elevator, stairway or chute must be kept in such a condition that they will not endanger persons or property, and it is unlawful for any person owning or being in charge or control of any such doors in sidewalks used for covering entrances to elevators, stairways or chutes, or other openings in the sidewalk leading to the basement, to allow said doors to remain open, except when such elevator, stairway or chute is being used and monitored for pedestrian safety while loading or unloading or transferring of merchandise or material.

B. The requirements of this section shall be in addition to and not in lieu of any other ordinance of the City having to do with doors or other openings in sidewalks.

14.48.190 Parklets.

A. Notwithstanding anything to the contrary in this Chapter, the City of Berkeley Engineering Division of the Department of Public Works, or its successor, may approve Parklets, Benches and/or Planters in the public right of way (excluding Sidewalks alone, which are subject to and governed by Section 14.48.200) as set forth in, and in compliance with, this Section.

1. No permit may be issued under this Section for any right-of-way area in front of a single parcel if there are any current violations of this Chapter in that right-of-way area.

2. A permit for a Parklet may not be issued unless the parklet Host is in full compliance with all applicable requirements of Title 23 and any Permit issued thereunder.

3. A permit for a Parklet may only be issued adjacent to parcels in the following zoning districts: all Commercial (C-prefixed districts), Mixed-Use Light Industrial (MU-LI), Mixed-Use Residential (MU-R), and Mixed Manufacturing (MM).

B. For purposes of this Chapter, the following terms shall be defined as follows:

1. "Bench" means a seat designed for two or more persons.

2. "Bike Parking" means a location with bike racks intended for the secure parking of bicycles.

3. "Furniture" means amenities such as but not limited to tables, chairs, benches, and other equipment that facilitates the stationary use of public space.

4. "Parklet" means a platform or similar level surface extending into the public right of way with amenities such as but not limited to tables and/or chairs (including Benches), Bike Parking, and umbrellas, designated as public space, located in or on the public right-of-way or resting on, or projecting into, the sidewalk and parking area, which are not physically or structurally attached to a building, retaining wall or fence. Platforms that meet this definition but have received a Sidewalk Seating Permit pursuant to BMC Section 14.48.150 shall not be considered Parklets.

5. "Planter" means a container that is designed or used for growing plants.

6. "Sidewalk" has the same meaning as set forth in Section 1.04.010(18).

7. "Sponsoring Business", "Host", "Permit Holder" or "Permittee" means, and is limited to, any establishment engaged in insuring and caring for the Parklet as set forth in the Parklet maintenance agreement.

8. "Transit Stop" means an AC Transit bus stop, UC Berkeley bus stop, a paratransit bus stop, Bay Area Rapid Transit station entrance, or another public transit provider.

C. Parklets, Benches and Planters shall fully conform to the following requirements of this subdivision:

1. Any object permitted under this Section shall leave a minimum of clear space as the Engineering Division finds necessary to protect and enhance pedestrian or vehicle traffic for public use in and around the Parklet area, as that space is determined by the City of Berkeley Engineering Division of the Department of Public Works, or its successor.

2. Parklets shall comply with applicable Americans with Disabilities Act (ADA) accessibility standards.

3. Objects permitted under this Section shall not:

(a) Unduly interfere with access by public employees and utility workers to meters, fire hydrants or other objects (street hardware) in the right-of-way;

(b) Block or obstruct the view of necessary authorized traffic devices;

(c) Unduly interfere with pedestrian traffic in the right-of-way, including the Sidewalk, pedestrian safety, traffic circulation, and/or vehicular safety;

(d) Be closer than 25 feet to any curb return or fire hydrant; except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshall as appropriate;

(e) Be affixed to any City or utility company-owned poles or appurtenances;

(f) The width of the Parklet must not extend beyond six feet from the curb line, except in such cases where the geometry of the roadway has been designed to accommodate, or will accommodate, a Parklet, as determined by City staff. City staff will be defined as the Traffic Engineer, City Engineer, or Fire Marshall as appropriate.

4. All Parklets shall be subject to the following additional standards and requirements:

(a) Parklets must remain publicly accessible and must include signage posted on site to this effect;

(b) Parklet construction materials must be of high quality, durable, and suitable for public use;

(c) A visible edge to the Parklet is required, which may consist of Planters, railing, or cabling. The edges should be visually permeable;

(d) The Permittee shall regularly inspect and clean the Parklet and that portion of the public sidewalk adjacent to the Parklet;

(e) Access panels must be included in order to maintain the gutter and area underneath the Parklet and the design must allow for drainage along the gutter to pass underneath the Parklet;

(f) Safe hit posts and wheel stops, or approved equivalents, may be required. If Bike Parking is provided, the bike racks can be at street grade;

5. All Benches, Furniture, and Planters within the Parklet shall be subject to the following additional standards and requirements:

(a) All proposals shall comply with any design requirements adopted by the City for Benches, Planters and/or plant material;

(b) All non-secured Parklet components shall be stored in a secure location on private property when not in use;

(c) Any unsecured Furniture must be clearly different from the Furniture used by a Parklet Host in order to emphasize that the Parklet is public space, as determined by City staff;

D. All permits issued under this Section shall be subject to the following conditions:

1. The Permittee shall be responsible for, and exercise reasonable care in the inspection, maintenance, and cleanliness of the area affected by any object(s) permitted by this Section, including any design requirements hereafter enacted, from the building frontage to the right-of-way, including the Parklet area.

2. The Permittee shall restrict any objects permitted under this Section to the approved location(s) and configuration, ensure compliance with all applicable laws, and the number and configuration of Benches, Furniture and Planters and overall square footage of the Parklet shall not be modified without prior approval of the Public Works Department.

3. When any objects permitted under this Section are found to be in conflict with existing or proposed facilities or improvements owned, maintained, or operated by the City, or any

existing or proposed City design plans, those objects shall, upon written demand of the City Manager or his or her designee, be removed or relocated in such a way as to eliminate the conflict, at the sole expense of the Permittee. Should the Permittee fail to comply with said written demand within a reasonable period of time, the City may cause such relocation of the placement at the expense of the Permittee. Any such non-compliance shall also be a violation of this Section.

4. Permits issued under the Section, when under review prior to issuance shall be posted in plain view within the sponsoring establishment(s) for which the permit has been issued. Public notice, permitting, and appeal for Parklets are set forth in BMC Section 16.18.060 (Permit procedure for minor encroachment) of the Berkeley Municipal Code. Section D(4) is not applicable in cases of declared local emergency due to disease outbreak. Upon termination of a declared local emergency due to disease outbreak within 365 days, a permittee must:

(a) pay the permit fee for a minor encroachment and comply with all the requirements of this Section and Section 16.18.060, except that public notice requirements shall not be required; or

(b) apply for a Sidewalk Seating Permit pursuant to BMC Section 14.48.150, and pay initial annual outdoor commerce use fee (the application permit fee for transitioning permits will be waived); or

(c) remove the Parklet from the public right-of-way.

5. By accepting a permit under this Section, the Permittee explicitly agrees to hold the City, its officers and employees harmless from any liability, claims, suits or actions for any and all damages alleged to have been suffered by any person or property by reason of the Permittee's installation, operation, maintenance or removal of the Parklet, Benches and/or Planters.

6. Prior to permit approval, the Permittee shall demonstrate possession of liability insurance, in the amount not less than $1,000,000, for the Parklet including any associated Benches, Planters and Furniture. Said insurance shall name the City of Berkeley as an additional insured and shall be in a form acceptable to the City Attorney.

7. The City Manager or their designee may require a performance bond to ensure Parklet removal in the event of a permit cancellation.

8. The Permittee shall monitor and control the use of the Parklet to prevent disturbance of the surrounding neighborhood.

9. A Sponsoring Business or other business is not permitted to perform table service at a Parklet or otherwise incorporate a Parklet into its business operations. Section D(9) is not applicable in cases of declared local emergency due to disease outbreak.

10. Commercial signage, smoking, and advertising are prohibited at Parklets.

E. Parklets, Benches and/or Planters that are not permitted under this Section are prohibited encroachments under Chapter 16.18, and shall constitute public nuisances subject to the remedies in Chapter 1.26.

F. The City Council may by resolution establish or waive fees and guidelines for the implementation and administration of this Section.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

A.R. NUMBER:	10.1
ORIGINAL DATE:	6/5/17
POSTED DATE:	6/5/17
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CITY OF BERKELEY
ADMINISTRATIVE REGULATIONS
SUBJECT: Temporary Storage of Unattended Property

PURPOSE

The purpose of this Administrative Regulation is to outline the policy and procedures for properly securing Unattended Property, in order to support the health and safety of our community, in compliance with all legal requirements.

POLICY

Unattended Property is defined as tangible personal property that has been left on City property or the public right of way ("Public Space") with no person claiming or asserting ownership, or that needs to be stored as the result of a law enforcement action or a medical situation.

Property includes but is not limited to:

- Identification
- Photos / photo albums
- Tents, sleeping bags, bedding (which is deemed to be in serviceable condition)
- Luggage, backpacks, purses
- Clothing
- Documents (together in a packet bound or secured in some way)
- Jewelry
- Medication
- Eyewear
- Electronic equipment
- Tools
- Bicycles and other non-motorized methods of transportation which are in working order

Unattended Property that is removed by City staff shall be held in safe-keeping for 14 days, unless it appears from visual observation to have a resale value of $100 or more, in which case it shall be held for 90 days. Items that are usable for shelter, such as tents, tarps and sleeping bags, shall be retained for a minimum of 45 days regardless of apparent value. Unattended Property that is clearly refuse or garbage may be disposed of immediately. Items shall be secured in a locked, covered, storage container located at the Corporation Yard at 1326 Allston Way. The storage container shall be accessible by City Staff only.

PROCEDURE

1. Berkeley Police Department (981-5911) shall respond to calls from City Staff to provide assistance to City Staff who need law enforcement support when picking up and transporting Unattended Property.

2. City staff shall remove Unattended Property from Public Space as found as part of routine duties, in response to complaints, or as directed by the Berkeley Police Department. Occupied/attended encampments will be given a reasonable time to remove their property, as determined by the Berkeley Police Department.

3. City Staff shall photograph Unattended Property before it is removed, regardless of whether it is going to be disposed of or stored.

When removing property from Public Space, City Staff shall utilize a *Property Inventory Form (Inventory Form)* to record the date the Unattended Property was removed and the location from which it was removed. The Unattended Property shall be inventoried either as individual items or by the quantity of bags removed. Any items of value (including but not limited to jewelry, electronics, medical or dental equipment) shall be inventoried. The *Inventory Form* shall note whether each piece of inventoried Unattended Property removed from a given site is to be transported for storage or disposed of. A copy of this form shall be maintained by Corporation Yard staff.

Unattended Property that has been removed shall be kept in clear bags and bins. Each bag or bin shall be affixed with a copy of the *Inventory Form,* which displays the date and the location from which the Unattended Property was removed.

At the expiration of the requisite storage time, unclaimed property shall be disposed of; the date of disposal shall be noted on the corresponding *Inventory Form* and submitted to Corporation Yard staff.

City staff shall not store any of the following items as they are unsafe for storage or considered to be trash:

- Soiled or moldy items
- Loose or scattered papers
- Wet or damp clothing, bedding or sleeping bags if storing it would cause it to mold
- Perishable food or personal products that will spoil in storage
- Personal hygiene products such as toothbrushes, hair brushes
- Bike carcasses
- Mattresses, futons, furniture
- Shopping Carts*
- Broken or disassembled items or those stripped of parts (i.e. flat tires, electronics, torn up clothes)
- Weapons – weapons will be turned over to Berkeley Police Department
- Any item that may attract rodents or insects (containers for recycling or food storage)
- Hazardous or Explosive items such as gasoline cans, propane tanks, batteries

*Shopping carts with their contents shall not be stored in their entirety. Shopping carts will be returned to identified stores and/or the stores will be notified to retrieve them when possible. City Staff shall not remove the contents of shopping carts, unless there are items which can be easily identified as personal belongings and which meet the criteria for storage. These items shall be stored, and items which do not meet the criteria for storage shall be disposed. The *Inventory Form* shall be noted accordingly.

To Retrieve Stored Property:
Citizens wishing to reclaim their property shall contact 311 Customer Service Center. 311 shall in turn transfer the caller to the appropriate City Department, Parks or Public Works, based upon the location from which the property was removed, between the hours of 8:00 a.m. and 4:00 p.m. Monday – Friday, excluding holidays.

City Staff shall verify the date, time, location from which the requestor reports the property was picked up by the City, and the description of the property, against the *Inventory Forms*, to determine whether the property is in storage.

If the property is determined to be in storage, an appointment to reclaim the property from storage shall be scheduled between the appropriate City staff and the caller/requestor, for retrieval between the hours of 9:30 a.m. and 2:30 p.m. Monday – Friday, excluding holidays.

At the appointed date/time, the requestor shall come to the City's Corporation Yard, Bldg A lobby area. The individual shall identify him/her self and provide the date and location from which the property was picked up, along with a description of the property. The requestor shall wait at the Corporation Yard while designated City Staff retrieves the identified property from the storage unit and transports it to the parking lot. The requestor will be required to sign the *Inventory Form* and a copy of which will be maintained by Corporation Yard staff.

If an advocate for the requestor is retrieving the items, he/she shall be required to provide to City Staff a completed *Declaration of Authorization to Take Custody of Property* and sign the *Inventory Form* upon receipt of the property.

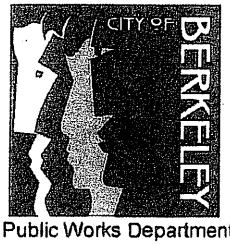
To File a Complaint:
Persons having complaints about the City's process for managing Unattended Property may submit their concerns to the Online Service Center http://www.cityofberkeley.info/onlineservicecenter/, and the complaint will be reviewed by designated City Staff accordingly.

To File a Claim:
Persons wishing to file a claim shall be directed to complete the claim form which can be found - http://www.cityofberkeley.info/Attorney/Home/Claim_Form.aspx

RESPONSIBLE DEPARTMENT: **Public Works, Parks Recreation and Waterfront** **TO BE REVISED:** As needed	Approved by: Department Director Department Director City Manager

APPENDICES

APPENDIX 1: PROPERTY INVENTORY FORM



Public Works Department
Parks, Recreation & Waterfront

PROPERTY INVENTORY FORM

INVENTORY ID NUMBER: _____

LAGAN CASE #: _____

DATE PICKED UP: _____

TIME PICKED UP: _____

PICK UP LOCATION/ADDRESS: _____

[ ] HOLD FOR 14 DAYS: Property which appears to be personal possessions of **less** than $100 resale value.

[ ] HOLD FOR 45 DAYS: Property which is usable for shelter.

[ ] HOLD FOR 90 DAYS: Property which appears to be personal possessions of **more** than $100 resale value.

[ ] DISCARDED: Property which appears to have been abandoned, illegally dumped or does not meet the storage requirements.

EMPLOYEE # (S): _____

DEPARTMENT: _____

DESCRIPTION of UNATTENDED PROPERTY (itemized with estimated value):

A.R. NUMBER:	**10.2**
ORIGINAL DATE:	11/13/18
POSTED DATE:	11/26/18
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CITY OF BERKELEY ADMINISTRATIVE REGULATION

Subject: Regulating Temporary Non-Commercial Objects on Sidewalks and in Parklets, Pursuant to BMC § 14.48.120

PURPOSE

This Regulation is intended to protect the City's substantial interests in access and safety on Sidewalks and Parklets for pedestrians and for persons with disabilities, aesthetically pleasing streetscapes, and vital commercial areas, all of which are critical to the City's economic and social well-being, in a manner consistent with the United States and California Constitutions, including the First, Fourth, Eighth, and Fourteenth Amendments.

This Regulation provides policy and procedures regarding placing Temporary Noncommercial (TNC) Objects on Sidewalks and Parklets, pursuant to Berkeley Municipal Code (BMC) § 14.48.120.

DEFINITIONS

"BART Access Corridor" is a Sidewalk, including a wide plaza area, on the same side of the street as a BART Station entrance, within 25 feet of such entrance. In the downtown area, the BART Access Corridor includes all sidewalk and plaza areas on the west side of Shattuck Avenue from Addison Street to Allston Way.

"Parklet" is defined as provided in BMC § 14.48.190.

"Path of Travel" is defined as:

- For Sidewalks which measure less than fourteen (14) feet in width, the Path of Travel is six (6) feet wide; this 6-foot wide strip is parallel to the curb and the sides of this strip are equidistant from the curb edge of the sidewalk and the edge of private property abutting such sidewalk.

- For Sidewalks which measure 14 feet or greater in width, the Path of Travel is ten (10) feet wide; This 10-foot strip is parallel to the curb and the sides of this strip are equidistant from the curb edge of the sidewalk and the edge of private property abutting such sidewalk.

"Sidewalk" is defined as provided in BMC § 1.04.010(18) as that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians.

"TNC Objects" are defined as provided in BMC § 14.48.120 as personal belongings:

1. In the immediate custody and control of a person or persons at substantially all times;

2. Not offered for sale or exchange or involved in the solicitation of money for immediate payment;

3. Not otherwise prohibited and of a size, weight and quantity that can be easily moved by the owner.

4. Not furniture. Furniture is only allowed pursuant to BMC Chapter 9.48 or pursuant to BMC § 14.48.030 for Objects in Transit or BMC § 14.48.150 for Sidewalk Café permits and City-installed furniture.

POLICY

A. Objects Subject to this Regulation

This Regulation applies to all Temporary Noncommercial (TNC) Objects. It does not apply to leafleting, hawking, peddling and similar activities to the extent those activities do not involve the placement of physical objects on the Sidewalk, or to TNC or other objects expressly permitted by the Berkeley Municipal Code.

B. TNC Objects Exempt from this Regulation:

The following categories of TNC Objects are exempt from this Regulation:

1. Mobility devices in use by pedestrians or individuals in wheelchairs; or

2. Blankets, cushions, mats, or other material providing cushioning ("Cushioning Material") while an individual is seated on such an item, which does not expand beyond 2' x 2' in size and is outside of the Path of Travel.

C. Time and Location Requirements for TNC Objects

1. TNC Objects - Residential Districts:

TNC Objects are prohibited on Sidewalks in Residential Districts, except Objects in Transit pursuant to BMC § 14.48.030 or as otherwise specifically authorized by the BMC.

2. TNC Objects - Commercial and Manufacturing Districts

a. TNC Objects shall not be left unattended for more than 2 hours.

b. TNC Objects may not be placed in Parklets.

c. TNC Objects must not interfere with access to and use of driveways, crosswalks, bus benches, bus stops, transit stops, bicycle racks, fire hydrants, faucet bibs,

utility boxes, public art installations, mailboxes, ATM machines, embedded trap doors, parking meters, parking payment machines, refuse or recycling cans, or pursuant to a City permit, construction materials, newspaper racks, or sidewalk café seating.

d. TNC Objects may not be placed in a location that interferes with access for individuals with disabilities such as curb and wheelchair ramps, or other features for disability access.

e. TNC Objects may not be placed in a location where they would obstruct, restrict, or hinder visibility of traffic devices or signs.

f. TNC Objects may not be placed at or adjacent to any blue or white curb.

g. TNC Objects may not be placed on a Sidewalk directly in front or within three feet of either side of a building entrance, from the building face to the curb edge of the Sidewalk, except between the hours of 10:00 p.m. and 7:00 a.m., if the building entrance will not be used during that period (i.e., not an apartment building entrance where people may be expected to enter and exit 24/7, and not the entrance to a restaurant or business that is open for customers or deliveries).

h. TNC Objects may not be placed within a BART Access Corridor, except objects in transit per 14.48.030 and other objects expressly allowed by the BMC.

D. ENFORCEMENT PROCEDURES

To the extent possible, given resources, the initial outreach may be made by homeless outreach staff; management and/or enforcement of TNC Objects may be initiated by Code Enforcement and/or Public Works staff.

To further implement BMC §§ 14.48.120(C) and (D), the City hereby adopts the following procedures:

1. If TNC Objects or Cushioning Material are located within the Path of Travel or in a BART Access Corridor, they must be immediately moved out of the Path of Travel or BART Access Corridor by their owner upon request of the enforcement officer. Should TNC objects not be immediately moved, such objects can be removed and stored by the City pursuant to BMC § 14.48.160 and Administrative Regulation 10.1, and/or a citation may be issued.

2. For TNC Objects or accumulations of TNC Objects, enforcement of this Regulation shall be a low priority, except when:

    - TNC Objects have been in the same approximate location for 24 hours or more,

- More than two accumulations of TNC Objects occupy a single blockface, or
- TNC Objects pose a significant risk to health or safety.
- Within 600 feet of a K-12 public or private school with 25 or more students located in a residential district.

Enforcement officers may:

- Request that TNC Objects be reduced to a 9-square-foot footprint (measured as 3' x 3', 4' x 2.25', 9' x 1', etc.) and/or less than 5 feet in height,
- Request that TNC Objects be moved to another location,
- Subject to the notice requirements below, remove and store TNC Objects pursuant to BMC § 14.48.160 and Administrative Regulation 10.1, or
- Issue an administrative citiation or infraction.

3. Except in the case of a significant health or safety risk:

   Prior to removal of TNC Objects, 24 hour written notice of intent to remove TNC Objects shall be provided, either by attaching such notice to, or directly adjacent to, such TNC Objects, or by providing notice to the owner.

   Removal of TNC Objects is a low priority between 10:00 p.m. and 7:00 am.

INTERPRETATION

This Regulation is intended to be consistent with the United States and California constitutions, and in the event a patent or latent ambiguity in this Chapter requires interpretation by the City or a Court, such interpretation shall, to the extent permissible, be consistent with relevant constitutional provisions.

RESPONSIBLE DEPARTMENT: City Manager **TO BE REVISED:** As needed	Approved by: BERKELEY CITY COUNCIL on October 16, 2018 City Manager

ADDENDUM TO ADMINSTRATIVE REGULATION 10.2

In addition to the requirements in Administrative Regulation 10.2, this addendum to Administrative Rule ("AR") 10.2 clarifies an ambiguity in the enforcement provisions therein. AR 10.2 Section D provides: "... enforcement of TNC Objects may be initiated by Code Enforcement and/or Public Works staff." While the Berkeley Police Department is not mentioned in this enforcement provision, it is not specifically excluded either, and has independent authority to enforce BMC 14.48.020. Other City staff either do not have the authority to issue an infraction citation or do not have the requisite training and experience to do so. Therefore, police officers will also will be needed to help enforce BMC 14.48.020/14.48.120.

In light of the above, clarification is needed that police officers are authorized to help enforce BMC 14.48.020 / 14.48.120 with respect to TNC objects unlawfully placed on sidewalks. As such, a police officer is authorized to:

- Contact the occupant of a tent or other improvised structure erected on a sidewalk during the day and evening (7:00 a.m. to 10:00 p.m.), warn the person of the violation of BMC 14.48.020 / 14.48.120, and tell the person to take down the tent/improvised structure.

- If the person does not comply, the officer may issue an infraction citation.

- The officer may also issue a Notice to the person or post a Notice on the tent/improvised structure advising that if the tent or structure is not removed from the sidewalk within 24 hours, it will be removed from the sidewalk pursuant to BMC 14.48.160 and handled in accordance with A.R. 10.1 at the Corp Yard.

- In no instance will pitched tents/improvised structures be allowed to remain in the Path of Travel on the sidewalk. An officer may move such a tent/structure out of the Path of Travel immediately.

As stated in BMC 14.48.020 and AR 10.2, the word sidewalk is defined as "that portion of a street between the curbline and the adjacent property line intended for the use of pedestrians." The dirt planting strip that sometimes exists within the sidewalk along the edge of the curb is part of the sidewalk because it is intended to be used by pedestrians walking to and from a roadway, e.g. to a parked car.

RESPONSIBLE DEPARTMENT: City Manager **TO BE REVISED:** As needed	Approved by: D. Williams-Ridley City Manager Date: 4/10/19

Public

Office of the City Manager

February 20, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Re: Eighth St and Harrison St Encampment Efforts

The purpose of this memo is to inform the Council that the City's Homeless Response Team (HRT) will be temporarily suspending efforts to resolve the remaining encampments in and around the intersection of Eighth St and Harrison St in Northwest Berkeley until the Court proceedings in two pending cases against the City at this encampment (*Prado* and *Parnell*) give us more insight and direction.
The memo provides background and rationale behind this difficult decision.

The HRT strives to assist people who are homeless primarily through guiding them to housing (interim or permanent) and supportive services, while also ensuring the conditions of their encampments are as safe and clean as possible. The encampments in and around 8th and Harrison Streets in Northwest Berkeley have persistently posed serious health and safety concerns to the residents of the encampments as well as their neighbors, who include both residents and merchants. They have also contributed to public infrastructure damage (damaged and inoperable street lights, damaged sidewalks and street tree wells, dead or dying city trees, etc.) in the area. The HRT's strategy to resolve this challenging situation is laid out in greater detail below, and has included providing direct access to motels and other indoor solutions, cleaning the area regularly, and attempting to prevent re-encampment and a re-creation of the same problematic concerns and conditions so that infrastructure repairs and construction can commence.

The decision to temporarily pause this work will free up resources to more proactively address encampment concerns elsewhere in Berkeley. We will offer interim housing to those who are willing to accept it, and those areas can be more effectively be maintained for a complete resolution.

BACKGROUND

The encampments in this corridor of the city have, for several years, posed both very dangerous living conditions for the people living in them, and serious impacts to the neighboring businesses, residents, and general public. For years, the City has offered a wide range of both service opportunities and enforcement attempts at this encampment

to foster safer and healthier conditions. (Both the persistent concerns and our efforts to mitigate them are documented in Attachment 1 to this memo.) However, a number of significant external challenges have consistently hindered the City's ability to permanently resolve this encampment, including an ever-shifting and uncertain legal landscape in the wake of Ninth Circuit's *Martin v. City of Boise* decision[1]; suspension of encampment enforcement pursuant to CDC guidance during the height of the global COVID-19 pandemic[2]; and federal Coordinated Entry guidance regulating the prioritization of limited permanent supportive housing that is silent on the impacts of encampments.[3] At the same time, and largely due to the presence of the encampment, the corridor has seen significant damage to public infrastructure, (including inoperable city streetlights; damaged city sidewalks; damaged tree wells and dead or dying city street trees) that have gone unrepaired.

In February 2023, the Neighborhood Services Division in the City Manager's Office applied for, and was awarded, a State of California Encampment Resolution Fund grant that enabled the City to master lease the Super 8 motel at 1619 University Avenue as a non-congregate shelter destination for individuals in this encampment. Over the spring and early summer, Neighborhood Services conducted an extensive survey of the encampments in the area, generating a census of 51 people living there, and between May and July 2023, the Homeless Response Team conducted three community meetings with the residents, advocates, and service providers in this encampment to explain our plans to target the new Super 8 motel to this encampment and eventually resolve the encampment to perform the infrastructure repairs. In August 2023, the program opened its doors and residents began moving into the shelter.

However, despite having non-congregate shelter beds dedicated to this encampment, nearly every effort that the City has made to resolve portions of the encampment have been met with significant opposition and/or legal challenges:

- On August 22, 2023, the City attempted to resolve the encampments in and along the northernmost part of 8th St and Codornices Creek from 8th St to 6th St, in accordance with pending construction in the area by the City of Albany; opponents pitched a "sit-in" and the closure was only partially completed (the Creek remains encamped to this day).

[1] See: https://cases.justia.com/federal/appellate-courts/ca9/15-35845/15-35845-2019-04-01.pdf?ts=1554138051

[2] See: https://stacks.cdc.gov/view/cdc/107838

[3] See https://files.hudexchange.info/resources/documents/Coordinated-Entry-Core-Elements.pdf. In 2023, recognizing the insufficiency of this federal guidance with respect to dangerous encampments, the City of Berkeley sponsored a change in State law, AB 1285 (Wicks), and pressed the Alameda County Continuum of Care (CoC) to prioritize the Harrison St encampments for permanent supportive housing, in a formal memo to the CoC (included here as Attachment 2). On November 8, a subcommittee of the CoC's Leadership Board voted 7-1 to deny Berkeley's recommendation to prioritize this encampment (see agenda item 7 in the Nov 8, 2023 minutes of the Outreach, Access, and Coordination Committee).

- On September 6, 2023, and in response to a formal declaration of the area as an imminent hazard and an order for summary abatement by the City Manager (see Attachment 1), the City attempted to abate the public health and safety hazards on Harrison St between 7th St and 8th St. In response, advocates and residents in the encampment, in collaboration with East Bay Community Law Center and Disability Rights Advocates, filed a lawsuit (*Prado v. City of Berkeley*) and were granted a temporary restraining order (TRO), enjoining the city from action. The TRO was eventually lifted on September 27, but the numerous conditions simultaneously imposed by the Judge posed significant implementation challenges for the city, such that this health and safety abatement could not be completed until November 7, 2023. Meanwhile, the *Prado* case is pending.
- On November 14, 2023, the City attempted to resolve the encampments along Harrison St from 7th to 8th, but was met with another TRO less than 24 hours before the planned operation. This had the effect of delaying the operation until December 5.
- On December 12, the City planned an operation to resolve the encampments along 8th St and along Harrison St from 8th to 9th, both to continue clearing the area for planned street construction as well as to enable adjacent parcel owners to construct a privately-financed fence. Hours into the operation, the City learned that another lawsuit (*Parnell v. City of Berkeley)* and order to cease and desist had been issued, forcing the City to suspend plans to fence the areas that had been closed that morning (which were re-encamped within minutes of the court's order).
- Between the November 7, 2023 abatement operation and the date of this memo, the temporary fencing designating the area as a pending construction zone has been breached, and the area behind the fencing re-encamped, on several occasions, sometimes within hours of the City's putting it up.

DECISION AND RATIONALE

The Homeless Response Team has made the decision to temporarily suspend future efforts to resolve the encampments in this area until the Court proceedings in the two pending cases against the City at this encampment (*Prado* and *Parnell*) give us more insight and direction. Because the timing is ultimately in the hands of the Court, we are unable to offer a timeline for when closure, and ultimately the street construction efforts they will precede, can continue. We will continue to serve the people living in these encampments with outreach and service offers; move those who wish to move into shelter indoors, in accordance with available resources; and perform regular clean-ups in the area to manage the footprint of the encampment. These latter efforts are ongoing and they will not stop now.

The rationale for this difficult decision is as follows:

- Each of these resolution operations required numerous hours of intricate legal, operational, and tactical planning by staff across numerous city departments, and pursuant to numerous case laws, required advanced written notice and careful

planning on how to sort and store each person's belongings. Despite all this planning, staff have been met three times with Court orders to cease, hours before or even during the operation, effectively rendering planning efforts moot. If and when the operations do take place, each operation has been a physically and emotionally taxing endeavor for HRT staff, with many hours in the field amidst vehement protest opposition. However, sometimes within days or even hours of completing an operation, the area is re-encamped and/or fencing has been breached and destroyed, putting the City back at square one. We simply do not have the staffing resources to continue these efforts indefinitely.

- The City has, since the inception of the Homeless Response Team in September 2021, focused the majority of its time and efforts in the Gilman District. More specifically:
    - Since September 2021, the Homeless Response Team has performed **106** encampment operations, including closures, deep cleanings, and vehicular enforcement. **28%** of all interventions have occurred in the Gilman District.
    - Since September 2021, the Homeless Response Team has removed **998,060** pounds of debris from encampments around the City. **22%** has come from the Gilman District.
    - Since September 2021, the Homeless Response Team has made **657** offers of shelter/interim housing to people in encampments. **35%** of all offers have been given to people living in the Gilman District.

  The amount of time, resources, and effort given to this area have been immense—frankly, they have exceeded what a City of our size, considered by the State too small to be eligible for direct State homelessness funding, could reasonably be expected to provide. But there are numerous other encampments around the city, including in other historically redlined areas of West and South Berkeley, that need our attention and resources as well.
- The District Court has repeatedly required that we hold non-congregate shelter beds open for any closure of these encampments, even though our offers of shelter have been continuously declined, and congregate housing is available. It is unethical to continue to withhold vacant beds from people in other areas of the City who might benefit from them now. (Of lesser importance, beds at the Super 8 motel are paid for by a State grant with aggressive expenditure deadlines, and continuing to keep the beds vacant jeopardizes compliance with the deadlines.)
- The Homeless Response Team is a multi-disciplinary, multi-departmental team comprised of staff from numerous departments, including Neighborhood Services; Police; Public Works; Health, Housing and Community Services; Parks, Recreation, and Waterfront; and others as needed. Notably, the HRT is not sufficiently budgeted to pay for dedicated encampment staff from each of these departments; to staff a major encampment operation, the HRT relies on the same Police officers who respond to violent calls for service across the City and the same Public Works staff who perform street construction work. With vacancies in each of these departments hovering at 1 in 5 positions, we do not have the staff

to perform more than a handful of encampment operations every month, and other health and safety concerns elsewhere in the city need our attention as well.

Once again, we will not abandon the Gilman District nor the people living unsheltered in it, and will continue to make every effort to provide available services to those unsheltered here and provide clean-ups in the area as frequently as our resources allow. But we must be realistic about what a City of our size and capacity can accomplish in the wake of so much judicial risk and uncertainty, and the very real costs to limited staff time and budgetary resources this uncertainty poses.

If you should have any questions, please do not hesitate to contact Peter Radu, Assistant to the City Manager, at 510-981-7045 or pradu@berkeleyca.gov.

cc:

Peter Radu, Assistant to the City Manager
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Farimah Brown, City Attorney
Andrew Murray, Interim Public Works Director
Jennifer Louis, Chief of Police
David Sprague, Chief of Fire
Matthai Chakko, Assistant to the City Manager
Jenny Wong, City Auditor
Mark Numainville, City Clerk

Office of the City Manager

To: Dee Williams-Ridley, City Manager

From: Peter Radu, Assistant to the City Manager

Date: August 31, 2023

Re: Nuisance Declaration and Summary Abatement of Conditions on Harrison St

INTRODUCTION AND HISTORY OF SERVICE EFFORTS

The encampments in and around Harrison Street, especially those between 8th and 7th Streets, in West Berkeley have presented ongoing challenges to the City. The City has provided a wide range of services for the residents in this area as well as full scale operations to reduce the debris and dangerous conditions. Since September 2021, when the City first resumed encampment operations after a COVID hiatus, these include:

- The placement of a dumpster on 8th St in April 2022, with service 4 times a week, and a second dumpster on 7th and Harrison in August 2023, as well as weekly illegal dumping removal service from the city's Public Works Department;
- The placement of two port-a-potties with wash station located at the corner of Eighth and Harrison St; both are serviced on a regular basis.
- Free mobile shower and laundry service to the residents of this encampment on a weekly basis since June 2022.
- A major effort to relocate RVs in the area in September and October 2021 to the City's Safe RV parking program; multiple offers of an off-street parking spot were offered to all 35 vehicles being used as shelter in the encampment, and 18 moved in or voluntarily relocated.
- One full closure of the encampment, in February 2022, and 3 partial closures since that time. The full closure in Feb 2022 included motel room offers for everyone living there, using Alameda County Winter Shelter motel vouchers and with an 83% uptake rate. Only two arrests and 0 criminal citations have been issued during these operations.
- Nine deep cleanings of the encampment, in which a total of 124.9 tons (249,800 pounds) of debris have been removed, and a major nuisance abatement of rodent harborage conditions in October 2022, in which a total of 32.1 tons (64,200 pounds, or nearly the weight of a humpback whale) of debris were removed.
- Multiple targeted treatments by the City's Environmental Health Division of the extensive network of rodent burrows in and around the encampment, and the provision on numerous occasions of new tents and Sterilite tubs to help maintain cleaner and more rodent-proof conditions.

- The provision of 107 shelter offers to the residents in this area, with an 53.3% uptake rate. Not including the major independent effort to resolve the People's Park encampment with UC Berkeley, this represents 23% of all shelter provisions the City's Homeless Response Team has made since September 2021. For lack of housing exits, many of those moved into shelter have returned back to this encampment over time.
- Weekly by-name case conferences, focusing heavily on this encampment, hosted by the Homeless Response Team and attended by Alameda County Healthcare for the Homeless, Berkeley's Health, Housing and Community Services Department, Homeless Action Center, Bay Area Community Services (BACS), LifeLong Medical Care, East Bay Community Law Center, Options Recovery Services, Berkeley Mental Health, and Building Opportunities for Self-Sufficiency (BOSS).
- Three community meetings (in May and July 2023) between city staff and residents and advocates of the encampment to discuss resources and how to improve safety.

All of these services are in addition to the intensive presence of the County's Street Medicine Teams in the encampment.

On June 14, 2023, the City of Berkeley was awarded $4.9M from the State of California's Encampment Resolution Fund-2 grant program, which the City now uses to master lease the 23-room Super 8 motel on University Avenue and contract with Insight Housing to provide low-barrier, service-rich, noncongregate shelter to the residents of this encampment. Since August 1, the HRT has maintained a daily presence in the area to schedule move-ins and begin assisting people from the encampment into places of greater safety. So far, 14 people have moved into the Super 8 from this encampment, with an additional 4 scheduled; 3 people have been matched directly to permanent supportive housing, and one more has moved into the Berkeley Inn.

In addition, the HRT has attempted to foster a more transparent and collaborative working relationship with the residents and advocates of this encampment to maintain cleaner conditions. Since May of 2023, the HRT and the encampment have had three community meetings to discuss the City's concerns about the conditions, the encampment residents' stated needs, and how to better work together in maintaining cleaner conditions. These "Good Neighbor Guidelines" are 5 common sense standards which, if maintained, reduce the likelihood of a large city clean-up. Though these Guidelines have not been officially adopted,[1] they received a good deal of stated support and understanding from residents themselves in the encampment.

ASSESSMENT OF PRESENT ENCAMPMENT CONDITIONS

Nevertheless, and despite these numerous efforts, for months (and at present) the HRT continues to observe dead animals, open food sources and spoiled food, used uncapped drug needles, combustible materials like flammable gas containers inside unsafe wooden structures, bottles of urine, human feces, animal feces, soiled clothing and sheltering material, and other unidentifiable liquid and waste products. In addition, the large accumulation of debris and ad-hoc sheltering

[1] Advocates in the encampment specifically recommended engaging businesses, housed residents, and other stakeholders for their input before adoption, and so Neighborhood Services will be bringing them to the October 4, 2023 meeting of the Homeless Services Panel of Experts for discussion and a possible referral to the Council or a Council policy subcommittee.

structures has completely blocked the sidewalk and extended into the roadway, creating numerous concerning fire and traffic safety hazards.

RECOMMENDATION

The HRT and City Manager's Office will continue to work to finalize the Good Neighbor Guidelines for future implementation at encampments around the City and will continue the ongoing process of moving residents inside the new Super 8 or other City shelter resources. The City has also formally engaged the Alameda County CoC with a recommendation to prioritize this encampment for permanent supportive housing referrals, with a memo dated July 20, 2023, and that recommendation is under discussion.

In the meanwhile, however, the Berkeley Fire Department and Environmental Health Divisions have observed alarming conditions that justify their declaring Harrison St between 7th and 8th Streets an imminent health hazard (see attached memos and reports). Therefore**, to resolve these dangerous nuisance conditions now as we work towards a fuller resolution of the entire encampment in the near future, we recommend a summary nuisance abatement of the encampment conditions Harrison St between 7th and 8th Streets.**

Respectfully submitted,

Peter T Radu

Assistant to the City Manager – Neighborhood Services

Department of Fire and Emergency Services
Division of Fire Prevention & Investigations

M E M O R A N D U M

Date: August 30, 2023

To: Peter Radu, Assistant to the City Manager, City of Berkeley Neighborhood Services

From: Shannon Shaffer-Killey, Fire Prevention Inspector, Berkeley Fire Department

Subject: Fire Department Response and Inspection of Encampments at Harrison Street between Seventh and Eighth Streets

The Division of Fire Prevention & Investigations reviewed fire-related incidents on Harrison Street between Seventh and Eighth Street in Berkeley, CA. The time period reviewed was from January 2023 through August 28, 2023. The following are the twenty-nine incidents that occurred in the vicinity:

Searched under "Harrison, Harrison & 7th, Harrison & 8th"

2023-000068 on 1/02/2023 at 11:08 AM - small fire in the roadway, initially dispatched as encampment fire
2023-000927 on 1/19/2023 at 04:56 PM - contained cooking fire, initially dispatched as a van on fire
2023-000979 on 1/20/2023 at 07:16 PM - pallet on fire
2023-001683 on 2/04/2023 at 04:58 PM - RV fire
2023-002343 on 2/18/2023 at 01:17 PM - trash burning in the middle of the roadway
2023-002665 on 2/25/2023 at 05:20 AM - small encampment fire
2023-004252 on 3/23/2023 at 10:16 PM - rubbish fire
2023-004471 on 3/28/2023 at 04:30 PM - individual burning garbage in the roadway
2023-005720 on 4/23/2023 at 10:30 AM - trash in a BBQ grill
2023-005856 on 4/26/2023 at 02:17 AM - large encampment fire
2023-005909 on 4/27/2023 at 08:15 AM - wood warming fire
2023-006403 on 5/07/2023 at 08:34 AM - multiple warming fires in metal containers next to encampments
2023-008467 on 6/23/2023 at 09:15 AM - cooking fire
2023-008595 on 6/27/2023 at 05:05 AM - mattress fire due to smoking
2023-008618 on 6/27/2023 at 02:46 PM - clothing and garbage burning in roadway
2023-008924 on 7/04/2023 at 07:32 PM - cooking fire in the creek area
2023-009110 on 7/09/2023 at 01:03 AM - dumpster fire
2023-009175 on 7/10/2023 at 12:43 PM - cooking and warming fires

2023-009202 on 7/10/2023 at 09:21 PM - Tent fire
2023-009859 on 7/25/2023 at 10:43 AM - barrel fire in the middle of the roadway
2023-010331 on 8/04/2023 at 12:46 PM - large cooking fire in the middle of roadway
2023-010408 on 8/06/2023 at 12:21 PM - debris fire
2023-010455 on 8/07/2023 at 05:55 AM - cooking fire
2023-010609 on 8/10/2023 at 08:23 AM - debris fire in middle of roadway
2023-010662 on 8/11/2023 at 06:54 AM - cooking fire
2023-010800 on 8/14/2023 at 05:20 AM - burning leaves and cardboard in roadway
2023-011051 on 8/19/2023 at 08:07 AM - warming and cooking fire
2023-011078 on 8/19/2023 at 05:49 PM - cooking fire under the brush near creek
2023-011238 on 8/22/2023 at 11:40 AM - tent and surrounding belongings on fire

Additionally, on August 23 2023, a joint inspection was completed with Fire Prevention, Homeless Response Team, and Environmental Health to assess the current situation on the north side Harrison St between Seventh and Eighth St. During this inspection, multiple fire and building code violations were identified, and include (but not limited to) the following:

1. Constructing and maintaining this structure constitutes an unlawful act - BFC 112.1
2. The structure does not have adequate fire separation distance and fire-resistive construction to separate it from adjacent property lines and structures - BBC 602
3. As constructed the design, materials, methods of construction, and the structure as a whole have not been approved and do not comply with important provisions of the Berkeley Building Code including Chapter 23, “Wood” of the Berkeley Building Code.
4. Accumulations of combustible waste materials are present in and around the structure and the adjacent encampment areas - BFC 304.1
5. Combustible materials are being stored within ten feet of the lot line - BFC 315.4

The volume of fire-related calls for service in this specific area is unusually high for the time period when compared to similar areas that do not have encampments. Based on the nature of the calls, the great majority of these calls appear to be directly related to human activity, specifically habitation in this area. The number and types of calls combined with the observed code violations are sufficiently concerning for the Berkeley Fire Department to recommend that the encampments on the north side of Harrison St. be abated summarily. This action will significantly reduce the likelihood of severe injury or death from fire, as well as reduce the likelihood of substantial damage to property and public infrastructure.

Cc: David Sprague, Fire Chief, Berkeley Fire Department
Keith May, Deputy Fire Chief, Berkeley Fire Department
Steve Riggs, Fire Marshal, Berkeley Fire Department

Attachment: August 23, 2023 Inspection Photos

Harrison Street Encampments

Location: Northside of Harrison St. between Seventh St. and Eighth St. Berkeley CA

Date of Inspection: August 23, 2023

4 HR PARKING AT ANY TIME

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4
PARKING
AT ANY
TIME

Internal

Health, Housing &
Community Services Department
Environmental Health Division

Date: August 30, 2023

To: Peter Radu, Assistant to the City Manager

From: Ron Torres, Environmental Health Division Manager

cc: Amy Davidson, HHCS Deputy Director

Subject: Declaration of Imminent Health Hazard for areas along Harrison St between Seventh and Eighth Street

Per your request, Environmental Health staff assessed the conditions of the subject area and found significant areas of concern with regard to the health and safety of the residents in this area and to the public in general. These concerns are included in the attached report which identifies several areas along the north side of Harrison St.

I believe that the conditions documented in attached report rise to the level of an imminent health hazard, particularly findings of used syringes, areas where raw sewage was observed and the proliferation of rat burrows all along the Harrison St corridor.

Per Section 11.40.030 of the Berkeley Municipal Code, I am recommending to the City Manager that those areas identified in the attached report be summarily abated to minimize the impact to the residents and general public.

Internal

August 23, 2023

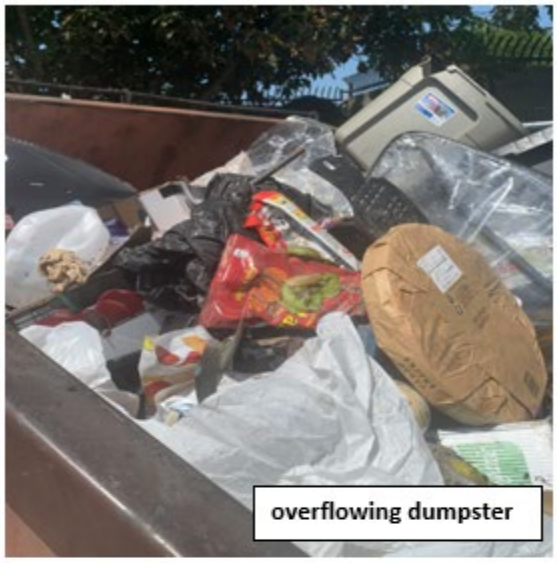
Report of Findings on the Health and Safety Conditions of the Harrison St Corridor between Seventh and Eighth Street, Berkeley, CA

Areas inspected by Environmental Health staff are designated as Locations “1”, “2” and “3” above and are detailed on the following pages.

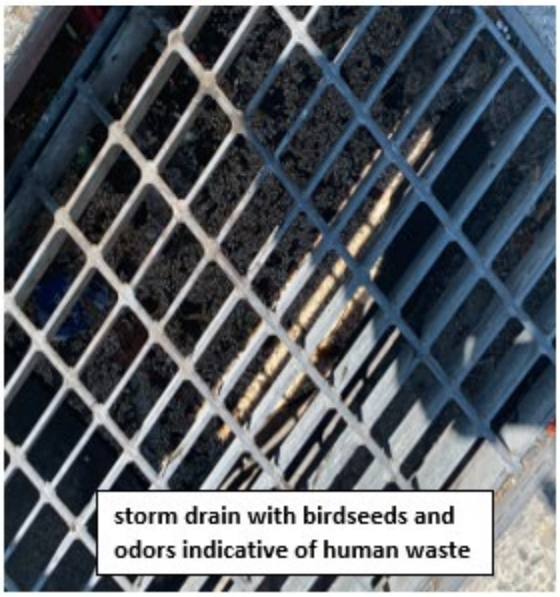
Location 1:

Rodent Burrows

Internal



Food Sources



Storm Drain

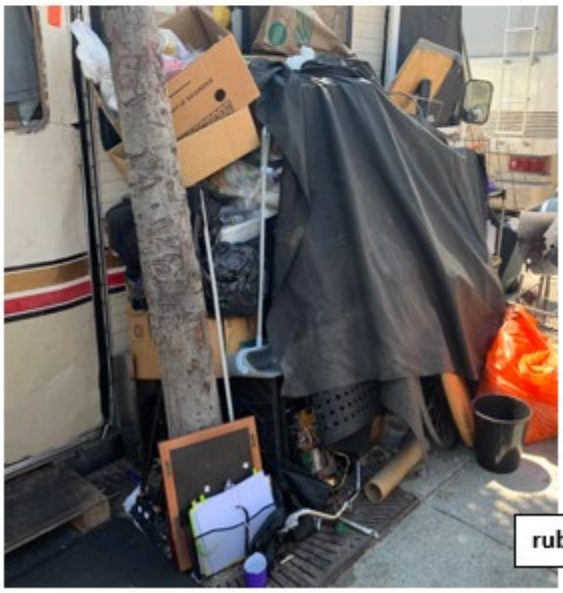
Imminent Health Hazard - Storm Drain

Debris Harborage

Note: The presence of raw sewage and the proliferation of rat burrows due to abundant food sources and harborage are of utmost concern in this area

Location 2:

Food Sources



Debris Harborage

Internal

Imminent Health Hazard

Note: the presence of the used hypodermic needles are of utmost concern in this area of the Harrison St corridor

Rodents

Rodent Burrows

Internal

Rodent Droppings

Debris Harborage

Internal

Food Sources

Internal

Location 3:

Food Sources

Imminent Health Hazard - Storm Drain

Debris Harborage

a. *VIOLATIONS:*
    i. *BMC 11.32.050. Rodent harborage--Maintenance prohibited.*
    ii. *BMC 11.32.070. Accumulations creating rodent harborage prohibited.*
    iii. *BMC 11.36.030. Imminent health hazards designated.*
    iv. *BMC 17.20.030 No matter other than stormwater may be discharged into the storm drain system.*
    v. *BMC 17.20.050 Affirmative duty to prevent contamination of stormwater by pollutants.*
b. *PROPOSED REMEDY: PROPOSED REMEDY: Removal of all debris, food sources, and vehicles. Treat with C02 where necessary.*

Glossary of Violations:

i. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.2.2 Pipe and Fittings, 5.2.2.2** Sprinkler piping shall not be used to support non-system components.

iii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.4.1 Sprinklers, 5.4.1.7** Sprinklers shall not be altered in any respect or have any type of ornamentation, paint, or coatings applied after shipment from the place of manufacture.

iv. **California Code of Regulations, Title 19, Division 1, §3.07(a) Clearances.**

1. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.

2. 304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley,

3. parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

v. **BFC 114.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the fire code official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

vi. **BFC 304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

vii. **BFC 307.4.3 Portable outdoor fireplaces**. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

viii. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ix. **BMC 11.32.050. Rodent harborage--Maintenance prohibited**. No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

x. **BMC Sec 11.32.070. Accumulations creating rodent harborage prohibited.** No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

xi. **BMC 11.36.030. Imminent health hazards designated.** For the purpose of this chapter, the existence of the following condition is declared to constitute an imminent health hazard: the discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.

xii. **BMC 14.48.020. Obstruction on Streets and Sidewalks.** It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

xiii. **BMC 17.20.030**. No matter other than stormwater may be discharged into the storm drain system.

xiv. **BMC 17.20.050**. Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities. Any person engaged in activities which will or may result in pollutants entering the storm drain system shall undertake all practicable measures to reduce or prevent the contamination of stormwater by pollutants. Such measures shall include, but are not limited to, adherence to the following requirements: (A.) Littering prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned

Internal

objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant that enters the storm drain system; provided however, that nothing in this section shall be construed to prohibit the disposal of garbage, rubbish or other waste in a lawful manner as provided in Berkeley Municipal Code Chapter 11.16 (Waste Collection and Disposal) or Chapter 12.32 (Refuse Disposal), or the disposal of recycled materials in the manner provided for pursuant to Chapter 12.36 (Recycled Materials Collection Program), or the disposal of garbage, rubbish or other waste in lawfully established dumping grounds.

Office of the City Manager

To: Members of the Systems Coordination Committee, Alameda County Continuum of Care

From: Peter Radu, Assistant to the City Manager, City of Berkeley

Date: July 20, 2023

Re: Pilot Approach to Prioritizing Residents of the Harrison Street Encampments in Berkeley

RECOMMENDATION

The encampments in and around Harrison Street from 10th St to 6th/7th in West Berkeley have presented ongoing challenges to the City of Berkeley, and pose acute threats to the health and safety of the residents living in them. With new State ERF-2 resources and the City Council's commitment of local resources, the City of Berkeley has an exciting opportunity to resolve one of the most persistently challenging encampments in all of Alameda County. To do so as rapidly and effectively as possible, **we respectfully request a partnership with the County and CoC to explicitly prioritize, on a pilot basis, the PSH-eligible residents of this encampment for all new upcoming permanent supportive housing vacancies in the CoC.** Beyond the obvious benefits of improved public health and decreased need for costly services in this encampment, we believe that this request is (1) permissible and justified under our CoC's current Coordinated Entry policies; (2) allowable under federal Fair Housing law; and (3) especially urgent because of the considerable fire and life safety hazards at the encampment. The remainder of this memo outlines the rationale for this recommendation.

HISTORY OF SERVICES AND RESOURCES AT THE ENCAMPMENT

The City of Berkeley's Homeless Response Team (HRT) is the multi-departmental team, coordinated by the City Manager's Office, charged with responding to unsheltered homelessness with resource and shelter offers, and resolving dangerous encampments without the use of citation and arrest. The HRT is committed to the USICH 7 Principles of Encampment Resolution, and has provided countless hours and resources in an attempt to better the lives of those living in this encampment, and better the conditions of the encampment. Since September 2021, when the City first resumed encampment operations after a COVID hiatus, these include:

- The placement of a dumpster on 8th St in April 2022, with service 4 times a week, and weekly illegal dumping removal service from the city's Public Works Department;
- The placement of a port-a-potty located at the corner of Eighth and Harrison St. The residents here also have access to another port-a-potty located at Eighth St and the Creek. Both are serviced on a regular basis.

- Free mobile shower and laundry service to the residents of this encampment on a weekly basis since June 2022.
- A major effort to relocate RVs in the area in September and October 2021 to the City's Safe RV parking program; multiple offers of an off-street parking spot were offered to all 35 vehicles being used as shelter in the encampment, and 18 moved in or voluntarily relocated.
- One full closure of the encampment, in February 2022, and 3 partial closures since that time. The full closure in Feb 2022 included motel room offers for everyone living there, using Alameda County Winter Shelter motel vouchers and with an 83% uptake rate. Only two arrests and 0 criminal citations have been issued during these operations.
- Nine deep cleanings of the encampment, in which a total of 124.9 tons (249,800 pounds) of debris have been removed, and a major nuisance abatement of rodent harborage conditions in October 2022, in which a total of 32.1 tons (64,200 pounds, or nearly the weight of a humpback whale) of debris were removed.
- Multiple targeted treatments by the City's Environmental Health Division of the extensive network of rodent burrows in and around the encampment, and the provision on numerous occasions of new tents and Sterilite tubs to help maintain cleaner and more rodent-proof conditions.
- The provision of 107 shelter offers to the residents in this area, with an 53.3% uptake rate. Not including the major independent effort to resolve the People's Park encampment with UC Berkeley, this represents 23% of all shelter provisions the City's Homeless Response Team has made since September 2021. For lack of housing exits, many of those moved into shelter have returned back to this encampment over time.
- Weekly by-name case conferences, focusing heavily on this encampment, hosted by the Homeless Response Team and attended by Alameda County Healthcare for the Homeless, Berkeley's Health, Housing and Community Services Department, Homeless Action Center, Bay Area Community Services (BACS), LifeLong Medical Care, East Bay Community Law Center, Options Recovery Services, Berkeley Mental Health, and Building Opportunities for Self-Sufficiency (BOSS).
- Two community meetings (in May and July 2023) between city staff and residents and advocates of the encampment to discuss resources and how to improve safety.

All of these services are in addition to the intensive presence of the County's Street Medicine Teams in the encampment.

Nevertheless, and despite these numerous efforts, for months the HRT has repeatedly observed dead animals, open food sources and spoiled food, used uncapped drug needles, bottles of urine, human feces, animal feces, soiled clothing and sheltering material, and other unidentifiable liquid and waste products. In addition, the large accumulation of debris and ad-hoc sheltering structures has completely blocked the sidewalk and extended into the roadway, creating numerous concerning fire and traffic safety hazards.

On June 14, 2023, the City of Berkeley was awarded $4.9M from the State of California's Encampment Resolution Fund-2 grant program, which the City will use to master lease the 23-room Super 8 motel on University Avenue and contract with Insight Housing to provide low-barrier, service-rich, noncongregate shelter to the residents of this encampment. On June 22, 2023, the Berkeley City Council's Budget and Finance Policy Committee voted unanimously to approve an additional $5M in City general fund to match this State grant, and on July 11th, the City Council

approved the lease, contract, and funding. **Altogether, this means Berkeley has everything in place to open this new noncongregate shelter by August 1, and to keep it open for at least four years.** Because of the serious and persistent health and safety concerns at this encampment, we will prioritize this new resource to the residents there, with the goal of ultimately resolving the encampment to make way for long-overdue infrastructure repairs and other construction-related activity later this calendar year. We will also prioritize all North County Coordinated Entry resources, including City-funded housing navigation slots and other services, to this encampment, and we have recently approved an exception to our internal HIPAA Privacy Rule interpretations to allow for need-to-know information sharing with our Mental Health Division to better coordinate mental health resources for the encampment as well.

Put simply, the City has done--and with this new State grant, will be doing--everything within our power to prioritize these vulnerable residents for shelter and every other resource at our direct disposal that can improve their lives. However, we do not have the administrative authority to prioritize permanent supportive housing to these residents; by Federal regulation, only the CoC, through the Coordinated Entry process, can prioritize and match permanent supportive housing.

RATIONALE FOR RECOMMENDATION

Beyond the obvious benefits of improved public health and decreased need for services resources in this encampment, we believe that this request is (1) permissible and justified under our CoC's current Coordinated Entry policies; (2) allowable under federal Fair Housing law; and (3) especially urgent because of the considerable fire and life safety hazards at the encampment.

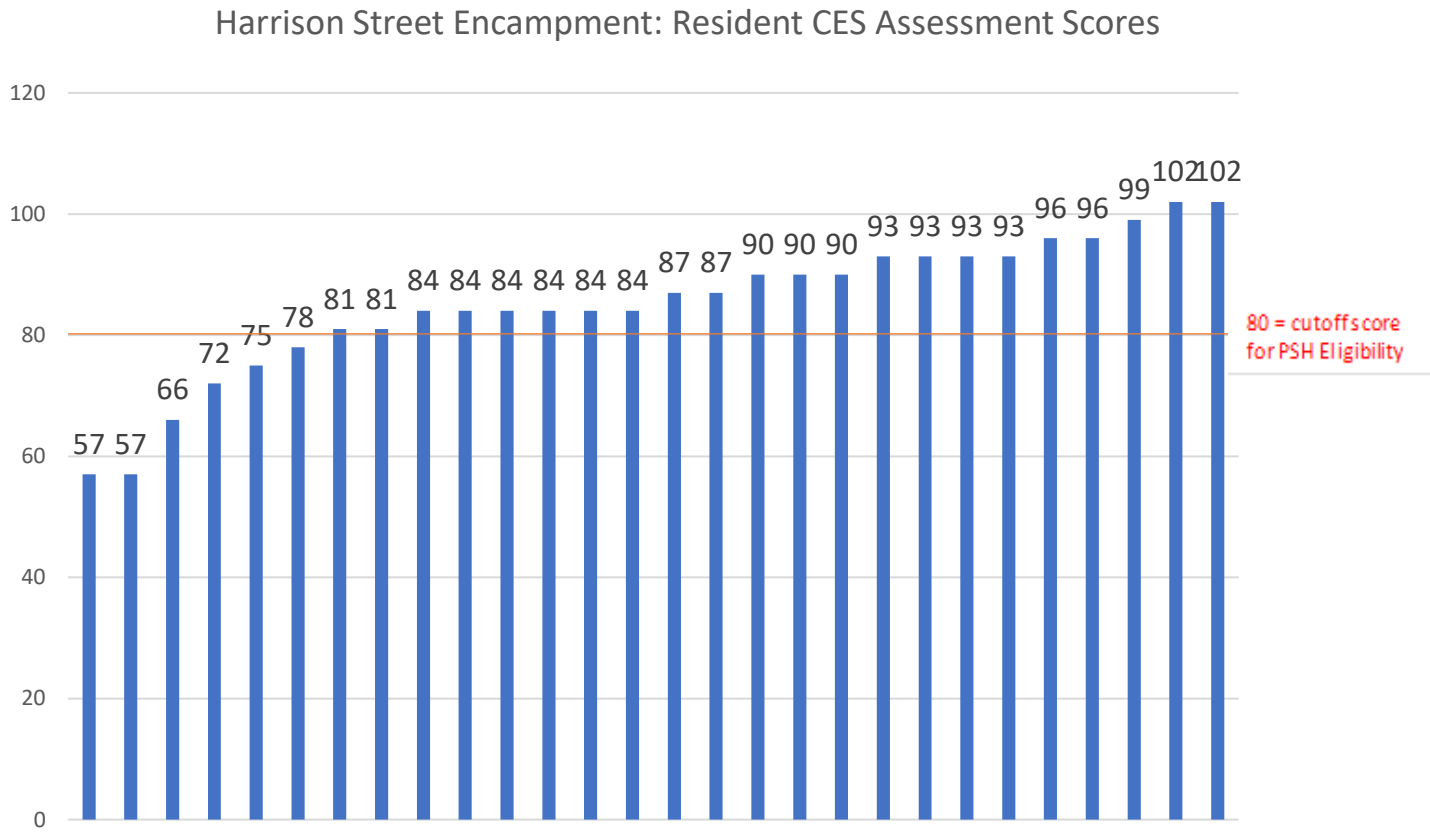
(1) This request is permissible and justified under our CoC's current Coordinated Entry policies.

From April 19 – May 1 and again from June 14 - 30, 2023, the HRT performed daily outreach to the residents (both in tents and vehicles) at this encampment, with the purposes of building and refining an accurate by-name census of everyone known to be living in the encampment. In addition to allowing us to better serve these residents with tailored outreach, this effort has allowed us to collect both information on Coordinated Entry scores and vulnerabilities, as well as demographics on race, ethnicity and gender at the encampment.

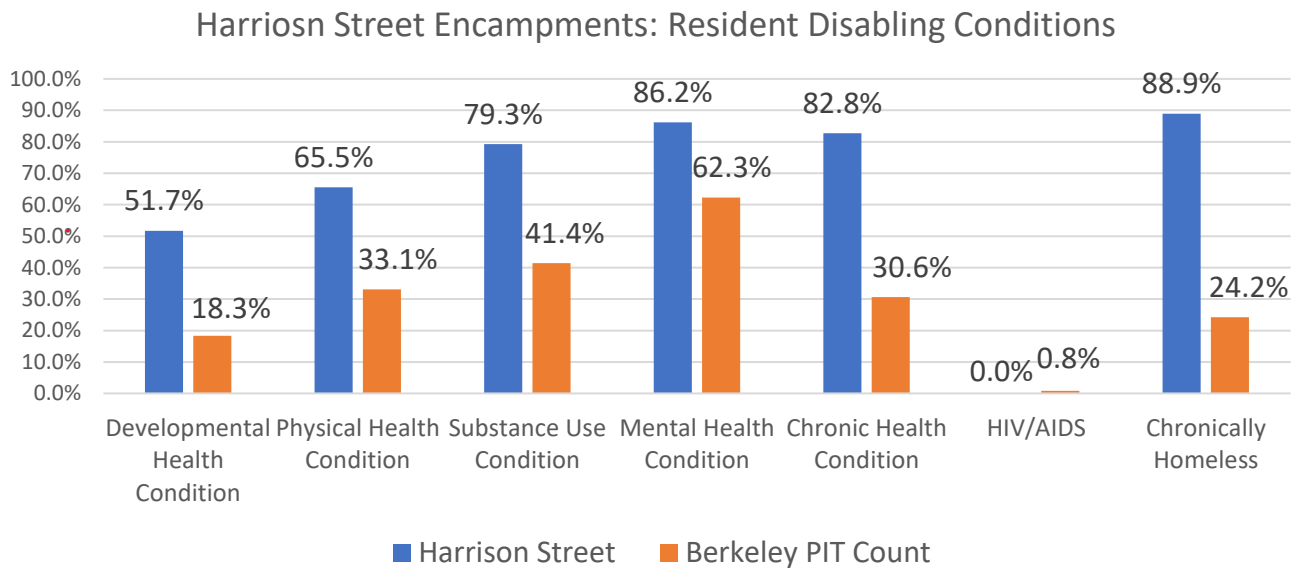
Our analyses of these data found 47 total people known to us and our partner providers to be living in this encampment. Of those:

- 28 of the 47 residents (59.6%) staying in the Harrison Street encampment have been assessed for Coordinated Entry.
- 22 (78.6% of those assessed) qualify for Permanent Supportive Housing (PSH) – i.e., are already on the PSH Priority list. An additional 4 residents (14.3%) qualify for rapid rehousing.
- Only 2 residents (7.1%) do not score high enough to qualify for a traditional housing intervention.

The chart immediately below provides a breakdown of the assessment scores of those who have been assessed: only five people assessed for Coordinated Entry do not meet the threshold score in our CoC for PSH:



In addition, the chart below provides a breakdown of the self-reported vulnerabilities of those in the encampment, relative to the self-reported vulnerabilities in our overall homeless population, showing how disproportionately vulnerable the residents of this encampment are:



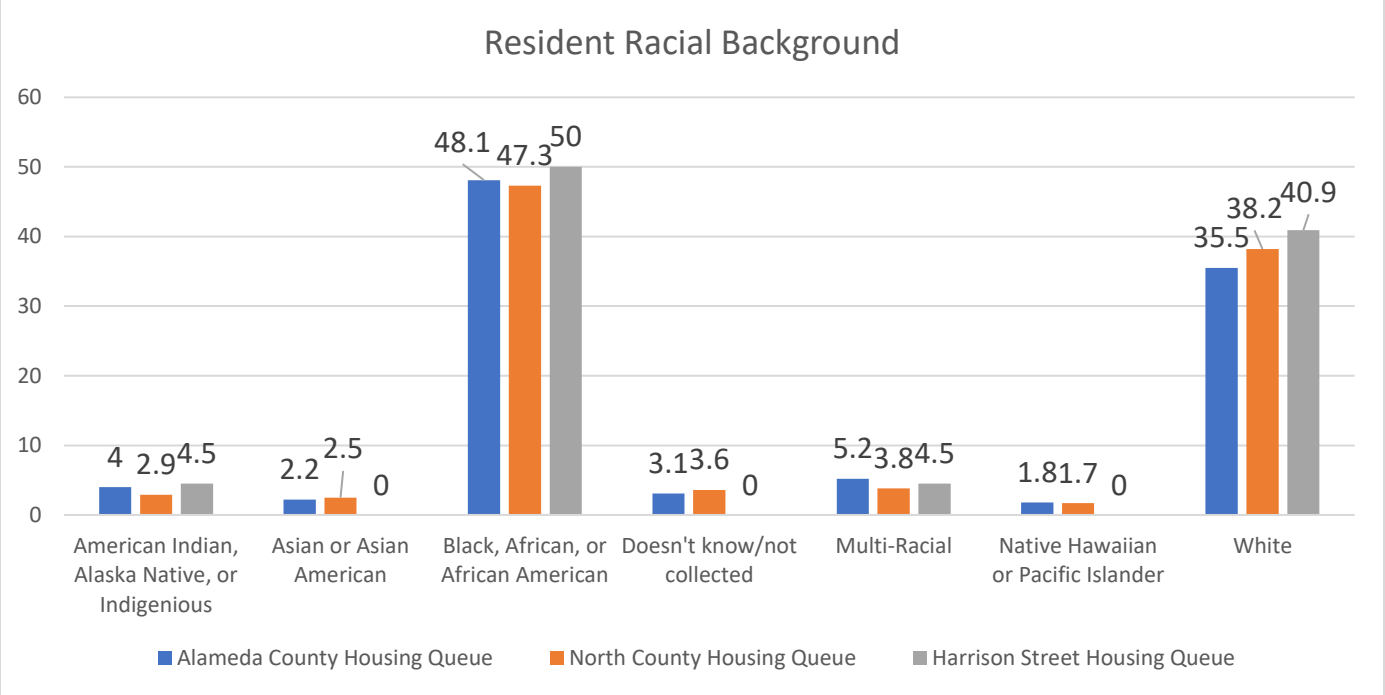
By all accounts, these are people who would already otherwise be eligible and prioritized for Permanent Supportive Housing in Alameda County. Importantly, *this proposal would not make anyone who is not already on the PSH Priority List eligible for permanent supportive housing.*

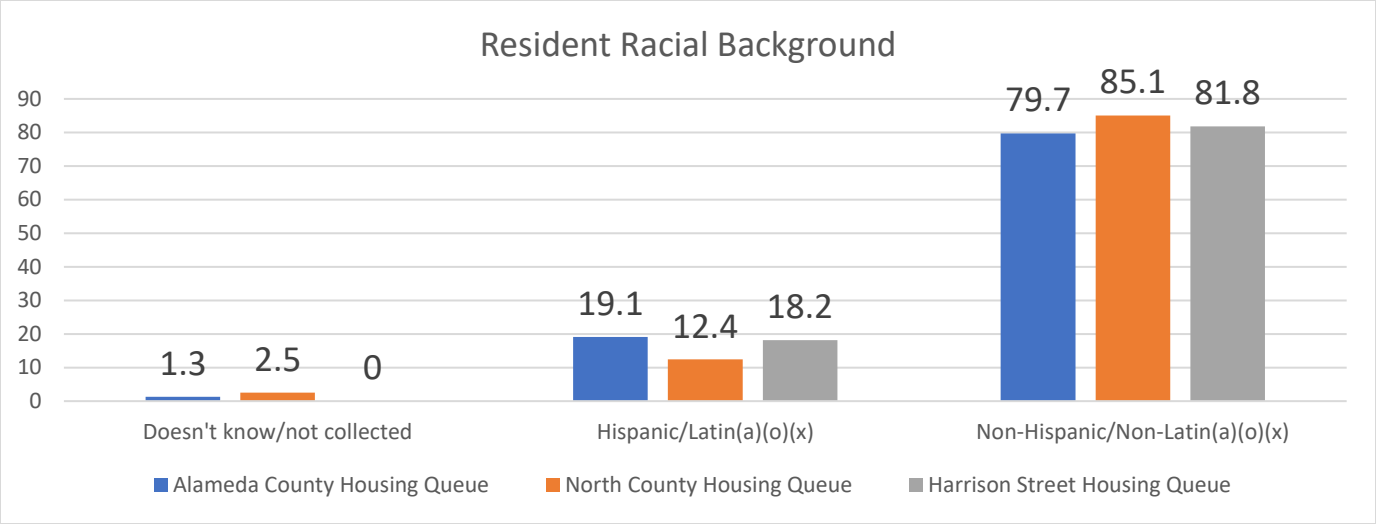
Instead, it would offer those residents in the encampment census *who otherwise are already on the priority list* the first referrals to any upcoming permanent housing vacancies. In other words, it would, temporarily and on a pilot basis, limit the County's priority pool only to those in the encampment census who otherwise qualify for permanent supportive housing under the existing established Federal and CoC Coordinated Entry policies, and keep it that way until everyone has had a housing offer. It does not otherwise change the prioritization algorithm in any way.

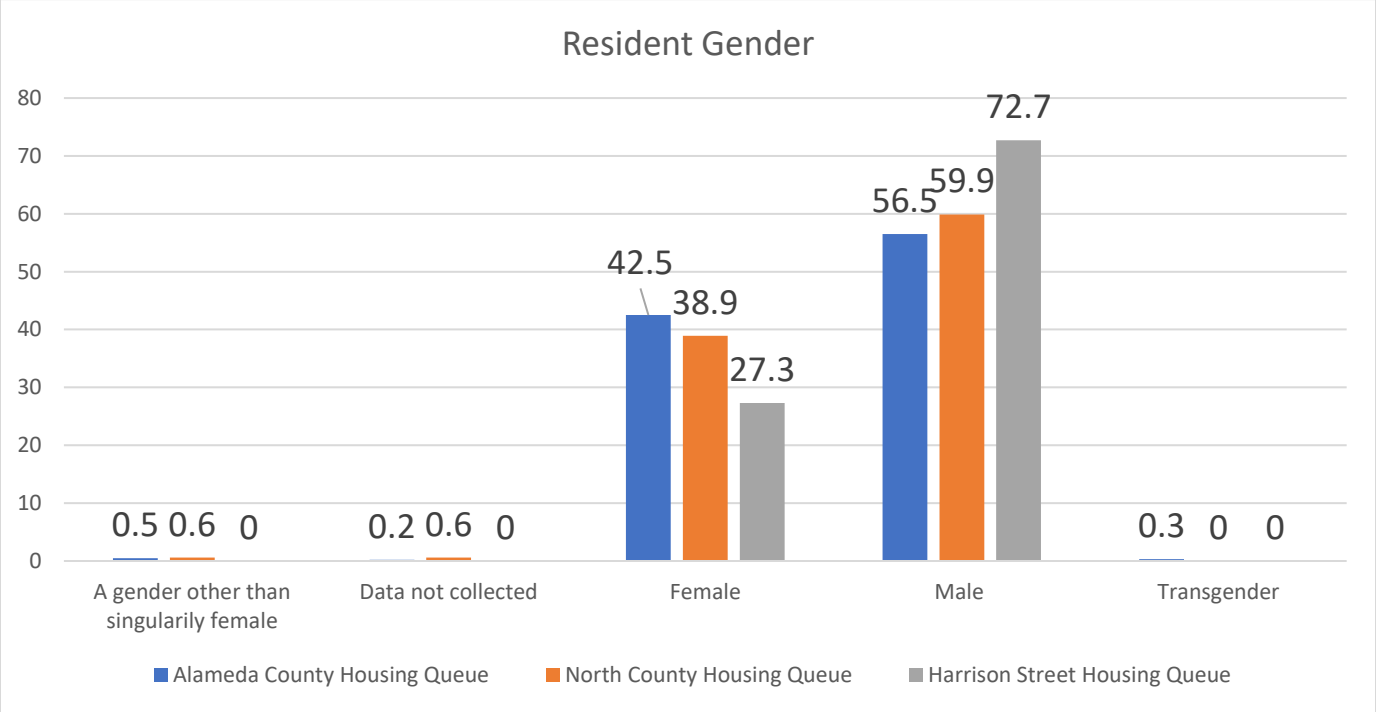
(2) This request is allowable under Federal Fair Housing law.

The essence of Federal Fair Housing law is that housing access must not discriminate against, or cause disproportionate impacts on the basis of, a protected class status. To preempt any Fair Housing concerns associated with the targeting of this encampment for housing resources, the City of Berkeley contacted the HUD Region IX Program Compliance Division for guidance (see Attachment 1). We were advised that such an analysis can be performed by comparing the demographics (race, ethnicity, disability, and gender) of all residents currently living in encampments in the encampment and who are on the PSH priority list to their representation in the North County and Alameda County PSH priority lists, to determine if any protected class groups will be disproportionately impacted by giving a priority or preference to the encampment.

To this end, Berkeley staff and our nonprofit contractors spent weeks collecting and compiling into HMIS the demographic data of everyone known to be living in the encampment, and found the following demographics for persons on the priority list within the encampment:







From these analyses, we see no compelling evidence that this proposal would disproportionately impact any protected racial and ethnic classes; if anything, it would *better* serve Black/African American and Indigenous homeless residents, those races most disproportionately represented in Alameda County's homeless population and the key focus of the County's own stated racial equity goals for our homeless response system.[1]

While the gender distribution in our analyses do reveal a skew towards those identifying as male, we have evidence that this skew is not necessarily a result of the Harrison St demographic make-up *per se*, but could reflect systematic bias in Coordinated Entry access at this encampment: of

[1] See: https://everyonehome.org/wp-content/uploads/2020/10/EveryOneHome_10.20_Summary_FINAL.pdf

the 12 residents identifying as female at this encampment, 6 have been assessed for CES and 6 have not (50% of females are assessed). Meanwhile, of the 25 residents identifying as male, 22 have been assessed and 3 have not (88% of males are assessed).[2] The overall distribution of females to males in the encampment is closer to 50%, but females are clearly not receiving assessments at the same rate as males—despite a recent sustained "assessment blitz" in early July by the City and its providers to all encampment residents here. Thus, we assert that the slight skew towards males in our analyses do not reflect a Fair Housing concern with the proposal *per se*, but rather *a deeper underlying equity problem in Coordinated Entry access at encampments by gender* that is worth further consideration from the CoC, and further underscores the validity of a pilot approach to prioritizing this encampment.

(3) This request is especially urgent because of the considerable fire and life safety hazards at the encampment

Aside from the fact that these residents are, by and large, already the very residents our Coordinated Entry system would prioritize for permanent supportive housing, they face an unusual exposure to additional health and safety threats simply by virtue of their living in this encampment setting: the area was recently declared an imminent health hazard, pursuant to Berkeley Municipal Code 11.36.030, by the City's Environmental Health Manager, due primarily to the rodent harborage conditions and extensive network of rodent burrows in the encampment (see attachment 2), and according to the Berkeley Fire Marshal is experiencing an unusually high and concerning number of fires and fire-related calls (see attachment 3). In other words, aside from the documented *personal* vulnerabilities of the people living in this encampment, they are exposed to unusually intense *environmental* vulnerabilities.

Many years ago, our nation's health experts realized that health is not simply a factor of personal vulnerabilities; the environment one lives in can expose people to additional health risk factors, and population level health requires the mitigation of environmental risk factors. Indeed, many of our County's recent public health initiatives have explicitly prioritized communities for interventions on the basis of environmental or geographic risk: most recently, we explicitly prioritized COVID testing and vaccine resources to those ZIP codes most likely to experience socioeconomic conditions, such as crowded housing or employment in an essential service, that made them disproportionately vulnerable to the disease. Ironically, Alameda County homeless service providers often speak about homelessness not just as a housing crisis but a health crisis too, and speak of housing as a healthcare intervention—but we have taken few affirmative steps to explicitly prioritize the environmental factors that also dictate a homeless person's health when making Coordinated Entry prioritization decisions.

If a chief moral imperative of Coordinated Entry in our CoC is to assist those people who are most vulnerable to serious illness and death on the streets, then by any measure—personal or environmental--the residents of this encampment are as or more vulnerable than any in our County. The urgency of their situation, in the opinion of the health and fire experts in our City, should increase their priority for housing.

[2] The remaining 10 clients on the census have not provided us with any information as to their gender identity.

CONCLUSION

The City of Berkeley has done—and with the recent State ERF-2 grant announcement, will do—everything within our power to serve and end the homelessness of those living in the deplorable conditions at the Harrison and 8th St encampments. But we cannot resolve this encampment on our own, which is why we respectfully request a pilot program that would offer these residents—assuming they otherwise qualify for PSH—the first offers for new PSH vacancies, until such time as everyone eligible has been made an offer.

Rationing scarce resources efficiently—which is the fundamental essence of Coordinated Entry—requires that we start *somewhere.* This memo has argued that starting with the residents of the Harrison and 8th Street encampment is justified, legal, and especially urgent. Necessarily, when rationing resources, there will always be "winners" and "losers." In our current system, residents of entrenched and dangerous encampments have systematically been the "losers" for far too long—and it's time we put them at the front of the line.

Respectfully submitted,

Peter T. Radu

Assistant to the City Manager - Neighborhood Services

City of Berkeley

2180 Milvia St, 5th Floor | Berkeley, CA 94704

Desk: 510-981-7045 | Cell: 510-853-2368

Email: pradu@cityofberkeley.info

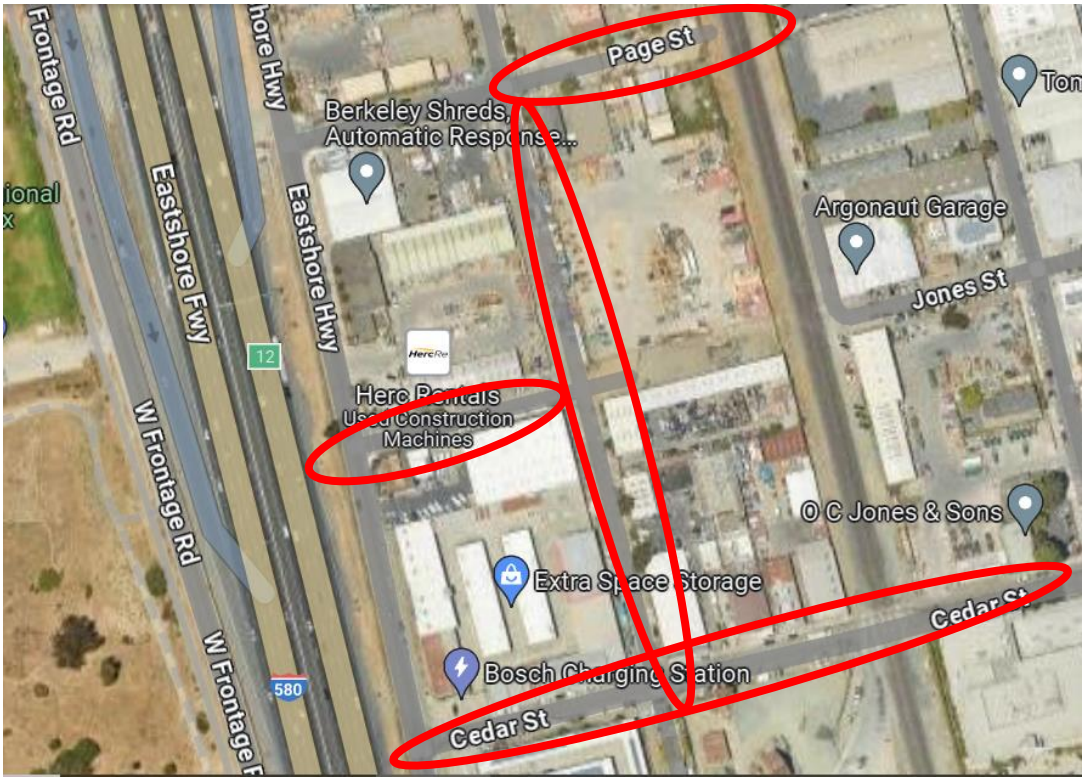
ATTACHMENTS:

1. Correspondence with HUD Region IX Program Compliance Division on Fair Housing Law analysis guidance, Feb – May 2023
2. Memo from City of Berkeley Environmental Health Division Manager re: Conditions of Imminent Health and Safety Hazards at the Eighth St. and Harrison St. corridor, May 2023
3. Memo from City of Berkeley Deputy Fire Marshall re: Fire Department Incident Responses to Encampment at Harrison, Seventh and Eighth Streets, May 2023

Encampment Map:

2nd St, Page St, Jones St, Cedar St – Berkeley, CA

Areas circled in RED are the streets and sidewalks where encampments currently reside.



Berkeley Police Department

Date: January 10, 2024

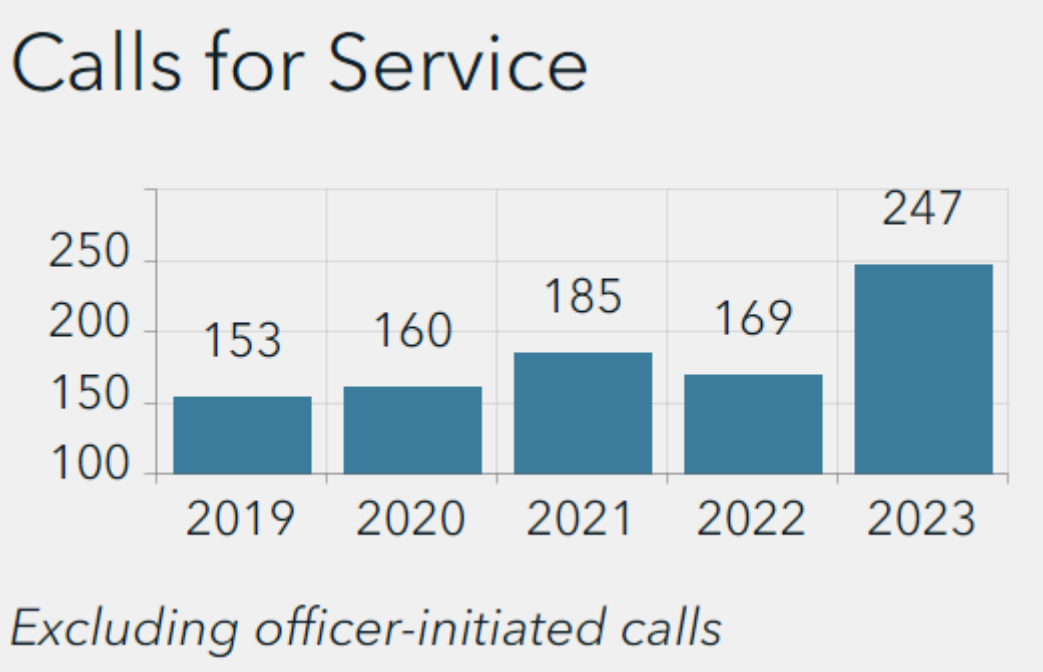
To: Peter Radu, Assistant to the City Manager

From: Arlo Malmberg, Data and Policy Analyst, Berkeley Police Department

Subject: Public Safety Concerns at the 2nd Street Encampment Zone

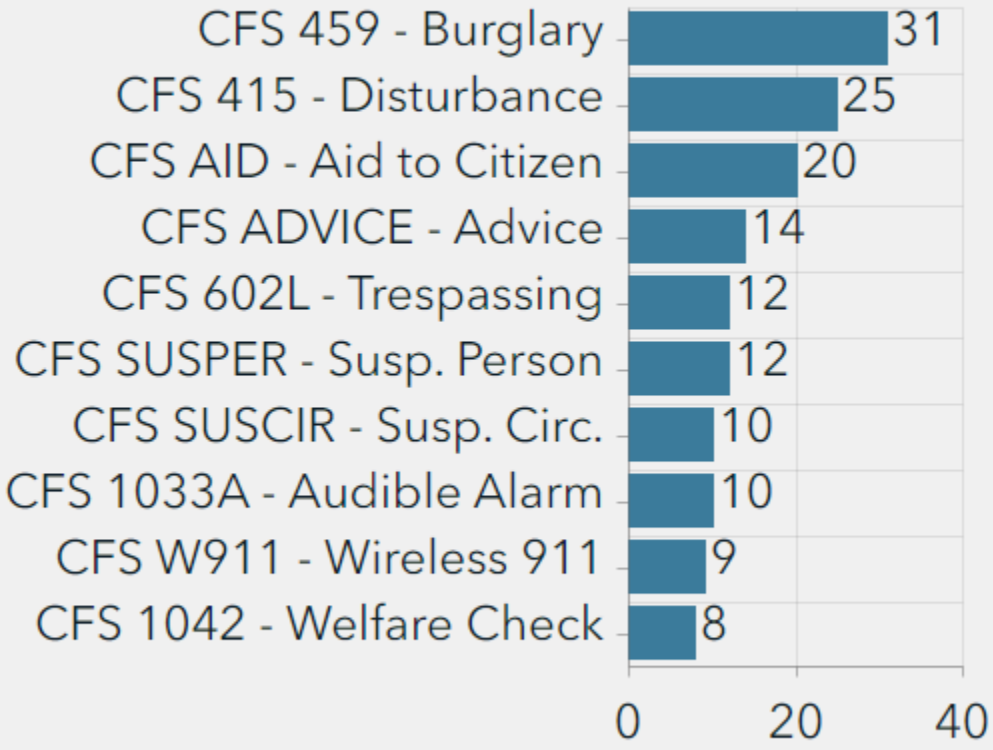
The data from the area bounded by Eastshore Hwy, Cedar St., 3rd St., and Page St. indicates a significant public safety concern, with a marked increase in calls for service and crimes over the past year. In 2023, calls for service jumped to 247 from 169 (+46%) in the previous year, and reported crimes rose to 69 from 60 (+15%). Commercial burglary was the most prevalent crime type, with 27 incidents reported. The data suggests a worsening safety situation, particularly around the 2nd St. encampments.

In the opinion of BPD, any resources that can resolve this encampment by moving its residents inside and away from this encampment is likely to improve the public safety issues in this area.



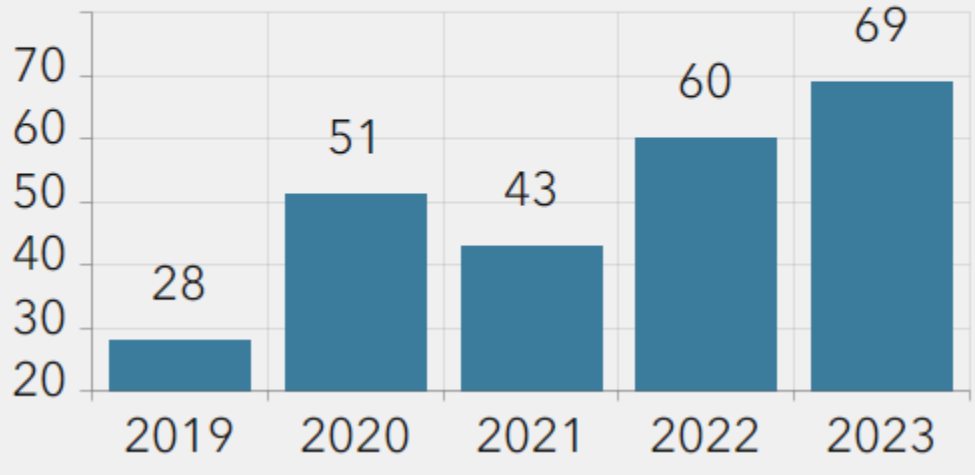
2023:

Call Types

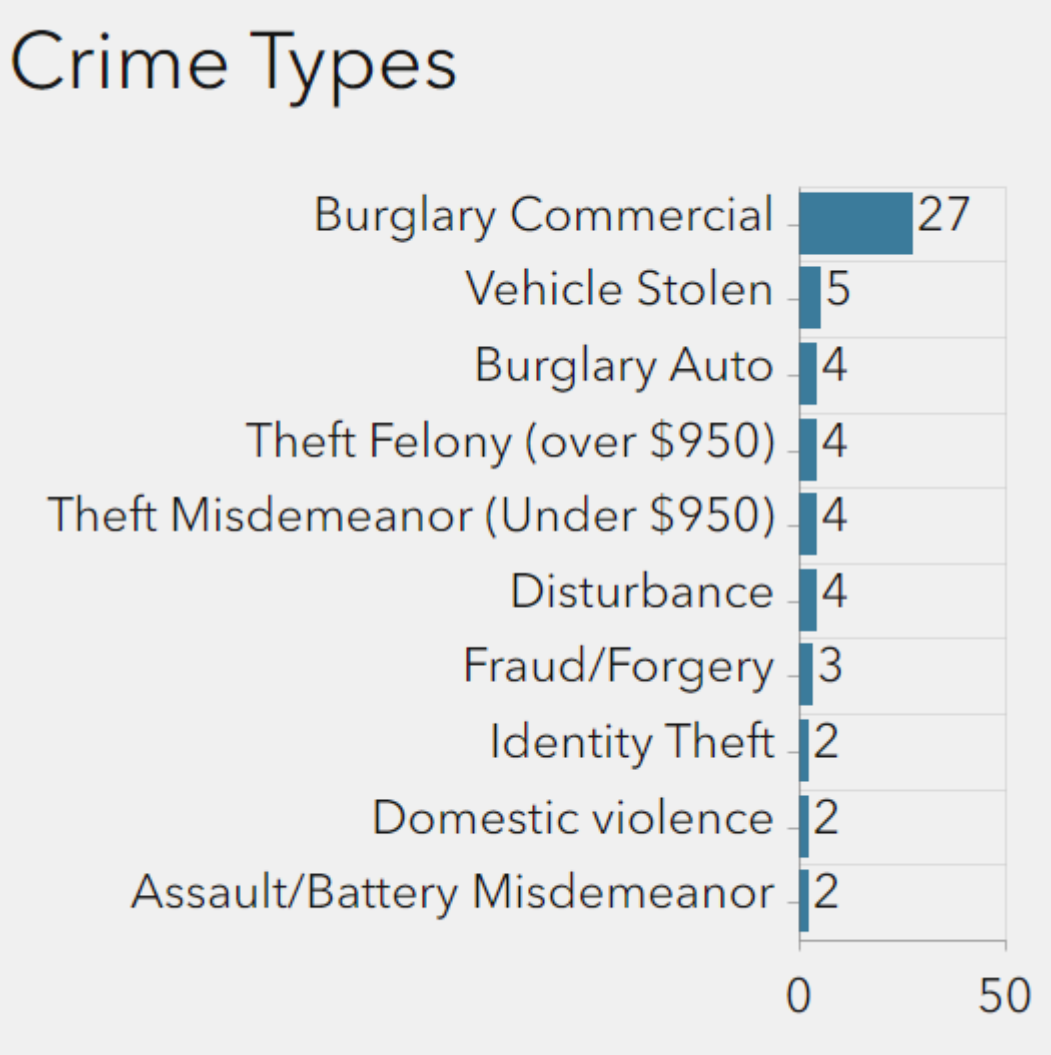


Excluding officer-initiated calls

Crimes



2023:


Crime Types
Burglary Commercial
27
Vehicle Stolen
5
Burglary Auto
4
Theft Felony (over $950)
4
Theft Misdemeanor (Under $950)
4
Disturbance
4
Fraud/Forgery
3
Identity Theft
2
Domestic violence
2
Assault/Battery Misdemeanor
2
0
50

Health, Housing &
Community Services Department
Environmental Health Division

Date: January 12, 2024

To: Peter Radu, Assistant to the City Manager

From: Ron Torres, Environmental Health Manager

cc: Amy Davidson, HHCS Deputy Director

Subject: Declaration of Imminent Health Hazard for areas of Second Street between Page and Cedar Streets

Environmental Health staff assessed the conditions of the subject area and found significant areas of concern with regard to the health and safety of the residents in this area and to the public in general. In addition, significant environmental impacts to water quality were observed. These concerns are included in the attached report which identifies several areas along the Second Street corridor between Page and Cedar Streets.

I believe that the conditions documented in attached report rise to the level of an imminent health hazard with significant environmental impacts. Findings include:

- Used hypodermic needles
- Extensive rat burrow systems and harborages with abundant food sources and putrescible waste (rotting food) helping to support a significant rat population
- Direct contamination of the of the City's storm water drainage system

To minimize the impact to the residents of this encampment and general public, we strongly recommend prioritizing this encampment for any resources, including the State of California Encampment Resolution Funding program, that can lead to a quick and humane resolution of this encampment and its conditions.

Respectfully,

Ron Torres

Environmental Health Manager

City of Berkeley

January 4, 2024

2nd St Between Cedar St and Second St

1. Violations:
    a. Rodent Harborage: rat burrows
    PROPOSED REMEDY: Treatment of CO2
    (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
    No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

    b. Rodent harborage - food sources & rubbish
    (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
    No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
    (BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

2. Violations:

Storm Drain with rubbish

(BMC) 17.20.030 No matter other than stormwater may be discharged into the storm drain system
(BMC) 17.20.050 Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities. Any person engaged in activities which will or may result in pollutants entering the storm drain system shall undertake all practicable measures to reduce or prevent the contamination of stormwater by pollutants. Such measures shall include, but are not limited to, adherence to the following requirements:
(A.) Littering prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant that enters the storm drain system; provided however, that nothing in this section shall be construed to prohibit the disposal of garbage, rubbish or other waste in a lawful manner as provided in Berkeley Municipal Code Chapter 11.16 (Waste Collection and Disposal) or Chapter 12.32 (Refuse Disposal), or the disposal of recycled materials in the manner provided for pursuant to Chapter 12.36 (Recycled Materials Collection Program), or the disposal of garbage, rubbish or other waste in lawfully established dumping grounds.

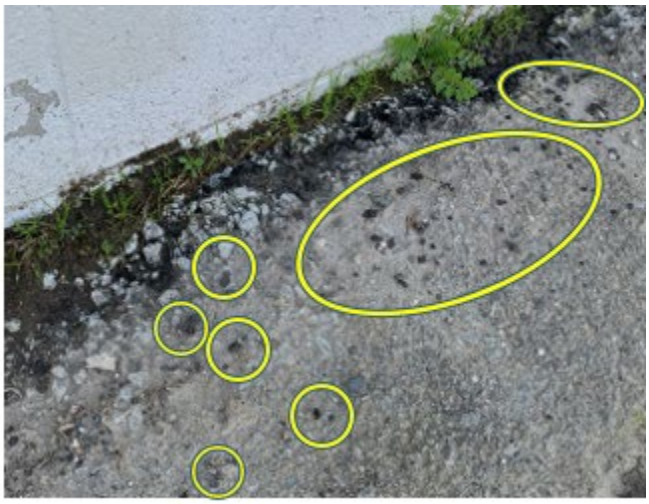
Waste valve with hose attachment within feet from storm drain

3. Violations:

   Rodent harborage – rat run & burrow
   PROPOSED REMEDY: Treatment of CO2
   (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
   No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

4. Violations:

   Rodent harborage - food sources & rodent droppings
   (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
   No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
   (BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.



5. Violations

Rodent harborage - food sources & rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

(BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

6. Violations:

Rodent harborage - rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

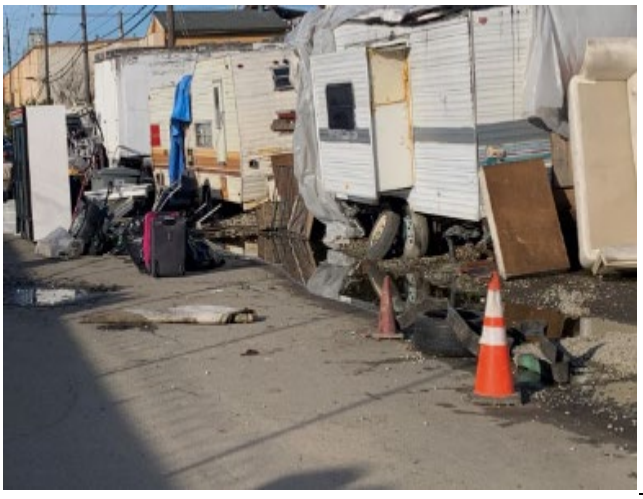
(BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

7. Violations
    a. Rodent Harborage – rubbish

    (BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

    No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

    (BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.



8. Violations:

Rodent harborage - food sources & rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.

No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

(BMC) Sec 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

9. Violations:

Rodent Harborage – rubbish

(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
(BMC) 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

10. Violations

Rodent Harborage – rat burrow
(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

11. Violations
    a. Exposed hypodermic syringes

    (BMC) 11.36.030. Imminent health hazards designated.

    For the purpose of this chapter, the existence of the following condition is declared to constitute an imminent health hazard: the discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.

b. Rodent Harborage – rubbish, food sources & indications of rat gnawing
(BMC) 11.32.050. Rodent harborage--Maintenance prohibited.
No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.
(BMC) 11.32.070. Accumulations creating rodent harborage prohibited. No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

Glossary of Violations:

i. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.2.2 Pipe and Fittings, 5.2.2.2** Sprinkler piping shall not be used to support non-system components.

iii. **NFPA 25 – Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems (2023 Ed.) – Section 5.4.1 Sprinklers, 5.4.1.7** Sprinklers shall not be altered in any respect or have any type of ornamentation, paint, or coatings applied after shipment from the place of manufacture.

iv. **California Code of Regulations, Title 19, Division 1, §3.07(a) Clearances.**

1. (a) General. No combustible material shall be placed or stored within 10 feet of any building or structure.

2. 304.1.1 Waste material. Accumulations of wastepaper, wood, hay, straw, weeds, litter or combustible or flammable waste or rubbish of any type shall not be permitted to remain on a roof or in any court, yard, vacant lot, alley,

3. parking lot, open space, or beneath a grandstand, bleacher, pier, wharf, manufactured home, recreational vehicle or other similar structure.

v. **BFC 114.1.1 Unsafe conditions.** Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress, inadequate light and ventilation, or that constitute a fire hazard, are otherwise dangerous to human life or the public welfare, or involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the fire code official deems necessary and as provided for in this section. A vacant structure that is not secured against unauthorized entry shall be deemed unsafe.

vi. **BFC 304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

vii. **BFC 307.4.3 Portable outdoor fireplaces**. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

viii. **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

ix. **BMC 11.32.050. Rodent harborage--Maintenance prohibited**. No person shall possess, occupy or maintain, or cause or permit another person to occupy or maintain, any building, structure, vehicle or any other place in such a condition as will permit the breeding or harboring therein, or thereon, of rodents or any other vermin.

x. **BMC Sec 11.32.070. Accumulations creating rodent harborage prohibited.** No person shall place, leave, dump or permit to accumulate any garbage or rubbish in or upon any building, structure or place so that the same shall afford food and/or harborage for rodents. No person shall accumulate or permit the accumulation on any place, premises or on any open lot any lumber, building material, boxes, paper, rags, excess or dense vegetation, or any material that may be permitted to remain thereon that may serve as a rodent harborage, unless the same shall be placed on open racks that are elevated not less than eighteen inches above the

ground and evenly piled or stacked, or otherwise made reasonably unsuitable as a rodent harborage by such manner as may be approved by the chief of environmental health.

xi. **BMC 11.36.030. Imminent health hazards designated.** For the purpose of this chapter, the existence of the following condition is declared to constitute an imminent health hazard: the discharge of sewage, garbage or any other organic filth into or upon any place in such a manner that transmission of infective material to human beings may result therefrom.

xii. **BMC 14.48.020. Obstruction on Streets and Sidewalks.** It is unlawful for any person to place or cause to be placed anywhere upon any Sidewalk, Parklet or roadway, any object which obstructs, restricts, or prevents the use of any portion of such Sidewalk, Parklet or roadway, except as set forth in this Chapter or in a regulation promulgated by the City Manager and adopted by the City Council.

xiii. **BMC 17.20.030**. No matter other than stormwater may be discharged into the storm drain system

xiv. **BMC 17.20.050**. Affirmative duty to prevent contamination of stormwater by pollutants--Manner of conducting specified activities. Any person engaged in activities which will or may result in pollutants entering the storm drain system shall undertake all practicable measures to reduce or prevent the contamination of stormwater by pollutants. Such measures shall include, but are not limited to, adherence to the following requirements: (A.) Littering prohibited. No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structures, business place, or upon any public or private lot of land in the City, so that the same might be or become a pollutant that enters the storm drain system; provided however, that nothing in this section shall be construed to prohibit the disposal of garbage, rubbish or other waste in a lawful manner as provided in Berkeley Municipal Code Chapter 11.16 (Waste Collection and Disposal) or Chapter 12.32 (Refuse Disposal), or the disposal of recycled materials in the manner provided for pursuant to Chapter 12.36 (Recycled Materials Collection Program), or the disposal of garbage, rubbish or other waste in lawfully established dumping grounds.

Fire & Emergency Services Department
Fire Prevention Division

Date: January 23, 2024
To: Peter Radu, Assistant to the City Manager
From: Dori Tieu, Deputy Fire Marshal
Subject: Assessment of fire hazards for areas along Second Street between Page and Cedar Streets

On January 9, 2024, Berkeley Fire Department Fire Prevention staff assessed fire safety conditions along the Second Street corridor between Page and Cedar Streets, including half the block of Cedar Street west of Second Street. Staff found some areas of concern with regard fire safety in this area and to the public in general. A majority of the concerns were related to storage of combustible items and rubbish along the corridor providing potential fuel for a fire:

- **BFC 304.2 Storage.** Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.
- **BFC 315.4 Outside storage.** Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

There were a handful of fire code violations related to:

- **BFC 305.1 Clearance from ignition sources.** Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.
- **BFC 305.4 Deliberate or negligent burning.** It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.
- **BFC 305.5 Unwanted fire ignitions.** Acts or processes that have caused repeated ignition of unwanted fires shall be modified to prevent future ignition.
- **BFC 507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.
- **BFC 507.5.5 Clear space around hydrants.** A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

Environmental Health Division Staff completed an assessment of the same area on January 4, 2024. In their memo to Peter Radu, Assistant to the City Manager, they provided an aerial photo of the area and numbered the locations on the map. Below is the photo that Fire will also reference to in this report.

2nd St Between Cedar St and Second St

The subsequent photos document examples of the following fire code violations:

BFC 304.2 Storage. Storage of combustible rubbish shall not produce conditions that will create a nuisance or a hazard to the public health, safety or welfare.

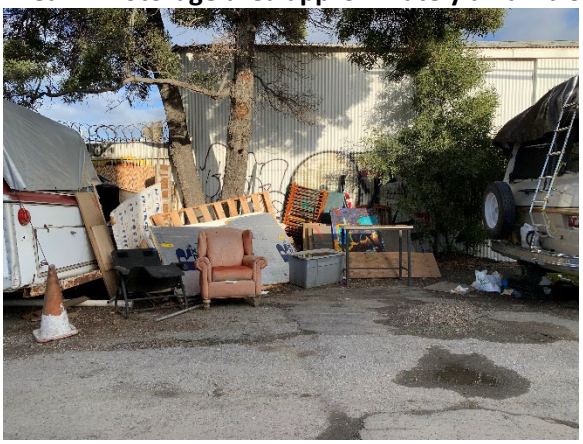
BFC 315.4 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a lot line.

Area #11 – Encampments along north side of Page Street, east of Second Street

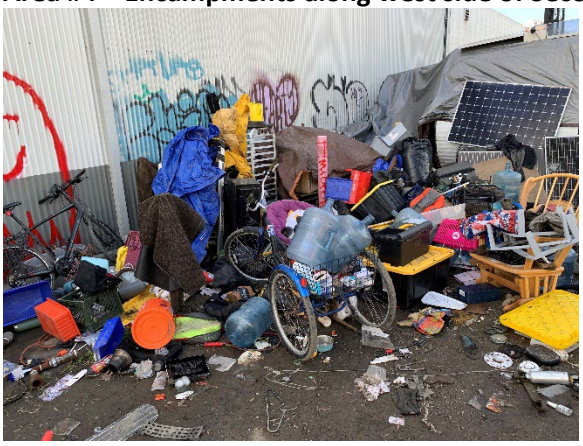
Area #11 – Encampments along south side of Page Street, east of Second Street

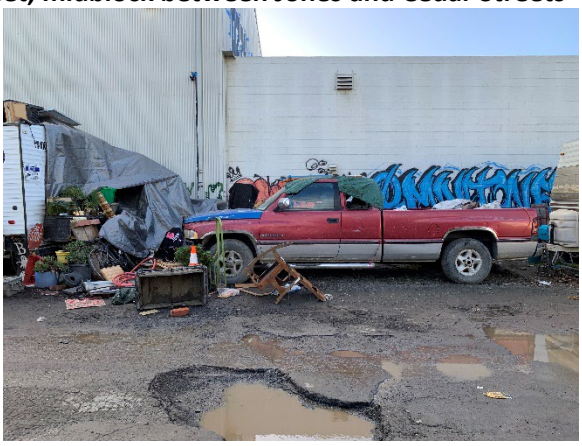
Area #10 – Encampment at southeast corner of intersection of Second Street and Page Street

Area #4 – Storage area approximately a half block south of Jones Street on east side of Second Street

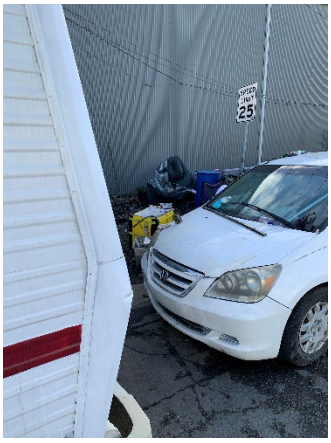


Area #4 – Encampments along west side of Second Street, midblock between Jones and Cedar Streets





Area #1 – Encampments along south side of Cedar Street, west of Second Street



Area #1 – Encampments along north side of Cedar Street, west of Second Street

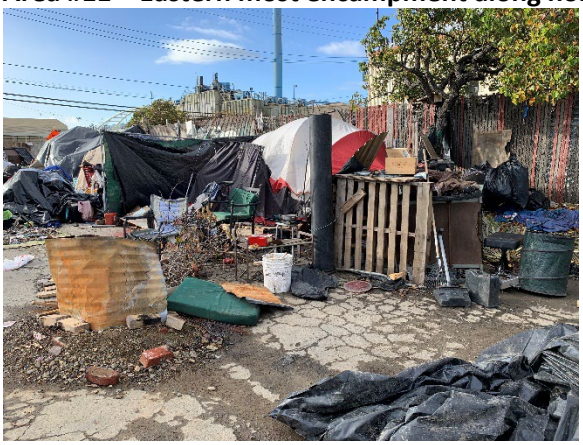
The following four photos document examples of the following fire code violations:

BFC 305.1 Clearance from ignition sources. Clearance between ignition sources, such as luminaires, heaters, flame-producing devices and combustible materials, shall be maintained in an approved manner.

BFC 305.4 Deliberate or negligent burning. It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property.

BFC 305.5 Unwanted fire ignitions. Acts or processes that have caused repeated ignition of unwanted fires shall be modified to prevent future ignition.

Area #11 – Eastern most encampment along north side of Page Street, east of Second Street



Area #11 – Midblock encampment along south side of Page Street, east of Second Street

Area #1 – Solar panel charging a DC battery along the north side of Cedar Street, west of Second Street

The following two photos document examples of the following fire code violations:

BFC 507.5.4 Obstruction. Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

BFC 507.5.5 Clear space around hydrants. A 3-foot (914 mm) clear space shall be maintained around the circumference of fire hydrants, except as otherwise required or approved.

Area #1 – Encampment at northwest corner of Second Street and Cedar Street intersection

There have been multiple fires at abandoned warehouses and nuisance fires in proximity to the encampment. A quick search of fires in 2023 resulted in 20 fires within one to two blocks of the encampment. The most recent building fire occurred on January 13, 2024, at 2:15 AM. It became a two-alarm fire with mutual aid that started as an offensive attack and moved to a defensive attack because of the large size of the fire and heavy content loading inside the building. Embers cast from nearby fires could ignite the combustible materials among the encampment and endanger the residents.

The Berkeley Fire Department is concerned about the numerous fire and life safety hazards associated with this encampment, and would recommend prioritizing this encampment for any shelter resources, including the State of California Encampment Resolution Funding program, that can lead to resolution of this encampment and its conditions. We also recommend fire safety education, clean-up of combustible materials, removal of obstructions and tampering of the fire hydrant, and removal of potential ignition sources. We look forward to partnering with you towards a safer future for this encampment

Respectfully,

Dori Tieu, Deputy Fire Marshal

CC: Fire Chief David Sprague
Fire Marshal Steve Riggs
Fire Prevention Inspector Shannon Shaffer-Killey
Fire Prevention Files

Harrison Street Corridor RV Operation – Day 1 After Action Report

9/30/21

Harrison between 8th and 7th

8th between Harrison and Gilman

Harrison between 9th and 8th

SE Corner of 9th and Harrison

On Wed, Sept 29, 2021, City staff from Neighborhood Services, Public Works, and BPD including Parking Enforcement collaborated in the first of two planned operations to address the RVs encamped along the Harrison St Corridor and neighboring side streets. The City Attorney signed off on the final notice and advised during the planning process. This report provides a brief after-action summary of the operation and its outcomes:

- Reason for operation and timing:
  - The operation was planned to coincide with the opening of the Safe RV Parking Program on Grayson Street. A deep cleaning of the area's streets and sidewalks was planned to help reduce/remove the debris associated with the vehicles after vehicles moved into the program.
  - Vehicles in the area were provided a notice of a street sweeping, TNC regulations, and the City's storage policy for unattended belongings on Friday, Sept 24th. Temporary tow-away signage for the day and time of the operation (9/29 and 10/6, 7am – 3pm) was posted on Fri, Sept 24th as well.
- Number of Vehicles and Brief Site Assessment:
  - On Sept 23, Neighborhood Services performed a final census of the area. Staff identified 38 oversized vehicles, 35 of which were being used as shelter and potentially eligible for Rv Parking Program referral.
  - No vehicles that moved into the area after the census were eligible for referral into the program.
- History of Outreach/Engagement Attempts:
  - Outreach began in preparation for the operation in early September. Neighborhood Services performed numerous visits to advise people of the opening of the Safe RV Parking program, build a referral list, and advise residents there of the possibility of impending parking enforcement.
- Outcomes:
  - At the conclusion of yesterday's operation, Neighborhood Services counted 17 remaining oversized vehicles in the area. This is a roughly 50% reduction in vehicles. The debris/belongings footprint associated with most of the remaining vehicles was substantially reduced.
  - A total of 23 vehicles were issued citations for parking violations in the street sweeping zone. Six were dismissed when the vehicle moved. One vehicle was towed. No vehicles being used as shelter were towed.
  - Public Works picked up 3.49 tons of debris from Harrison Street, Ninth Street, Eighth Street, Fourth Street and 2nd Street from Camelia Street to Cedar Street. Harrison Street was mechanically swept and pressure washed.
  - As of 5:30pm on 9/29, 6 vehicles from the area had moved into the Safe RV Parking Program. The destination for the other vehicles that relocated is unknown at this time.
- Next Steps:
  - City staff will reconvene on Friday, Oct 1 to plan for addressing the remaining vehicles.
  - The second of the two planned operations will be conducted on Wed., October 6th. Notices will be reposted by Neighborhood Services on Friday, Oct. 1.

City Manager's Office

2nd Street Deep Cleaning - After Action Report
12/2/21

Page Street - Before

Page Street - After

City Manager's Office

Cedar and 2nd - Cleaned

2nd b/w Camelia and Page - Cleaned

On Wednesday, December 1, 2021, City staff from Neighborhood Services, Public Works, and BPD collaborated to perform a deep cleaning of the 2nd Street Corridor from Cedar to Camelia in West Berkeley. The scope of the operation was to remove the huge accumulation of debris in the area, as well as address an encampment on private property on Page between Eastshore and 2nd. No one on public property was required to move or relocate, nor to part with anything they did not want to. This report provides a brief after-action summary of the operation and its outcomes:

- <u>Reason for the operation:</u>
  - A large accumulation of debris, trash, and hazardous materials (large quantities of loose and uncapped syringes, human waste) in the public right of way that required a dedicated crew to fully address.
  - An encampment that was located on private property, where the owner had submitted trespassing complaints and requested removal of the encampment pursuant to CA Penal Code 602.
- <u>Scope of the operation:</u>
  - The target area was 2nd Street between Camelia and Cedar, as well as an encampment on private property on Page St between 2nd and Eastshore.
  - The public right of way in the area had roughly 25 RVs and 4 tents/structures on the day of the operation.
  - The private parcel had 8 tents/structures on the day of the operation.

City Manager's Office

- Outcomes:
    - 7.47 tons (14,900 pounds) of debris were removed from the area.
    - One referral for an RV (parked adjacent to the private parcel) was made for the Grayson Street Safe Parking Program and was accepted. One RV, known to be unoccupied, was towed.
    - No arrests/citations were issued.
    - On the private parcel:
        - Five tents were unattended and were removed. Nothing was stored as there were serious health hazards including numerous loose and scattered syringes.
        - Three tents/structures were attended at the time of the operation; two voluntarily relocated. The third did not and so was not removed, and will be addressed at a later time.
        - Two shelter offers were made to Horizon and one was accepted.

City Manager's Office

2nd Street Deep Cleaning - After Action Report
4/19/22

2nd near Cedar - Before

2nd near Cedar - After

2nd near Jones - Before

2nd near Jones - After

City Manager's Office

Page St - Before

Page St - After

On Tuesday, April 19, 2022 the Homeless Response Team performed a deep cleaning of the 2nd Street Corridor from Cedar to Camelia in West Berkeley. The scope of the operation was to remove the huge accumulation of debris and rodent harborage conditions in the area, which negatively affects both the residents and the surrounding businesses. No one was required to move or relocate, nor to part with anything they did not want to. This report provides a brief after-action summary of the operation and its outcomes:

- Scope and Reason for the operation:
  - The target area was 2nd Street between Camelia and Cedar, as well as Page St between 2nd and Eastshore.
  - A large accumulation of debris, trash, and hazardous materials (large quantities of loose and uncapped syringes, human waste, appliances, flammable materials like propane tanks and gasoline containers) and rodent harborage conditions (open and rotting food sources) in the public right of way that required a dedicated crew to fully address.
  - Recent fires in the area (one on the southwest corner of 2nd and Page that destroyed an RV, another on Page St between Eastshore and 2nd) pose safety risks to the unsheltered as well as the surrounding business community.
- Outreach/Assessment and Notification Efforts:
  - Neighborhood Services staff performed a site assessment on April 11 and noted 20 RVs and 8 tents/structures in the target area. On the day of the operation, staff noted 19 RVs and 7 tents/structures.
  - Written notice was provided to residents in the area on April 12.

City Manager's Office

- Outreach was provided by Neighborhood Services on April 12, 13, 15, and 18, to inform residents of the upcoming intervention and make shelter offers. No shelter offers were accepted.
- Neighborhood Services also coordinated with Street Medicine staff from LifeLong Medical Care in the week prior to the operation, allowing outreach from trusted (non-City) providers and thus providing additional notice and preparation for the operation.

- Outcomes:
  - 11.67 tons (23,340 pounds) of debris were removed from the area.
  - Shelter was offered to 2 individuals but it was declined.
  - Animal Services was engaged to assess two RVs with dogs on Page St, including one with a suspected abandoned/neglected dog inside. Notice was provided and Animal Care Services will continue to engage.
  - No arrests/citations were issued.

City Manager's Office

2nd Street & Page St Encampment Closure - After Action Report
11/30/22

2nd Between Page and Camelia - Before

2nd Between Page and Camelia - After

City Manager's Office

Page St - Before

Page St - After

On Tuesday, August 31, 2022 the Homeless Response Team (HRT) closed the vehicle and tent encampments along 2nd and Page Streets in West Berkeley. Beginning in September, this area has been undergoing major street and sidewalk construction as part of the Gilman/I-80 interchange project. Phase II of this construction project, which includes 2nd St from Camelia to Page and the north side of Page St from 2nd to Eastshore, is scheduled to begin on December 1. To meet this deadline, the scope of the present operation was to remove all tents and vehicles in the construction corridor. This report provides a brief after-action summary of the operation and its outcomes:

- <u>Scope and Reason for the operation:</u>
  - The target area for the operation was the north side of Page St between Eastshore Hwy to 2nd St, and 2nd St from Page St north to Camelia St. Beginning in September, the greater area has been undergoing major street and sidewalk construction as part of the Gilman/I-80 interchange project, with Phase II in the target area beginning on December 1. Neighborhood Services and Public Works have been coordinating closely with CalTrans on construction phasing and timing.
  - The target area was found to be in violation of the City's street and sidewalk policies (BMC sections 14.48.020 and 14.48.120).
  - Growing accumulation of debris, trash, and hazardous materials (syringes, rodent harborage conditions) in the public right of way.
- <u>Brief Site Assessment</u>
  - The Homeless Response Team has performed numerous assessments of the target area alongside outreach efforts. On both November 15 and Nov 12 (date of first and second rounds of written noticing, respectively), staff observed 6 residents and 4 trailers/RVs, and posted 10-12 written notices. On the day of the operation, staff encountered 6 residents and 3 trailers/RVs remaining in the construction area.

City Manager's Office

- The HRT repeatedly observed numerous health and safety violations in the area, including loose and scattered syringes; live and dead rodents and rodent harborage conditions including accumulated trash and debris and open food sources; and debris and belongings, including tents, spilling into the lane of traffic.

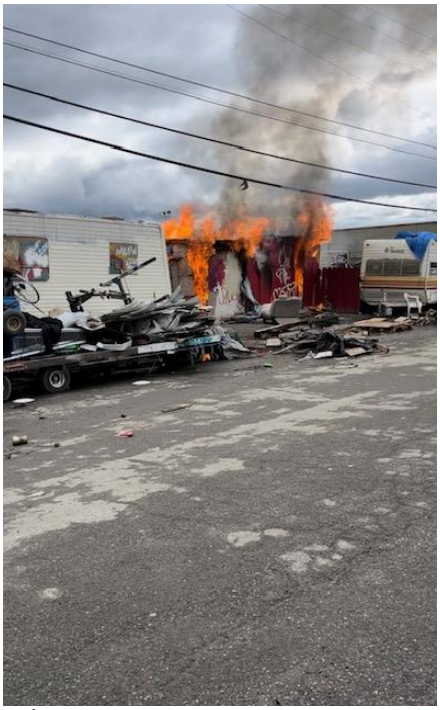
- Outreach/Assessment and Notification Efforts:
  - The HRT as well as the City's contracted homeless providers have provided regular outreach to this area for many months, including garbage service and the provision of a port-a-potty and wash station.
  - Beginning in August, once the HRT learned of the timeline for construction in the target area, Neighborhood Services convened a weekly case conference of numerous contracted homeless providers and outreach workers, including representatives from HHCS and Alameda County, to build a robust by-name list of everyone in the area, with the goal of (1) connecting them to as many services and housing opportunities as possible; (2) coordinating their care across multiple agencies; and (3) providing thorough and advance notification of the upcoming construction and City encampment interventions to prepare for it.
  - Two rounds of written notice of the operation were provided to residents in the area (on Nov 15 and 22), providing 2 weeks of formal notice. This was accompanied by outreach to explain the scope and purpose of the operation to residents in the area, along with the distribution of maps to clearly identify the construction zone to be vacated.
  - No Parking/Tow Away signage was posted on November 23, providing more than 72 hours' notice.
- Outcomes:
  - All residents, including those living in vehicles, voluntarily relocated by or before the morning of the operation. Shelter was not offered on the morning of the operation, as the population in the area had been previously offered shelter and had all declined. HRT will continue to collaborate with our nonprofit service providers to assist these residents into permanent housing wherever possible and as outreach resources allow.
  - No vehicles being used as residences were towed, but three passenger vehicles (all unattended and inoperative) were towed to impound, one after having received targeted treatment to abate rodents living in the vehicle.
  - 5.75 tons (11,500 pounds) of debris were removed from the area. As residents were given ample notice to vacate, as well as some time during the morning of the operation to remove a last round of wanted belongings, no storage for belongings was provided.
  - No arrests/citations were issued.

Homeless Response Team

East side of Page at 2nd Partial Closure, and 2nd Street Deep Cleaning Between Cedar and Page - After Action Report
03/22/23

East side of Page at 2nd Street- Before

East side of Page at 2nd Street- After



2nd Street – Structural Fire

2nd and Page Street- Burnt RV

Homeless Response Team

2nd and Page Street- Stole Vehicle

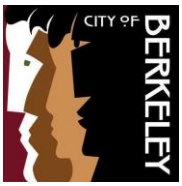
On Wednesday, March 22, 202, the Homeless Response Team performed a Partial closure on the East Side of Page (at 2nd St) and a Deep Cleaning on 2nd Between Cedar and Page. This report provides a brief after-action summary of the operation and its outcomes:

Reason for closures and closure's timing:

- **East side of Page at 2nd St.**
  - Debris and belongings impeding the vehicular right-of-way; excessive trash and debris.
  - Impeding access to a gate for a City sanitary sewer construction project.
  - Violation of Shared Sidewalk Policies (BMC sections 14.48.020 and 14.48.120)
- **2nd Street Between Cedar and Page**
  - Debris and belongings impeding the vehicular right-of-way; excessive trash and debris; remains of an RV fire.
  - Violation of Shared Sidewalk Policies (BMC sections 14.48.020 and 14.48.120)
- **Final notice of closure was posted on March 17, 2023 for location listed, providing more than 72 hours' notice.**

Number of Individuals at the Encampment and Brief Site Assessment:

- **East Side of Page Street at 2nd St.**
  - Documented conditions of the encampment include: rotting food; loose and scattered syringes; soiled clothing and bedding; dismantled camping gear; evidence of recent fire activity and excessive debris and personal belongings.
  - The population at this encampment has remained consistent with approximately 6 individuals, all of whom have resided in the area for over a year and was relocated



Homeless Response Team

from the area of 2nd from Page through Camelia due to construction which began December 2022.

- **2nd Street between Cedar and Page**
  - Documented conditions of the encampment include: rotting food; soiled clothing and bedding; dismantled camping gear; evidence of recent fire activity; and excessive debris and personal belongings.
  - An RV which was burned out completely.
  - The population at this encampment remained consistent with approximately 15 RV's parked at the location. However, the area is a highly sought out encampment location due to being less visible. The area does experience a high level of criminal activity in comparison to other encampments throughout the city.

History of Outreach/Engagement Attempts and Shelter Placements:

- **East Side of Page at 2nd St.**
  - Public Works Clean City staff performs weekly cleanings in order to manage the debris and reduce the footprint that builds up quickly and frequently by both the residences of the area and illegal dumping.
  - Offers of housing coordination with City contractor BACS.
  - Receives care from Lifelong Medical Street Medicine Team.
  - Connection with local organizations such as HAC, and Where do we Go Berkeley
  - HHCS provides a mobile shower and laundry services through Dignity on Wheels resource to all residences in the area.
  - There has been on going outreach beginning mid- March up until the day of the operation by both Berkeley Police CSB unit and Neighborhood Services staff as a way to gain voluntary compliance.
- **2nd street Between Cedar and Page**
  - Neighborhood Services has attempted outreach, but since many reside in RV's. engagement has not been successful since they indicate they do not consider themselves homeless.
  - Public Works Clean City staff performs weekly cleaning in order to manage the debris and reduce the footprint that builds up quickly and frequently by both the residences of the area along with illegal dumping.
  - Receives care from Lifelong Medical Street Medicine Team
  - Offers of housing coordination with the City contractors BACS
  - Connection with local organizations such as HAC, and Where do we Go Berkeley.
  - HHCS provides a mobile shower and laundry service through Dignity on Wheels resources to all residences in the area.

Outcomes:

Homeless Response Team

- **East Side of Page at 2nd Street**
  - Upon arrival there had been some voluntary removal. There needed to be a bit more for the sanitary sewer project access gate to be fully accessible for construction equipment to safely come in and out. There was one Berkeley Inn referral to a resident in the area which was accepted. He stated that he would need help transporting his dogs' belongings which BPD agreed to. He then biked over to the motel where he met with a member of the Neighborhood Services Team and was successfully moved in. While the other residents in the area remained, some did in fact voluntarily reduce their footprint by sorting through belongings and disposing to the Public Works crew.
- **2nd Street Between Cedar and Page**
  - Upon arrival previously there had been a fire in the area where a vehicle was completely burned and displaced 3 people. The owner of the vehicle stated the vehicle could be removed he would need a notice of when that was to take place so that he had time to salvage some of his personal belongings he wished to keep, that requested was accepted by the Neighborhood Services Team and he was given notice on 3/17/2023 providing him 6 days to gather what he needed. There was no shelter provided, the owner was able to establish shelter for himself within the corridor. The vehicle was stripped of all the metal and was not in the same condition as it was on the day which notice was provided, this was not done by the owner. It was later during the clean-up that the resident stated he would be utilizing a vehicle on scene to transport the material, but the vehicle was determined to in fact be stolen and the owner of the vehicle was contacted. He came to retrieve the vehicle. The individual originally wanting to utilize the vehicle to transport the material stated he was housed and left the scene. The driver of the stolen vehicle is someone which the Neighborhood Services Team is familiar with and had previously placed into a motel, she had left the scene shortly after arriving stating a claim that she had lost the keys and was going elsewhere to retrieve a spare and never returning while staff was on scene. The frame of the burnt RV was towed after being stripped of debris.
  - On the East side of 2nd between Page and Cedar there was a makeshift structural shelter made of plywood and pallets which caught fire and was engulfed in flames within a matter of seconds. Fire arrived on scene determined there was no one inside and extinguished the fire. The fire captain expressed his safety concern for the recent fires in the area stating they have been responding to fires in the area daily.

- No arrests/citations were issued.
- No storage pursuant to AR 10.1 provided.

Homeless Response Team

- 12.68 tons of debris were removed and discarded by Public Works.

Homeless Response Team

2nd St. between Page and Cedar, and on Page St. East of 2nd St. Deep Cleaning - After Action Report
5/9/23

2nd and Cedar- Before

2nd and Cedar- After

Homeless Response Team

2nd and Jones (Unsafe Structure)- Before

2nd and Jones (Unsafe Structure)- After

2nd and Jones- Before

2nd and Jones- After

Homeless Response Team

2nd and Jones- Before

2nd and Jones- After

2nd and Page (Unsafe Structure)- Before

2nd and Page (Unsafe Structure)- After

Homeless Response Team

2nd and Page- Before

2nd and Page- After

On Tuesday, May 9, 2023, City staff from Neighborhood Services, Public Works, Fire, Environmental Health and BPD collaborated to perform a deep cleaning of the 2nd Street Corridor from Cedar to Page in West Berkeley. The scope of the operation was to remove the huge accumulation of debris, hazardous materials, and unsafe unpermitted structures. No one was asked to relocate from the area. This report provides a brief after-action summary of the operation and its outcomes:

Homeless Response Team

- **Reason for deep cleaning and removal of structures:**
- **2nd St. between Page and Cedar and on Page St. East of 2nd St.**
  - Violation of Shared Sidewalk Policies (BMC sections 14.48.020 and 14.48.120)
  - Debris and belongings impeding the vehicular right-or-way.
  - Berkeley Fire Code 114.1.1 Unsafe conditions
  - Berkeley Fire Code 315.4 outside storage
  - Berkeley Fire Code 304.2 Storage
  - Berkeley Fire Code 307.4.3 Portable Outdoor Fireplaces
  - California Code of Regulations, Title 19, Division 1, §3.07(a) Clearances
  - Building Code 116.1
  - Berkeley Municipal Code 11.36.030 Imminent Health Hazards Designated
  - Berkeley Municipal Code 17.20.030
  - Berkeley Municipal Code 17.20.050
- **Final Notice of Deep Cleaning was posted May 5, 2023 for the location listed, providing more than 72 hours' notice.**
- **Number of Individuals at the Encampment and Brief Site Assessment:**
- **2nd St. Between Page and Cedar and on Page St. East of 2nd St.**
  - The population of this area has remained consistent with approximately 25 RVs and 8 tents and 4 structures on the day of the operation. However, the area is a highly sought out encampment location due to being les visible, we frequently see new encampment pop up once one relocates others move in within a day or so.
  - Documented conditions of the encampment including; human waste; rotting food; soiled clothing and bedding; dismantled camping gear; and excessive debris and personal belongings.
  - Data provided by the Fire Deparments indicates there has been

- **History of Outreach/Engagement Attempts and Shelter Placements:**
- **2nd St. Between Page and Cedar and on Page St. East of 2nd St.**
  - Public Works Department conducts weekly cleanings in order to manage the debris and reduce the footprint that builds up frequently, primarily due to safety concerns of the residents and business whom are impacted due to close proximity and the great concern of rodents which affects their businesses.
  - Offers of housing coordination with City contractor BACS.
  - Receives care from Lifelong Medical Street Medicine Team.
  - Homeless Response Team conducted daily outreach in the are beginning on April 19th.
  - There was weekly meeting with partner organization in which there was discussion around on how to best serve the population at the encampment.
  - A community meeting was held on April 21, 2023 in the area of 2nd St. present was City staff (Neighborhood Services Team, Fire, and Environmental Health),

advocates, and resident as a way we all could best coordinate on best efforts to assist them with the resources required to sustain a safe environment. There was a report provided to all in attendance which was developed by an assessment conducted within the corridor on April 5, 2023 where Fire and Environment Health documented the conditions of the area and determined the desired outcome of the deep cleaning.

- Neighborhood Services had tents on hand for the residents whom structures would need to be removed due to Fire recommendations. As a way to mitigate the rodent activity each resident in the corridor received 2 (27 gallon) storage containers where they would be able to store food and other personal belongings.

- **Outcomes:**
  - 10.85 of debris were removed from the area.
  - One RV parked on the East side of 2nd was towed and one van on the West/North corner of Jones and Eastshore Highway.
  - Neighborhood Services offered a motel room to a resident whom had previously been on 3rd and Camelia, after several attempts' appointments made for intake and him being unavailable, the room remained available for him an additional 3 weeks and he successfully moved in on May 9th.
  - May 3rd a meeting was held with Public Works to discuss placement of a dumpster to reduce the debris in the vehicular right-of way and it was agreed upon that one would be placed at the S/W corner of 2nd and Page St. and would receive service weekly.
  - No arrests/citations were issued.

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

VEHICLE CODE

Section 22661

22661. Any ordinance establishing procedures for the removal of abandoned vehicles shall contain all of the following provisions:

(a) The requirement that notice be given to the Department of Motor Vehicles within five days after the date of removal, identifying the vehicle or part thereof and any evidence of registration available, including, but not limited to, the registration card, certificates of ownership, or license plates.

(b) Making the ordinance inapplicable to (1) a vehicle or part thereof that is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property or (2) a vehicle or part thereof that is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junkyard. This exception shall not, however, authorize the maintenance of a public or private nuisance as defined under provisions of law other than this chapter.

(c) The requirement that not less than a 10-day notice of intention to abate and remove the vehicle or part thereof as a public nuisance be issued, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle or part thereof. However, the notice of intention is not required for removal of a vehicle or part thereof that is inoperable due to the absence of a motor, transmission, or wheels and incapable of being towed, is valued at less than two hundred dollars ($200) by a person specified in Section 22855, and is determined by the local agency to be a public nuisance presenting an immediate threat to public health or safety, provided that the property owner has signed a release authorizing removal and waiving further interest in the vehicle or part thereof. Prior to final disposition under Section 22662 of such a low-valued vehicle or part for which evidence of registration was recovered pursuant to subdivision (a), the local agency shall provide notice to the registered and legal owners of intent to dispose of the vehicle or part, and if the vehicle or part is not claimed and removed within 12 days after the notice is mailed, from a location specified in Section 22662, final disposition may proceed. No local agency or contractor thereof shall be liable for damage caused to a vehicle or part thereof by removal pursuant to this section.

This subdivision applies only to inoperable vehicles located upon a parcel that is (1) zoned for agricultural use or (2) not improved with a residential structure containing one or more dwelling units.

(d) The 10-day notice of intention to abate and remove a vehicle or part thereof, when required by this section, shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and of the owner of the vehicle.

The statement shall include notice to the property owner that he or she may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for such denial, in lieu of appearing. The notice of intention to abate shall be mailed, by registered or certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record unless the vehicle is in such condition that identification numbers are not available to determine ownership.

(e) The requirement that a public hearing be held before the governing body of the city, county, or city and county, or any other board, commissioner, or official of the city, county, or city and county as designated by the governing body, upon request for such a hearing by the owner of the vehicle or the owner of the land on which the vehicle is located. This request shall be made to the appropriate public body, agency, or officer within 10 days after the mailing of notice of intention to abate and remove the vehicle or at the time of signing a release pursuant to subdivision (c). If the owner of the land on which the vehicle is located submits a sworn written statement denying responsibility for the presence of the vehicle on his or her land within that time period, this statement shall be construed as a request for hearing that does not require the presence of the owner submitting the request. If the request is not received within that period, the appropriate public body, agency, or officer shall have the authority to remove the vehicle.

(f) The requirement that after a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004, in which case the vehicle may be reconstructed or made operable.

(g) A provision authorizing the owner of the land on which the vehicle is located to appear in person at the hearing or present a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he or she has not subsequently acquiesced to its presence, then the local authority shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect those costs from the owner.

(Amended by Stats. 1993, Ch. 589, Sec. 187. Effective January 1, 1994.)

STATE OF CALIFORNIA
LEGISLATIVE COUNSEL BUREAU
AUTHENTICATED
ELECTRONIC LEGAL MATERIAL

State of California

VEHICLE CODE

Section 22669

22669. (a) Any peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or any other employee of the state, county, or city designated by an agency or department of the state or the board of supervisors or city council to perform this function, in the territorial limits in which the officer or employee is authorized to act, who has reasonable grounds to believe that the vehicle has been abandoned, as determined pursuant to Section 22523, may remove the vehicle from a highway or from public or private property.

(b) Any person performing a franchise or contract awarded pursuant to subdivision (a) of Section 22710, may remove a vehicle from a highway or place to which it has been removed pursuant to subdivision (c) of Section 22654 or from public or private property, after a determination by a peace officer, as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, or other designated employee of the state, county, or city in which the vehicle is located that the vehicle is abandoned, as determined pursuant to Section 22523.

(c) A state, county, or city employee, other than a peace officer or employee of a sheriff's department or a city police department, designated to remove vehicles pursuant to this section may do so only after he or she has mailed or personally delivered a written report identifying the vehicle and its location to the office of the Department of the California Highway Patrol located nearest to the vehicle.

(d) Motor vehicles which are parked, resting, or otherwise immobilized on any highway or public right-of-way and which lack an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state, are hereby declared a hazard to public health, safety, and welfare and may be removed immediately upon discovery by a peace officer or other designated employee of the state, county, or city.

(Amended by Stats. 1987, Ch. 1133, Sec. 4.)

Amended at Board. 9/25/12

FILE NO. 120142 ORDINANCE NO. 211-12

[Transportation Code - Large Vehicle Parking Restrictions]

Ordinance amending the San Francisco Transportation Code, Division I, Article 7, by adding Section 7.2.54 to prohibit the on-street parking of any vehicle over 22 feet in length or 7 feet in height, camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobilehomes, recreational vehicles, or semi-trailers as defined by the California Vehicle Code and Health and Safety Code, between the hours of 12 a.m. and 6 a.m. when Municipal Transportation Agency signs are posted giving notice; and making environmental findings.

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 120142 and is incorporated herein by reference.

Section 2. Article 7 of the San Francisco Transportation Code is hereby amended by adding Section 7.2.54, to read as follows:

SEC. 7.2. INFRACTIONS.

In addition to public offenses created by the Vehicle Code, the actions listed in this Section 7.2 are prohibited, and each and every violation of a prohibition listed below shall be an infraction, except as otherwise provided in: (a) this Code; or (b) the Vehicle Code; or (c) as necessary to comply with the direction of a Police Officer or Parking Control Officer; or (d) with

respect to a Municipal Parking Facility, upon the direction of an authorized parking attendant; or (e) with respect to any other Public Property, except with the permission of, and subject to such conditions and regulations as are imposed by the agency that owns the property that are available for public inspection at the agency's offices.

SEC. 7.2.54. LARGE VEHICLE PARKING RESTRICTIONS.

To Park a vehicle over twenty-two feet in length or seven feet in height, or camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobilehomes, recreational vehicles, or semi-trailers as defined by the California Vehicle Code and Health and Safety Code, between the hours of 12 a.m. and 6 a.m. when Municipal Transportation Agency signs are posted giving notice. This section shall be operative on March 31, 2013.

Section 3. Effective Date. This ordinance shall become effective 30 days from the date of passage.

Section 4. This section is uncodified. The Mayor's Office On Housing, Opportunity, Partnership and Engagement (H.O.P.E.) shall, in conjunction with the Municipal Transportation Agency at its discretion, conduct an assessment of oversized vehicles and collect, if possible, demographic information on any inhabitants.

The Mayor's Office on H.O.P.E. shall, in conjunction with the Municipal Transportation Agency at its discretion, assess options for vehicle storage.

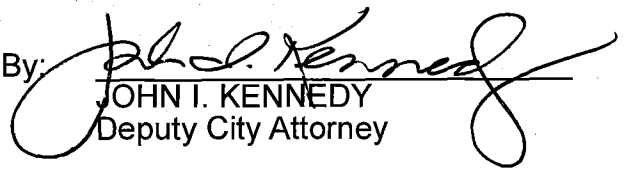
The Mayor's Office on H.O.P.E. shall track the transition of any individuals to City services subsequent to the operative date of the ordinance.

The Mayor's Office On H.O.P.E. and the Municipal Transportation Agency, at its discretion, shall report to the Board of Supervisors, at a public hearing, on their findings on the items listed in this section within 90 days of the effective date of this ordinance.

Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,

punctuation, charts, diagrams, or any other constituent part of the Transportation Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

By: 
JOHN I. KENNEDY
Deputy City Attorney

City and County of San Francisco
Tails
Ordinance

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

File Number: 120142 **Date Passed:** October 02, 2012

Ordinance amending the San Francisco Transportation Code, Division I, Article 7, by adding Section 7.2.54 to prohibit the on-street parking of any vehicle over 22 feet in length or 7 feet in height, camp trailers, fifth-wheel travel trailers, house cars, trailer coaches, mobilehomes, recreational vehicles, or semi-trailers, as defined by the California Vehicle Code and Health and Safety Code, between the hours of 12 a.m. and 6 a.m. when Municipal Transportation Agency signs are posted giving notice; and making environmental findings.

September 17, 2012 Land Use and Economic Development Committee - RECOMMENDED

September 25, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

September 25, 2012 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 7 - Chiu, Chu, Cohen, Elsbernd, Farrell, Mar and Wiener

Noes: 4 - Avalos, Campos, Kim and Olague

October 02, 2012 Board of Supervisors - FINALLY PASSED

Ayes: 6 - Chiu, Chu, Cohen, Elsbernd, Mar and Wiener

Noes: 4 - Avalos, Campos, Kim and Olague

Excused: 1 - Farrell

File No. 120142

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 10/2/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

10/9/12
Date Approved

02a

Special Meeting Item

Office of the City Manager

WORKSESSION
July 29, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Peter Radu, Assistant to the City Manager

Scott Gilman, Director, Health, Housing and Community Services

Subject: Comprehensive Summary of Berkeley's Homeless Response

INTRODUCTION

On May 20, 2025, the City Council voted on a comprehensive package of homelessness-related referrals to the City Manager.[1] This report responds to several aspects of that referral, specifically the direction that staff provide Council with a report that includes:

1. Ongoing efforts to address homelessness and the mental health crisis within Berkeley's jurisdiction, including the work of non-governmental organizations the City is relying upon and, where possible, the cost thereof.
2. A gap analysis between resources required by the City to fully address homelessness and its current financial position.
3. A feasibility and cost analysis of Berkeley's ability to support additional shelter or services sites, including staffing and operational constraints.
4. A geographic equity assessment of where homeless services, shelters, and encampments have historically been and currently are located in Berkeley.

In the last year, staff have produced two comprehensive reports on this matter, both of which are still highly timely and relevant to this request:

1. An off-agenda memo on October 2, 2024 (included here as Attachment 1) that provides a comprehensive overview of our homeless system response including high-level cost quantifications; and
2. An Action Calendar item presenting a needs and gap analysis of Berkeley's homelessness system from July 9, 2024 (included here as Attachment 2).

[1] See: https://berkeleyca.gov/sites/default/files/documents/2025-05-20%20Item%2029%20Alternative%20Housing%20Options.pdf

Rather than recreate these reports, given their recency, the purpose of this report is to highlight their content while also providing key updates on the City's costs/fiscal position, programs, and other issues that have changed since their initial publication. Given these fiscal updates, the report also provides information on the City's current ability to support additional shelter and service sites. Finally, while providing historical maps of the locations of previous services and unsanctioned homeless encampments is not feasible, this report provides a comprehensive map of all current, City-funded homeless services programs.

CURRENT SITUATION AND ITS EFFECTS

In July 2021, the City Council adopted the All Home Regional Action Plan, a Bay Area-wide homelessness plan calling for, above all else, an urgent response to the crisis of unsheltered homelessness with a push for a 75% reduction in street homelessness in 3 years. The Plan also encouraged jurisdictions to "right-size" their system according to data-driven analyses identifying the proportionally correct investments needed in homelessness prevention, interim housing, and permanent housing solutions. City staff immediately began working on the implementation of this plan and corresponding analyses.

The year 2024 represented the three-year mark for the Plan and thus an appropriate time for staff to report back to Council on progress. Staff produced the two reports to the Council included as Attachments 1 and 2. This section highlights the conclusions and recommendations from those reports, making key updates where necessary, and responds to additional related elements from Council's May 20, 2025 referral.

Homeless System Overview

On October 2, 2024, the City Manager provided an off-agenda memo to Council that overviews Berkeley's response to homelessness and the City's recent successes and remaining challenges in solving this humanitarian crisis. This memo is provided here as Attachment 1. Thanks to Measures O, P and U1, Berkeley has been able to open more than 790 interim housing beds and permanent housing units, together serving over 2,100 residents.

Since the publication of this off-agenda memo, the City has concluded Fiscal Year 2025, with the following updates:

- Berkeley allocated $25.4M in FY25 to fund a wide range of homelessness programs. Here is the breakdown of the funding streams as a percentage of the total budget:
    - General fund -- Measure P: 31%, $7.8M;
    - Federal: 29%, $7.2M;
    - State: 25%, $6.4M; and

- General fund (non-Measure P): 15%, $3.9M.

Funding is allocated across five main categories:

1. Emergency Shelter ($13.3M),
2. Permanent Supportive Housing ($7.4M),
3. Immediate Street Conditions & Hygiene ($4.3M),
4. Homelessness Prevention ($401K), and
5. Other ($31K).

The City is funding 36 distinct projects across 16 providers.

- Since the off agenda memo's publication, the City was awarded a third round of Encampment Resolution Funding (ERF) from the State. This grant totaled $5,395,637.04 and allowed the City to open Horizon Community Village (HCV) at the Capri Motel on University and Sacramento. Through this program, the City was able to respond to Council's direction in September, 2024 to resolve the 2nd St/Cedar Street encampments by moving 43 individuals indoors. The remaining 18 individuals have since relocated to other locations, shelters, or housing opportunities. In addition to HCV, the City also utilized ERF funding to pilot a successful RV buy back program that enrolled 32 participants. The program provides cash directly to a participant in exchange for their vehicle and a shelter move-in. This will be the working model for a City-wide RV buy back program to be launched in Fiscal Year 2026. Altogether, local funds have helped leverage over $45M in State Homekey and Encampment Resolution Funding grants since 2022, which altogether have created 160 rooms of interim- and permanent-supportive housing in private rooms at five (5) motels.

- Altogether, Berkeley supported 620 beds of permanent supportive housing (PSH) as of the 2024 Housing Inventory Count (HIC). This includes PSH units in City-funded affordable housing developments, as well as non-subsidized units that house residents holding Shelter + Care or Square One vouchers. The permanent supportive housing available in 2025 represents an increase of nearly 130 beds from the 2022 HIC.

- The City currently has over 1,200 new affordable housing units in its pipeline, including approximately 220 new PSH units. The ability of the nonprofit developers to deliver PSH in pipeline projects is subject to securing sufficient operating subsidies from state and local sources.

- In FY25, the City provided $900,000 in Measure U1 funds to local agencies for anti-displacement programs, including legal assistance for residents at risk of eviction, a housing retention program, and a flexible housing subsidy pool.

Intersecting Efforts Between Homelessness and Mental Health

In addition, 2024 saw two major shifts in the mental health system's landscape, namely the March 2024 passage by State voters of Proposition 1, remaking the Mental Health Services Act into the Behavioral Health Services Act, and the ongoing rollout of California Advancing and Innovating in MediCal or CalAIM. (Alameda County also began implementing CARE Courts in 2024, though the City does not play a direct role in implementation.) While not directly aimed at solving homelessness, together these initiatives fundamentally shift the State's mental health system to prioritize very high-needs, severely mentally ill and/or heavy substance-using populations; since many of these individuals are also unsheltered, the intent was to provide resources to help address the most acutely in-need people living on California's streets. The City's Health, Housing, and Community Services Department is actively planning for and implementing these initiatives.

MHSA to BHSA Transition: Key Changes and Impact

Proposition 1, the Behavioral Health Services Act (BHSA), approved in March 2024 and effective July 1, 2027, will significantly alter both the amount and permissible uses of Mental Health Services Act (MHSA) funding. BHSA reduces overall funding by shifting 5% to the state and redirecting 30% of current treatment funds to housing. The City has an option to opt out of the new 30% housing requirement.

The new allocations will be:

- 35% for Behavioral Health Services and Supports (treatment and early intervention)
- 35% for Full Services Partnerships (highest-need treatment)
- 30% for Housing

These reductions, coupled with Medi-Cal reimbursement rate cuts due to CalAIM changes, are anticipated to result in a 14% decrease in the City's Mental Health Division budget, or approximately $3 million. This will severely impact the City's ability to provide mental health services to vulnerable populations, necessitating structural changes to maintain financial viability.

Among Berkeley residents' many concerns, the ongoing "mental health crisis" is frequently cited as a top priority. These challenges are often exacerbated by increased substance use and the structural and systemic impacts on vulnerable populations. There is broad agreement that current services face underfunding, accessibility challenges, and a lack of infrastructure. The surge in substance use, particularly methamphetamine, has led to worsening health outcomes, reduced engagement in vital

services, and increased housing instability. Addressing these critical community impacts will be prioritized in the next budget cycle.

Billing Medi-Cal and Neighborhood Services

While provider rates have been cut under CalAIM, new billing opportunities are now available. The City is enhancing Medi-Cal reimbursement through the Administrative Activities (MAA) Program, aligning with CalAIM. The Neighborhood Services Team's outreach, coordination, and linkage services for unhoused residents are eligible for federal MAA reimbursement.

This strategic alignment, coupled with CalAIM readiness, enables the City to secure additional Medi-Cal funds and expand services for Berkeley's unhoused population. CalAIM participation further strengthens coordination between healthcare and social services, leading to more integrated and effective support.

However, while the reductions in funding above are concerning, HHCS also views this as an opportunity to create better synergy and collaboration between Berkeley Mental Health and the Homeless Response Team, who now must focus on a shared population of acutely in-need people on our streets. As a first step, the City is sponsoring a legislative effort to amend AB 210 to allow the creation of multi-disciplinary homeless teams in cities (not just counties), thus allowing two-way sharing of need-to-know information between the Berkeley's mental health and homeless response systems, with the goal of better coordinating care for high-needs people across a range of providers.

Needs and Gaps Analysis of Berkeley's Homelessness System

In July 2024, a data-driven performance and gaps analysis of Berkeley's homeless services system,[2] utilizing Homeless Management Information System (HMIS) data, was presented to the City Council. The data confirm that while Berkeley has made measurable improvements in increasing the supply of interim non-congregate and permanent supportive housing, resulting in higher program uptake rates among those who have been outside for years; many vulnerable and disabled people remain stuck in a permanent supportive housing bottleneck: a dramatic decrease in homelessness (on the order of 75% from 2022 levels) would require an additional $300 million over five years, largely for new affordable housing. Alarmingly, a disproportionate number of people stuck on our streets or in our shelters are Black or Indigenous. The report provided recommendations to guide future funding opportunities, specifically that the City should prioritize:

- Accelerating the transition to non-congregate shelter
- Funding permanent supportive housing

[2] See: https://berkeleyca.gov/sites/default/files/documents/2024-07-09%20Item%2016%20Referral%20Response%20%20Gap%20Analysis%20of%20Berkeley%E2%80%99s%20Homelessness.pdf

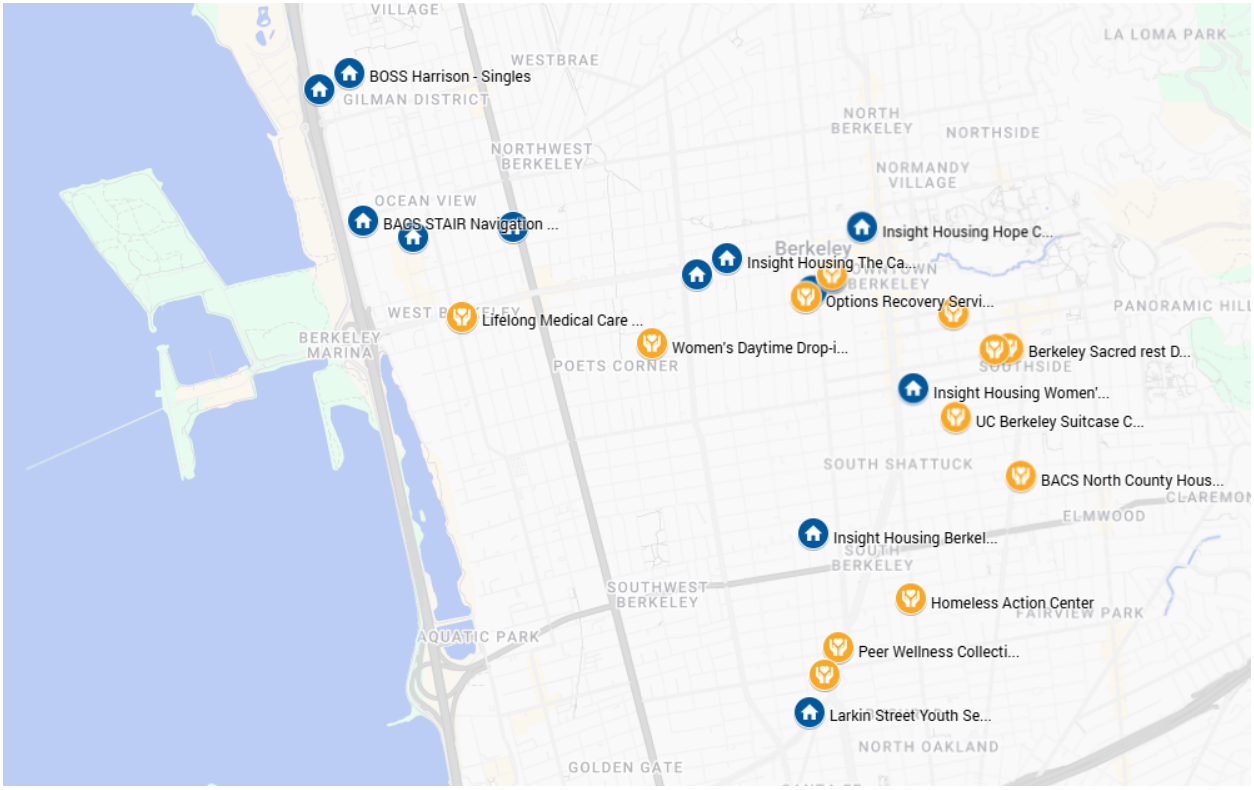
- Investing in targeted homelessness prevention

The findings and recommendations in this report, included here as Attachment 2 remain as timely and relevant today as when they were presented to the City Council last July. The only significant update would be to the City's fiscal position, addressed later in this report.

Geographic Equity Analysis of Homeless Programs

As part of their May 20, 2025 referral, the City Council asked staff for a geographic equity assessment of where homeless services, shelters, and encampments have historically been and currently are located in Berkeley. Unfortunately, a geographic assessment of homeless encampments is not possible for staff to produce, as the City lacks a formal definition of "encampment" and the Homeless Response Team has found it infeasible to collect and update such information (which can be highly fluid, and change daily or weekly) due to limited database tools and staffing capacity. Moreover, a geographic assessment of all historical homeless programs in Berkeley is also infeasible, as staff turnover in recent years has resulted in losses of institutional knowledge necessary to produce such a report, and staff lack clear direction on how far back to look.

That said, the map below and linked here provides a geographic overview of all homeless shelters, permanent supportive housing, and services currently funded by the City of Berkeley. Even this map is not fully representative of the entirety of Berkeley's efforts in providing permanent supportive housing, as the City directly administers over $7.3M in HUD funding for rental subsidies for formerly chronically homeless individuals at housing locations scattered throughout Berkeley and adjacent cities in Alameda County; these locations are private rentals and are not amenable to inclusion in the map below.



Updates to the City's Fiscal Position

The City is posed to spend $18.9M altogether in FY26 on homelessness, including $13M in Measure P funding and $1.4M in Measure U1.

However, the City is currently facing a significant and structural fiscal challenge, with ongoing general fund deficits projected at over $20M annually. Additionally, the most recent State budget includes no money for the Homeless Housing, Assistance and Prevention (HHAP) program, the State's most significant source of flexible local funding for homelessness; while Berkeley is not a direct recipient of these funds, shelter operations in Berkeley benefit from this funding and are at risk of reduced hours of operation if this funding is not backfilled. Federal funding, which provided 29% of all funding for Berkeley's homeless programs in FY25 – including deep and permanent housing subsidies for approximately 280 high-needs, formerly homeless individuals through the City's Shelter Plus Care program – remains at risk under the current Administration and Congress.

Altogether, the City's existing portfolio of homeless services is at significant risk if alternative external sources of revenue cannot be identified, and the following programs are specifically at imminent risk of significant reduction in services and/or complete closure:

- **24/7 operations at Men's and Women's shelter programs**

  - HHAP funding ends December 31, 2025;
  - Total Cost: $603k annually
- **Continued operations at three noncongregate, motel-based shelters**
  - Funding ends 2027 and 2028
  - Total cost: $7.2M annually for 77 rooms at Beyond Horizon, Capri, and Campus motels
- **Continued operations at Homekey housing sites**
  - Funding ends 2030 and 2033
  - Total Cost to City: $1.43M annually to sustain services for 87 rooms of permanent supportive housing at Golden Bear Homes and University Homes

Given these challenges, and absent external funding sources, the City is not in a position to open new programs nor expand existing programs until and unless the City makes difficult decisions about which existing programs to cut.

Though the fiscal outlook is not positive at this time, there are a number of positive developments that City staff are actively working on:

- In November, 2024, Berkeley voters passed Measure W, which expanded and made permanent the real estate transfer tax on high-value property transactions. This measure, which takes effect in 2027, is projected to increase Measure P's baseline revenues by $2-4M annually. At this time, City staff are still working on how best to forecast revenues and build forecast assumptions into budget and program projections and cannot offer specifics yet. Once these are available, we will share them with the Council.

- In November 2020, Alameda County voters passed Measure W, a general fund sales tax increase, with the expectation that these funds be used to address our County's homelessness crisis. These funds have been collected since the measure's passage, but their use has been tied up in ongoing litigation, which was resolved in April 2025. Alameda County is actively debating how best to use these funds, and the City Council directed the City Manager on June 24, 2025 to send a formal letter to the Board of Supervisors outlining the City's Measure W priorities.[3] City staff will continue to work with County staff on ensuring that the priorities for Berkeley's homeless system, as identified in this letter, remain front-and-center in the County's conversation.

- In May, 2025, Alameda County released a notice of contract opportunity to nonprofit partners in the County's homeless system vendor pool, announcing an initiative to rapidly increase new interim housing units that can be used to support encampment resolution. City staff worked with Episcopal Community Services (ECS), a San Francisco-based nonprofit with extensive experience in homeless

[3] See: https://berkeleyca.gov/sites/default/files/documents/6.19.25%20-%20Supp%20Rev%20Agenda%20Material%20Cover%20Template.pdf

services, to sponsor ECS' application for this funding which, if awarded, would fund the master-lease of another motel (the Sather Motel, at 1820 University Avenue) to create a noncongregate shelter. Staff proposed that this shelter be used to target the large RV encampments in West Berkeley along Dwight and Grayson, using existing Measure P allocations for an expanded RV buy-back program. On July 2, the City learned that the County abruptly canceled this solicitation but would be re-issuing it within 23 days. As of report submission, that re-issuance had not yet occurred. While this funding would be awarded to ECS directly, and the City plays only a sponsoring/partnership role, we are hopeful that the County will see the value and potential in this proposal and allocate it funding.

Despite the City's fiscal challenges, continuing to find creative solutions that leverage external funding remains a top priority for staff as we continue to address the homelessness crisis.

BACKGROUND

On May 20, 2025, the City Council directed the City Manager to provide the City Council with a report that includes:

1. Ongoing efforts to address homelessness and the mental health crisis within Berkeley's jurisdiction, including the work of non-governmental organizations the City is relying upon and, where possible, the cost thereof.
2. A gap analysis between resources required by the City to fully address homelessness and its current financial position.
3. A feasibility and cost analysis of Berkeley's ability to support additional shelter or services sites, including staffing and operational constraints.
4. A geographic equity assessment of where homeless services, shelters, and encampments have historically been and currently are located in Berkeley.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts associated with this report or recommendation.

POSSIBLE FUTURE ACTION

City Council direction will continue to shape how the City responds to homelessness within the constraints of available funding. Staff will return with further updates and recommendations as additional fiscal and programmatic information becomes available.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

Unknown at this time.

CONTACT PERSON

Peter Radu, Assistant to the City Manager, (510) 981-7045
Scott Gilman, Director, HHCS, (510) 981-5404

Attachments:

1: Off-Agenda Memo from October 2, 2024: Berkeley's Response to Homelessness: New Materials Tell the Story of the City's Success

2: City Council staff report from July 9, 2024: Referral Response: Gap Analysis of Berkeley's Homelessness System of Care

Public

Office of the City Manager

October 2, 2024

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Re: Berkeley's Response to Homelessness: New Materials Tell the Story of the City's Success

We are pleased to provide an update on our continued efforts to address homelessness in Berkeley, emphasizing both our progress and the enhanced communication strategies we've implemented to share information about our work with the community.

Data from the federal Point-in-Time Counts in 2022 and 2024 show that overall homelessness is declining in Berkeley, with a particularly significant reduction in unsheltered homelessness. While there is still work to be done, these trends clearly demonstrate that our City's approach is impactful and delivers meaningful results.

On July 9, 2024, City staff presented a comprehensive analysis of our homeless system's performance to the Council,[1] demonstrating key successes and future challenges. However, that report was dense and technical, making it difficult to fully understand the impact of our work to date. Recognizing the need for clearer communication, this summer, Neighborhood Services contracted with Berton Media to create materials that better inform residents of our continued progress.

Working closely with Berton Media and Health, Housing, and Community Services, we developed three deliverables that will help convey our successes:

- An overview summarizing our homelessness response.
- A slide deck highlighting key focus areas.

[1] See: https://berkeleyca.gov/sites/default/files/documents/2024-07-09%20Item%2016%20Referral%20Response%20%20Gap%20Analysis%20of%20Berkeley%E2%80%99s%20Homelessness.pdf

Public

- Vignettes that illustrate key successes in expanding non-congregate shelters and enhancing outreach to break barriers to housing.

These materials reflect the principles guiding our Homeless Response Team (HRT) as we work to reduce street homelessness by 75%, in alignment with the All Home Regional Action Plan. Our approach follows three core principles:

1. **Housing First**: We prioritize outreach to encampment residents to connect them with housing resources, aiming to transition individuals from the streets into safe, stable housing whenever possible.

2. **Health and Safety**: While services remain our priority, we also address health or safety risks posed by certain encampments, striving to protect both encampment residents and the broader Berkeley community.

3. **Maintaining Clean Streets**: Homeless encampments can accumulate debris, impacting public spaces. The City is committed to keeping our streets clean and accessible for all.

These resources will help us communicate the City's ongoing efforts and demonstrate the impactful work we are doing to address homelessness. We hope they will be useful. For more information contact Peter Radu, Assistant to the City Manager, at 510-981-7045 or pradu@berkeleyca.gov.

Attachments:
1. Coordination and Compassion: Berkeley's Response to Homelessness (three-page report)
2. Coordination and Compassion: Berkeley's Response to Homelessness (slide deck)
3. With More Privacy, a New Incentive to Move Indoors: Why Berkeley is Increasing Private, Individual Units for Homelessness
4. More Outreach Improves Odds for Housing: Two-Thirds of People Served by Berkeley's Homeless Response Team Move into Interim or Permanent Shelter

cc: Peter Radu, Assistant to the City Manager
LaTanya Bellow, Deputy City Manager
Anne Cardwell, Deputy City Manager
Scott Gilman, Health, Housing and Community Services Director
Matthai Chakko, Assistant to the City Manager
Jenny Wong, City Auditor
Mark Numainville, City Clerk
Farimah Brown, City Attorney

CITY OF BERKELEY

COORDINATION & COMPASSION

BERKELEY'S RESPONSE TO HOMELESSNESS

In 2024, **the City of Berkeley saw a 45% decrease in people experiencing unsheltered homelessness**. It was the largest reduction of street homelessness for a city of our size in the Bay Area and a ray of hope in the humanitarian crisis that continues to unfold on our streets and across the region. Berkeley's progress is due to **our coordinated strategy** to reduce homelessness in our city, and the generous support and investments from the **compassion** of our residents. **In Berkeley, we center our response to homelessness on "coordination and compassion."**

In Berkeley, we center our response to homelessness on "coordination and compassion."

POINT-IN-TIME COUNT

Alameda County's Five Largest Cities

CITY	2022	2024	# OF INDIVIDUALS	CHANGE
Berkeley	**803**	**445**	**-358**	**-45%**
Fremont	866	614	-252	-29%
San Leandro	312	227	-85	-27%
Hayward	267	278	+11	+4%
Oakland	3,337	3,664	+327	+10%

Coordination

In 2021, Berkeley's City Council voted[1] to adopt a three-pronged coordinated strategy outlined in All Home's Regional Action Plan. First, we aim to prevent homelessness before it happens by helping our residents avoid eviction, pay their rent, and keep a roof over their heads. Second: We have dramatically increased – and improved – our private interim housing units to move people off sidewalks and into the safety and dignity of their own personal unit. Finally, we offer a wide array of permanent affordable housing options. We've built more new affordable housing units and provided more vouchers and subsidies compared to other jurisdictions our size that have allowed our residents to remain in their homes. **All three strategies – prevention, interim housing, and permanent housing – must work concurrently to reduce homelessness.**

Compassion

Our coordinated strategy only works with the continued support of Berkeley's residents, who have generously and compassionately provided funding for our homelessness response mainly through Measures O, P and U1. Perhaps most critically, **Measure P, a tax on the highest-value homes sold, provides more than 65% of the $35 million Berkeley spent last year on homelessness**. With the passage of Measure P back in 2018, Berkeleyans foresaw the scale and severity of the crisis at its onset and acted with conviction. Measure O, also passed in 2018, has increased permanent affordable housing in Berkeley. Berkeley has committed Measure O funding to build 1,050 new units, of which 240 units (+44 shelter beds) have already been constructed. The remaining units are at various stages of development. Measure U1, passed in 2016, creates funds for eviction defense to keep our residents housed, as well as contributes to affordable housing production. And although we are committed to working with "coordination and compassion," we understand that if we let up on investments into any one of our strategies right now, our gains are at risk, and street homelessness and encampments will likely spike again.

HOMELESSNESS SERVICES FUND SOURCES, FY 2024

CURRENT CHALLENGES

Homelessness does not respect city limits. And while Berkeley has recorded a 45% drop in street homelessness due to its disciplined approach of "coordination and compassion," our residents are always vulnerable to the region's ongoing affordability crisis. Simply put, our Bay Area region remains unaffordable for many families and continues to see people forced into homelessness at an unacceptable rate: **For every person who exited homelessness in 2023, nearly three others in the Bay Area experienced homelessness for the first time**. Until the region slows the rate of those who fall into homelessness, Berkeley and every other city will continue to witness the human tragedy on our streets. And due to historical and present institutional racist policies – including redlining and housing segregation – close to 60% of Berkeley's homeless population identify as Black, a dramatic over-representation of our population, where just 8% of the City's residents are Black. Berkeley must commit to centering racial equity by finding solutions that meet the unique challenges faced by unstably housed and unhoused Black and Brown people.

Additionally, the number of people experiencing homelessness in Berkeley who report having a disability is growing, and they are more likely to wait longer on lists for limited permanent supportive housing – and far more likely to return to the streets. Serving this vulnerable population will require close collaboration with other systems of care across many levels of government.

Although Berkeley has managed to "bend the curve" by decreasing overall homelessness and the number of large encampments since 2019, our greatest challenge may be the immediate risk of back-sliding if we lose the local sources of funding that have been critical to our success. In November 2024, Berkeley residents are expected to be asked whether they will extend Measure P through a ballot initiative. **Since Measure P provides roughly 66 percent of Berkeley's funding for homelessness services, and has helped permanently house over 1500 people since its passage, losing these revenues will inevitably result in cuts to affordable housing, interim housing, and prevention funding.**

1 https://bit.ly/3S57DpJ

WHAT'S WORKING

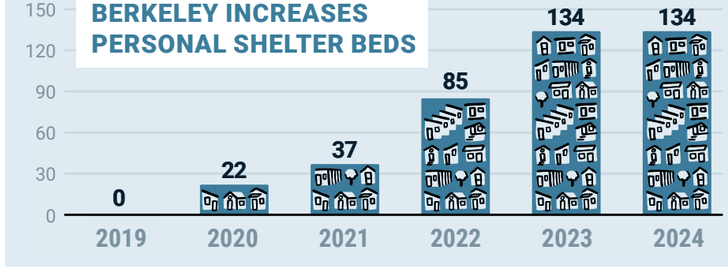
Private Interim Housing

Since 2021, **Berkeley has more than tripled the number of beds in private interim housing units**, where residents sleep in a personal space rather than dorm-style shelter. The individual housing units are far more appealing to those moving off the streets: In January and February of 2024 – during the height of a rainy and cold winter season – just 82% of available shelter beds at Berkeley's typical "dorm style" shelters were occupied, compared to 93% of our city's private interim housing units. Our unhoused neighbors report they are reluctant to enter dorm-style housing, where they have experienced theft or traumatizing interactions, and they prefer to move into spaces where they can stay with a partner, retain their privacy, their pets, and their possessions. The increased intake into interim housing also gives us a greater opportunity to connect individuals with the critical services they need, and greatly improves our ability to match them with permanent housing.

Thanks to our residents, and their support of Measure O, P and U1, **Berkeley has been able to open more than 10 new facilities – like the Dorothy Day House's Berkeley Inn program and Insight Housing's Hope Center, which includes transitional housing specifically for our veterans**. Since the inception of Measure O, P, and U1, more than 650 interim housing beds and permanent housing units have been funded and have served over 2,000 residents.

Innovative + Expanded Prevention Efforts

Stopping homelessness before it starts is critical to reduce homelessness, and between 2020 and 2024 Berkeley expanded its homeless prevention efforts – **serving more than 900 households with rental assistance and eviction defense funds.** Voter-approved Measure P and U1 provided a $4.25 million investment and leveraged more than $3 million in federal funds that helped prevent our fellow Berkelyans from falling into homelessness. These efforts combined with Berkeley's extended eviction moratorium, helped ensure we had the lowest eviction rate of any city in Alameda County [insert chart here]. In 2022, the City also began a pilot rental assistance program that provides up to $1,800 a month for up to 3 years to some of our most at-risk residents and some unhoused people who are ineligible for permanent supportive housing. Although the "shallow subsidy" pilot is relatively small and limited to just 49 people right now, the subsidy provides a safety net for those who are most likely to return to our streets.



Stable Funding Attracts More Funding

Thanks to Berkeley's residents, and particularly their support of Measure P, Berkeley creates more revenues to address housing and homelessness than many other cities. For instance, while Berkeley spent $35 million on homelessness last year, Fremont – a city nearly double Berkeley's population – allocated less than half that amount ($15 million), despite having about the same number of people experiencing homelessness.

Providing a stable funding source actually creates more opportunities for Berkeley, as partners at the State – like the successful HomeKey effort that converted two motels into permanent housing in two years – sought out cities that could cover funding gaps and collaborate quickly on new projects. In the past three years, the City of Berkeley received over $40 million in State funds to create 134 private units for our residents, far exceeding what cities of similar size were prepared to accept.

BRINGING HOPE TO BERKELEY

The third week in July 2024 marked a momentous occasion at Berkeley's Hope Center according to Kyomi Williams, a senior program manager at one of the city's newest and most innovative facilities that assists people experiencing homelessness.

A record four people moved out that week and into permanent housing of their own, and one of them – Milton Thomas – took a moment to pose proudly for a picture with the keys to his new apartment.

> After living outside off-and-on for 10 years, I've now got a place of my own that I can call home.
> *—Milton Thomas*

"The staff at the Hope Center did just that – they gave me hope," said Thomas, 63. "After living outside off-and-on for 10 years, I've now got a place of my own that I can call home."

Thomas was just one of Berkeley's formerly unsheltered residents who moved into the Hope Center six months after it opened in Sept. 2022. The Hope Center integrates multiple housing types – an overnight shelter for 32 people, transitional housing for veterans, and 53 permanent affordable housing units – along with daily meals and support services for residents.

The community is designed, as Williams put it, "To get people back on their feet and provide the care they need" – people like Milton Thomas.

Thomas had been evicted from his apartment and struggled with alcohol and drugs. By the time he arrived at Hope Center, he needed help attaining medicine to ward off seizures and getting access to benefits that he was unaware of.

He needed a coordinated and compassionate response, which Hope Center provided over the course of eight months.

"We nursed him back to health," Williams said. "Because he didn't have a chance to last much longer on those streets."

Today, Thomas has his health issues under careful watch and has been reunited with his family.

"It's rewarding to see people like Mr.Milton move on," Williams said. "He had his ups and downs, but no one gave up on him. He knew he could always find us at the Hope Center."

LOOKING AHEAD

Thankfully, more local cities and counties have formally adopted All Home's Regional Action Plan, as Berkeley's City Council did in 2021, and moved toward a unified homelessness response system.

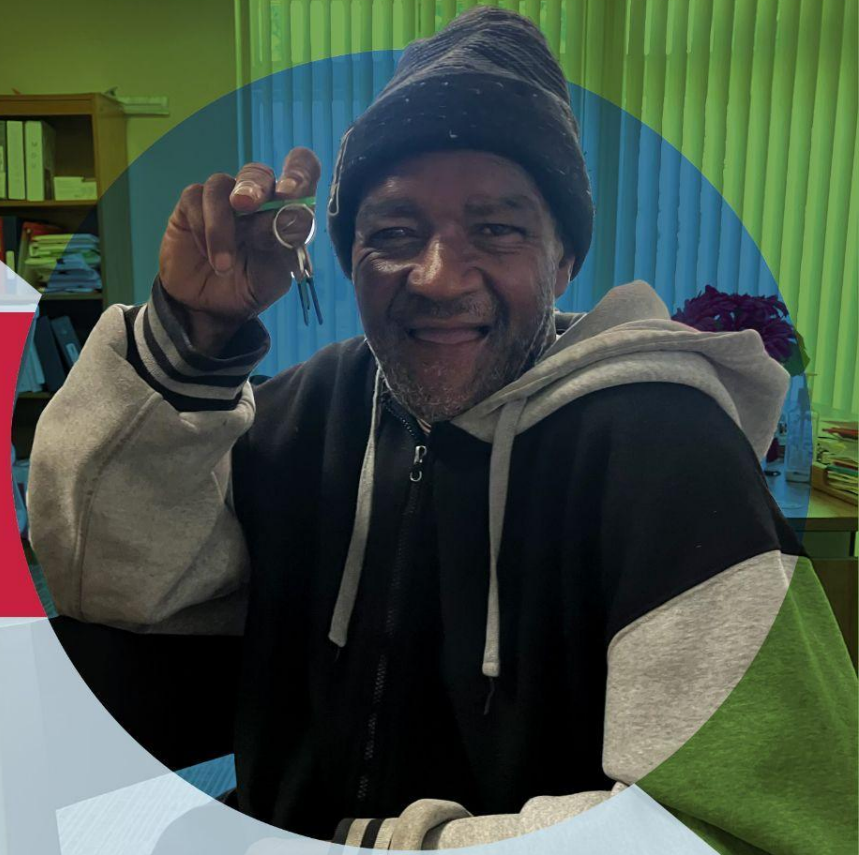
But to see real change across the Bay Area, where homelessness is "brief, rare, and non-occurring," it will take an urgent and comprehensive regional effort with significant investments.

Using All Home's solutions modeling, **Berkeley could see a 75% reduction in homelessness in as soon as five years with an investment of $294 million.**

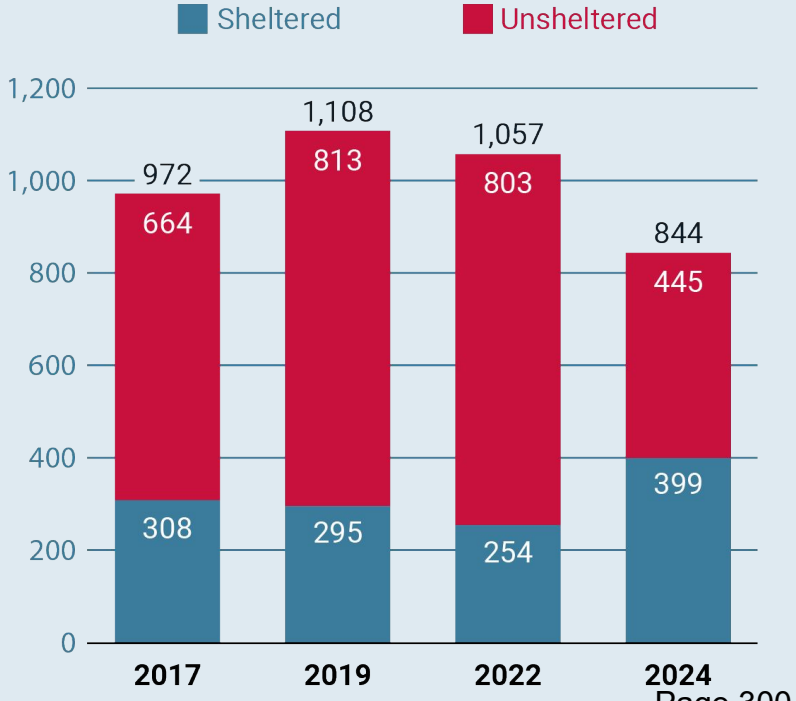
The model shows Berkeley would need to double the number of households we prevent from falling into homelessness every year (up to 750), build 270 additional interim housing units, and create 910 permanent affordable housing options, including building new units and providing vouchers and subsidies to keep people housed.

The projections show that homelessness is a not an intractable problem – and though we have more work to do, the path to ending homelessness in Berkeley is clear.

BERKELEY'S COORDINATED & COMPASSIONATE RESPONSE TO HOMELESSNESS

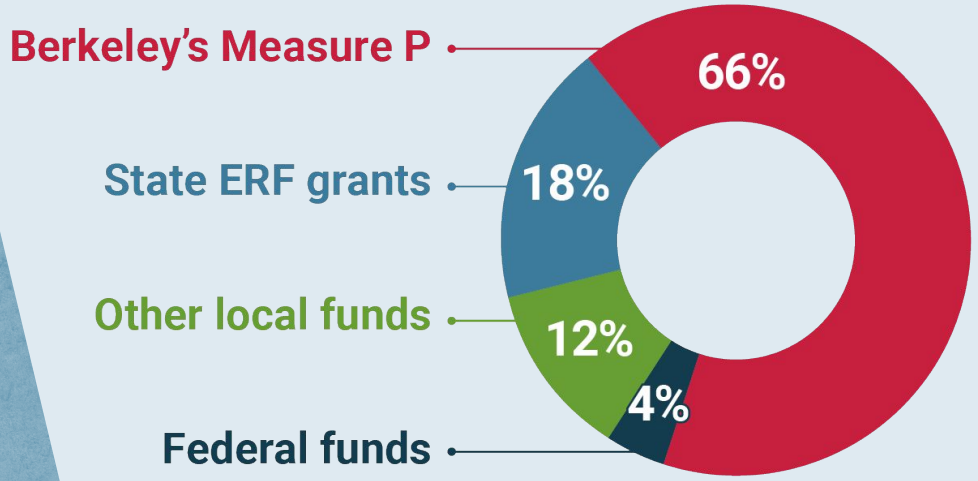


THE PROBLEM


Homelessness in Berkeley
Sheltered vs Unsheltered
Sheltered
Unsheltered
1,200
1,000
800
600
400
200
0
972
664
308
1,108
813
295
1,057
803
254
844
445
399
2017
2019
2022
2024

THE PROBLEM

Berkeley Faces a Fiscal Cliff for Homeless Resources



Berkeley Experiences 45 Percent Drop in Unsheltered Homelessness

CITY	2022	2024	# OF INDIVIDUALS	CHANGE
Berkeley	**803**	**445**	**-358**	**-45%**
Fremont	866	614	-252	**-29%**
San Leandro	312	227	-85	**-27%**
Hayward	267	278	+11	**+4%**
Oakland	3,337	3,664	+327	**+10%**

COORDINATION

Innovative + Expanded Prevention Efforts

Private Interim Housing

Stable Funding Attracts More Funding

COORDINATION

PREVENTION

Between 2020-2024 Berkeley

Served Over

900 Renter Households

with rental assistance and eviction defense funds

Served Over

50 Households with up to $1,800 per month

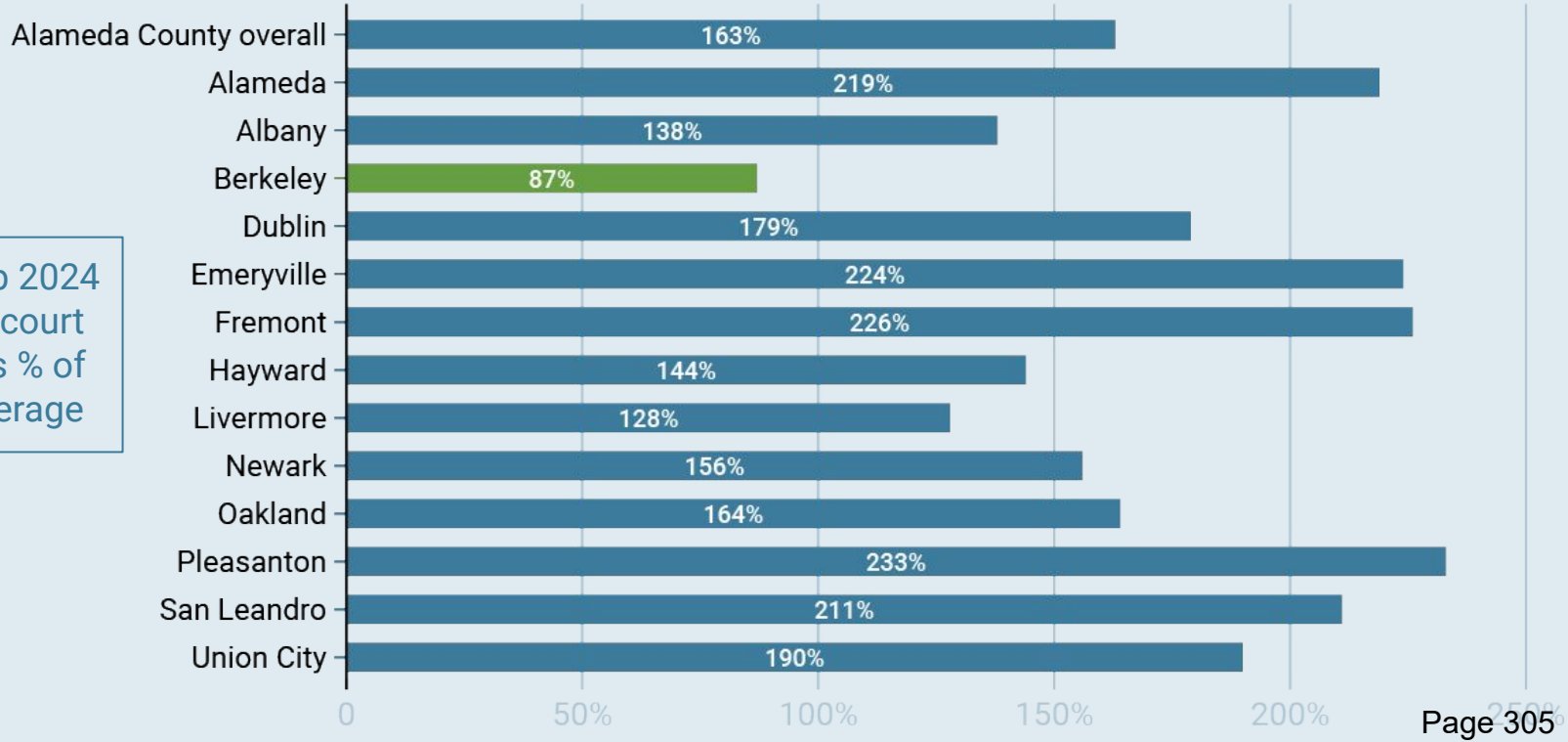
for up to 3 years

to our most at-risk residents and some unhoused people who are ineligible for permanent supportive housing

Berkeley: Eviction Rates Lowest in Alameda County

Variation in eviction wave across jurisdictions

Jan & Feb 2024 eviction court filings as % of 2019 average



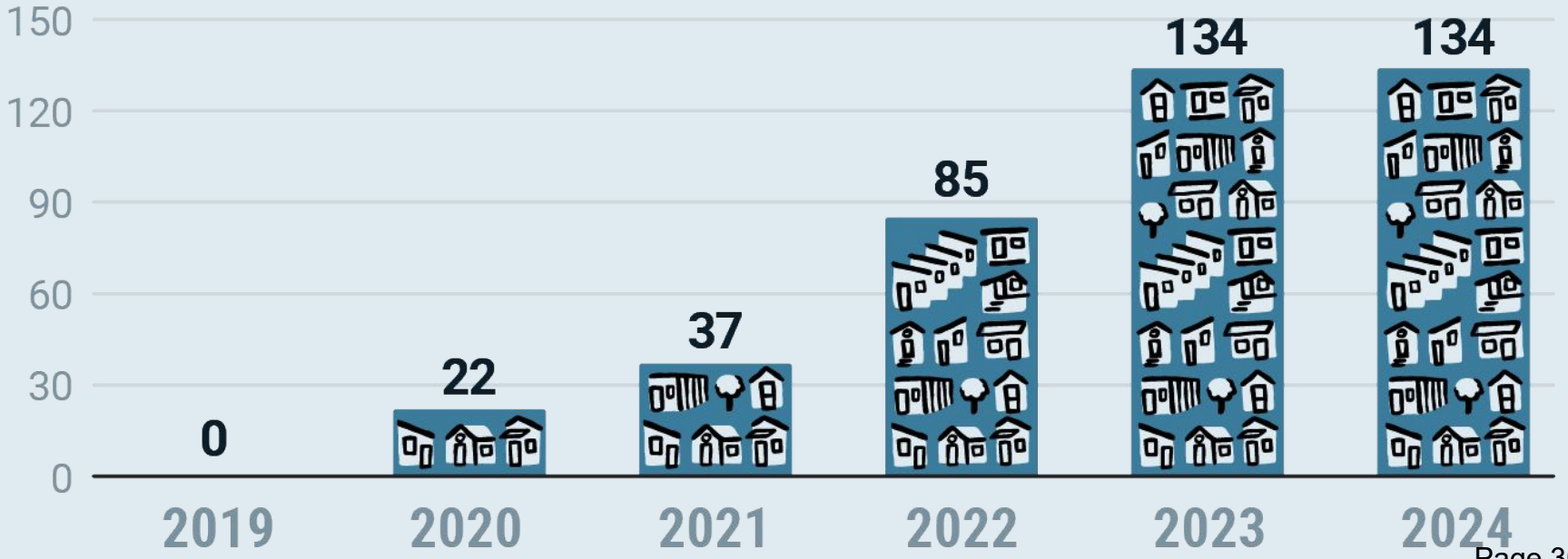
COORDINATION

ENCAMPMENT RESOLUTION

⅔ of residents served by the Homeless Response Team **move into permanent or interim housing**

COORDINATION

Increased Interim Housing Units



COORDINATION

Increased Interim + Permanent Housing

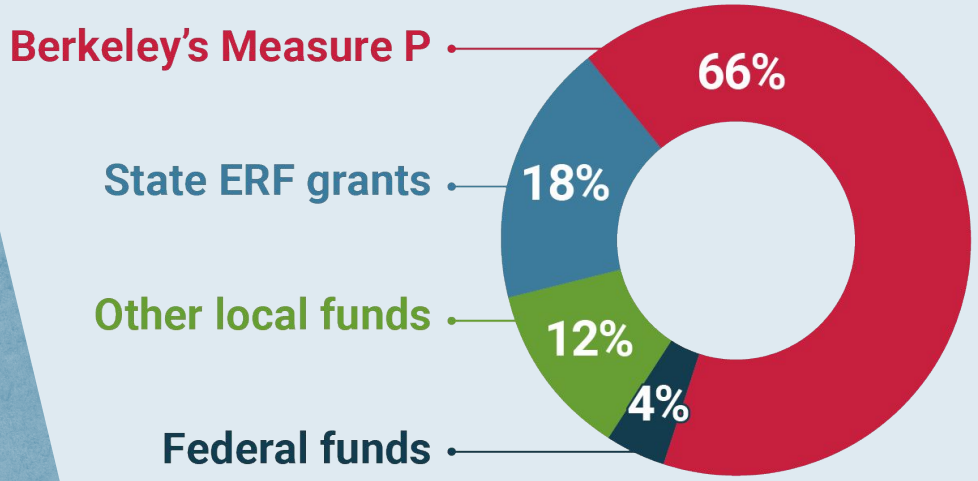
Insight Housing's Hope Center

Over 10 new projects with **more than 700** interim housing beds and permanent housing units completed.

These projects have served **over 2,000 residents**.

COMPASSION

How Berkeley Residents Provide Resources



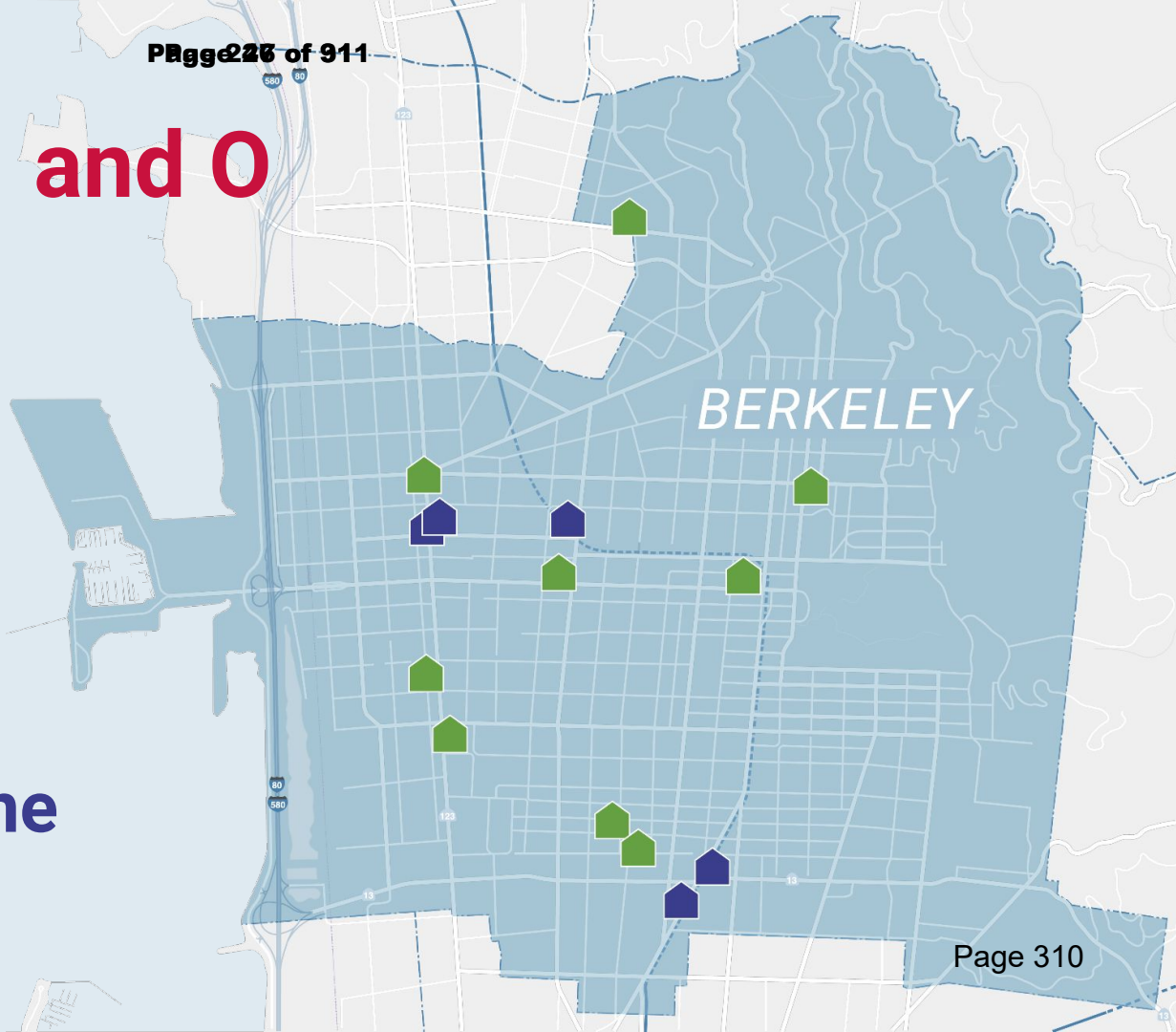
COMPASSION

Measures U1 and O

Permanent and Interim Housing Projects Funded by Measures O and U1

Occupied

In the Pipeline



COORDINATION

Permanent Affordable Housing

Berkeley committed Measure O funding to build new units

240
UNITS
COMPLETED
(+44 shelter beds)

1,050
UNITS
IN THE PIPLINE

Milton Thomas

"The staff at the Hope Center did just that – they gave me hope. After living outside off-and-on for 10 years, I've now got a place of my own that I can call home."

WITH MORE PRIVACY, A NEW INCENTIVE TO MOVE INDOORS

Why Berkeley is Increasing Private, Individual Units for Homelessness

City of Berkeley outreach worker Okeya Vance-Dozier (right) makes daily rounds into encampments to offer services and shelter to those experiencing homelessness.

Just a few minutes into her outreach rounds at an encampment on Harrison Street in Berkeley, Okeya Vance-Dozier spotted a woman she's been working with to move out of a tent and into a private room at a local hotel.

"You know we got a room with your name on it," Vance-Dozier said to the woman who goes by "T" and has lived on-and-off the streets for several years.

"I am ready," T responded with some exhaustion. "And you know I prefer that hotel room any day of the week over those crazy shelters."

The preference for a private unit over dorm-style congregate shelter is a frequent request outreach workers like Vance-Dozier hear on the streets – and it can serve as the key incentive for residents to move indoors.

"It's the one thing all of them say they want," Vance-Dozier said. "Everyone needs a little something different to finalize the deal, but they all seem to want their own place."

Interim housing units that offer privacy – in converted hotel rooms, cabins, or trailers on secured lots – have dramatically increased in Berkeley in recent years, from zero units in 2019, to 134 in 2024.

Thanks largely to funds provided through Measure P passed by Berkeley voters in 2018, Berkeley has been able to increase all forms of shelter, while reducing street homelessness by 45% in just the last two years.

This steep decline marked the largest reduction of unsheltered homelessness in Alameda County's five largest cities.

In part to further address demand for the highly-sought private interim housing units, in the fall of 2024 the City will begin the process of converting the STAIR Center – a large congregate shelter that opened in 2018 – into more private units.

"They're far more likely to take our offer for help if we can say, 'We've got a place just for you."

"People have had bad experiences in the big shelters, and they don't want to go back," Vance-Dozier said. "And they're far more likely to take our offer for help if we can say, 'We've got a place just for you."

For T., her experiences at dorm-style shelters left her overwhelmed each time. Staff at the shelters were often outnumbered by residents experiencing mental health crises, she said. One man, she added, went through her laundry and she's been robbed of possessions countless times as she slept. Visitors are barred from most congregate shelters, and many also ban pets and have strict in-and-out rules.

"It's just too chaotic in those places," T. told Vance-Dozier. "And it doesn't feel like you have any freedom."

Once residents move into the private units, city data shows, they are also more likely to access the services the City of Berkeley offers them.

"The outreach doesn't stop just because they got a room," Vance-Dozier said.

Vance-Dozier visits five encampments every weekday with her outreach team to make constant contact with dozens of people each day – and offer services every time.

It's a pitch that, more often than not, can take weeks or months, before it gets accepted. The key, Vance-Dozier said, is to stay consistent.

"I tell them, 'I'll be back here tomorrow to check in on you' and sometimes it's just a 'hello' and sometimes I sit down with them for lunch."

As Vance-Dozier continued her visit through the encampment, a woman living in an RV stepped outside and said she was interested to learn more about what it would take to get housing.

But the woman was most concerned that if she moved off of Harrison Street, she'd lose all of her possessions in the RV, including some family heirlooms and her electric bicycle.

"I can do (private unit) housing," the woman stressed, "but I can't go into those shelters."

MORE OUTREACH IMPROVES ODDS FOR HOUSING

Two-thirds of people served by Berkeley's Homeless Response Team move into interim or permanent shelter

City of Berkeley outreach worker Christina Murphy (left) consistently meets with residents experiencing homeless to help them transition from the streets and into shelter and services.

Everyday, outreach workers with Berkeley's Homeless Response Team visit encampments throughout the city to knock on RV doors, peek into tents, and connect with residents experiencing homelessness to offer two things: services and shelter.

"What we try to do is take all the steps out of the way for them to make it easy to get indoors," said Christina Murphy, a member of the outreach team as she walked through the Harrison Street corridor recently. "We try to give them a one-stop shop for services."

The city's outreach team has shown encouraging signs of success since it formed in 2021, thanks to an annual investment from Measure P, a measure passed by Berkeley voters. Since the Homeless Response Team formed, which brings together several departments across the city, two out of every three people they've served have either moved into interim shelter or permanent affordable housing.

The Homeless Response Team's persistent outreach has contributed to Berkeley's remarkable 45% decline in street homelessness over the last two years, down from 803 individuals living on the streets in 2022, to 445 in 2024.

Unlike other cities, Berkeley does not contract-out its encampment management-focused outreach work to third party vendors, and its team leader, Okeye Vance-Dozier, grew up in Berkeley and attended Berkeley High School. The commitment to the community is clear.

"We all know everyone out here," Vance-Dozier said. "I went to high school with some of these folks. We notice when a new tent pops up, and we want to know right away where they're from and what they need. We pay very close attention to everyone."

The daily work to move people out of their make-shift communities in the encampments and into shelter, where they can receive services and assistance for long-term housing, can take time – and requires a lot of trust.

"We're upfront, honest and direct," Vance-Dozier said. "We don't over promise what we can't give, but we will go out of our way to help them and do what it takes to help them transition them indoors."

The stories of "what it takes" varies for each individual. Getting to a "yes" can be the most rewarding part of the work, said Joshua Jacobs, homeless services coordinator.

Jacobs worked directly with a man in his 60s who had lived in an RV on Harrison Street since 2019. For months, Jacobs tried to ensure the man had everything he needed to accept an offer to move into a hotel room.

"It's identifying each of their concerns and then working through each one of them to come up with solutions," Jacobs said.

After overcoming several deal-breakers and making progress, Jacobs took the man to visit the hotel room, but another barrier quickly sprouted up: The man's cat, who liked to roam freely in-and-out of his RV, would have to make a dangerous jump from the hotel's window sill to the street below. The man feared, if he moved in, his long-time companion could get stuck outside.

Together, Jacobs and the man agreed they needed a "cat tree" that ramped up to the window so the feline could enter and exit without hassle.

Relieved, the man agreed to move out of his RV and into the hotel room.

"It cost us $20 to purchase the cat tree," Jacobs recalled, "but it took us a long time to get to that moment. But all along the way, he knew I was there to help him figure it out."

POINT-IN-TIME COUNT: Alameda County's Five Largest Cities

CITY	2022	2024	# OF INDIVIDUALS	CHANGE
Berkeley	**803**	**445**	**-358**	**-45%**
Fremont	866	614	-252	-29%
San Leandro	312	227	-85	-27%
Hayward	267	278	+11	+4%
Oakland	3,337	3,664	+327	+10%

Office of the City Manager

ACTION CALENDAR
July 9, 2024

To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Peter Radu, Assistant to the City Manager, Neighborhood Services

Subject: Referral Response: Gap Analysis of Berkeley's Homelessness System of Care

RECOMMENDATION

Receive and file a report and presentation from staff, responding to the City Council's July 13, 2021 referral to the City Manager to analyze current homelessness expenditures and programs and to explore recalibrating and prioritizing investments to align with the 1-2-4 All Home Regional Action Plan framework.

FISCAL IMPACTS OF RECOMMENDATION

There are no fiscal impacts associated with this recommendation. However, to right-size Berkeley's homeless system of care across all components (prevention, shelter, and permanent housing) to be consistent with the All Home Regional action plan framework, the report anticipates total costs of about $300 million over five years. This expansion in services would require significant new resources above what the city, county, state, and federal governments are currently spending on homelessness services and housing in Berkeley. The projected need would require an additional $75 million per year on average (Exhibit A, p. 40).

CURRENT SITUATION AND ITS EFFECTS

In July 2021, the City Council adopted the All Home Regional Action Plan (RAP), committing Berkeley to an ambitious 75% reduction in unsheltered homelessness over three years. One of the core components of the RAP model is establishing a comprehensive system encompassing prevention, interim housing/shelter, and permanent housing in order to reduce and end homelessness. The July 13, 2021 action by Council referred to the City Manager an analysis, through the lens of the All Home framework, of our existing homeless services system. In January 2024, the City Manager's Office procured consulting services from the Goldman School of Public Policy to provide recommendations to the City on prioritizing funding to align with the RAP goals. The resulting report, attached to this memo, responds to Council's 2021 referral.

As of 2023, as many as 2,000 Berkeley residents experienced homelessness over the course of a year. Most of these Berkeleyans are unsheltered, meaning that they sleep in

a tent, vehicle, or on the street. However, these numbers are shifting. Since this report was commissioned, Berkeley's January 2024 Point in Time (PIT) count data was released and shows that street homelessness has decreased by 45% and sheltered homelessness has increased by 57%. In comparison, the 2022 Point in Time Count saw a slight reduction of sheltered homelessness due, in large part, to the reduction of shelter capacity as a response to COVID concerns. In the 2024 PIT Count, the shelter utilization rates rebounded and have increased by over 35% relative to the pre-pandemic 2019 PIT Count.

The attached report finds that homeless program enrollments have gradually increased since 2021, corroborating the 2024 PIT Count's increase in shelter utilization. This reduction in street homelessness and increase in sheltered homelessness is in large part due to the City's Measure P commitments, state homelessness funding, and COVID-era investments. However, in the face of state and local budget deficits, the biggest issue Berkeley will face is an imminent fiscal cliff (Exhibit A, p. 3) that may stall or even reverse these recent gains if not addressed. Failing to address this fiscal cliff threatens to jeopardize the positive momentum that we have built towards reducing and ending homelessness.

The report highlights three main goals for the City's homeless system moving forward: (1) accelerating the transition to non-congregate shelter, (2) funding permanent supportive housing, and (3) investing in homelessness prevention (Exhibit A, p. 4). The report also suggests exploring the expansion of medium-term subsidies and investments in homelessness prevention services (Exhibit A, p. 49). In addition, the report makes recommendations to reduce inflow into the homeless services system and increase interim housing and permanent housing solutions. Many of these recommendations are already in progress, including: regional efforts to launch new homeless prevention programs in Bay Area counties; looking for ways that Berkeley's Housing Retention and Flex Fund programs can target insecurely housed households that are more likely to fall into homelessness, if not assisted; and facilitating care conferences with shelters and service providers that focus on participant document readiness in preparation of moving into permanent housing. (In the absence of new interim housing, this latter practice has the possibility of shortening shelter lengths of stays, thereby increasing the number of participants served at shelters.) Additionally, there are 39 deeply affordable housing units that will be available through a master lease and 188 permanent support housing (PSH) units in the Housing Trust Fund Program pipeline. All these efforts rely on continued and expanded funding.

BACKGROUND

The attached Gap Analysis of Berkeley's Homelessness System of Care was referred to the City Manager as part of the City Council's July 13, 2021 action endorsing the All Home Regional Action Plan. The resulting report (1) provides an overview of Berkeley's current services, (2) analyzes the needs and demographics of people experiencing homelessness, and (3) projects the resources needed to achieve a significant reduction

in street homelessness (Exhibit A, p. 3). The report relies on Homeless Information Management System (HMIS) and PIT Count data and showcases the current service utilizers known to date.

As we have seen in the most recent PIT Count, unsheltered homelessness is down by 45% and sheltered homelessness has increased by 57%. It is difficult to determine exactly what is driving these changes to our homeless population, but finding an increase in the number of clients seen by our HMIS system (Exhibit A, p. 22) is consistent with the PIT Count results that show more people are accessing services and fewer people are experiencing homelessness without touching our homelessness response system. This also means that the demographics of our homeless population are more known to us now than ever before. The report confirms that (1) Measure P funding has been effective in addressing homelessness in our community, (2) fewer people are exiting Berkeley services back to homelessness compared to before the pandemic, and (3) we have succeeded in increasing our non-congregate shelter bed capacity and, as a result, have also increased the number of sheltered persons in our homeless population. The report also highlights that (1) racial inequity for African-American and Indigenous folks in our homeless population remains stark (Exhibit A, p. 22) and (2) vulnerable people are often stuck in the Coordinated Entry System's bottleneck waiting for permanent housing (Exhibit A, p. 35).

These findings were presented to the Homeless Services Panel of Experts at their May 1, 2024 meeting.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE EFFECTS
There are no identifiable environmental impacts except that whenever unhoused persons are housed in Berkeley, it contributes to a better, healthier environment for all.

RATIONALE FOR RECOMMENDATION
This report responds to a July 13, 2021 referral from the City Council to the City Manager to provide these analyses and to return to the Council with findings.

ALTERNATIVE ACTIONS CONSIDERED
None.

CONTACT PERSON
Josh Jacobs, Homeless Services Coordinator, (510) 225-8035

Attachments:
1. Exhibit A: Gap Analysis of Berkeley's Homelessness System of Care.

Gap Analysis of Berkeley's Homelessness System of Care

SPRING 2024

Prepared by Zoe Klingmann
for the City of Berkeley City Manager's Office

The author conducted this research as part of the program of professional education at the Goldman School of Public Policy, University of California at Berkeley. This paper is submitted in partial fulfillment of the course requirements for the Master of Public Policy degree. The judgements and conclusions are solely those of the author, and are not necessarily endorsed by the Goldman School of Public Policy, by the University of California, or by any other agency.

Acknowledgements

I would like to thank the City of Berkeley Homelessness Response Team and the Health, Housing, and Community Services Department—especially Joshua Jacobs, Peter Radu, Jennifer Vasquez, David Andujo-Walker, Myette Anderson, and Brittany Carnegie. I was extremely lucky to learn from Berkeley staff over the course of this project.

I am grateful to David Amaral of All Home, Jennifer Lucky of Alameda County, and Suzanne Trujillo and the rest of Alameda County's HMIS team for lending their expertise to this project. I would also like to thank the service providers and advocates I interviewed for sharing their perspectives on the work they do to make safe and stable housing a reality for Berkeley residents.

Executive Summary

More than 2,000 Berkeley residents experience homelessness over the course of a year. Most of these Berkeleyans are unsheltered, meaning that they sleep in a tent, vehicle, or on the street. This report explores how the City of Berkeley can align with the All Home Regional Action Plan (RAP), which seeks to reduce unsheltered homelessness across the Bay Area by 75 percent. It provides an overview of Berkeley's current services, analyzes the needs and demographics of people experiencing homelessness, and projects the resources needed to achieve a significant reduction in street homelessness.

Key findings

Berkeley will need more funding to keep up momentum. Berkeley has made strides in expanding services in recent years, but the resources the City has available now are not enough to reduce unsheltered homelessness. System modeling suggests that a 75 percent reduction in street homelessness will require an additional $300 million over five years, largely for new affordable housing. More urgently, Berkeley faces a fiscal cliff in the coming years due to the volatility of local funding sources, state budget woes, and the end of pandemic-era programs.

Inflows to and outflows from homelessness add up to increasing need for services. The number of people accessing homelessness services in Berkeley increased 11 percent between 2022 and 2023. This increase comes down to a math problem: more people are entering or returning to homelessness than are exiting to housing.

Black and Indigenous Berkeleyans are dramatically overrepresented among people experiencing homelessness. Black people make up a majority of people who accessed homelessness services in Berkeley in 2023 but only eight percent of Berkeley residents. Indigenous people are similarly overrepresented. People of color in the Bay Area are more likely to face low incomes and high rent burdens, making them especially vulnerable to homelessness.

Berkeley has made progress in increasing its supply of permanent supportive housing (PSH) and non-congregate interim housing. Since 2021, Berkeley has more than tripled the number of shelter beds in non-congregate settings, where residents sleep in a private space rather than a dorm-style shelter. These new facilities have higher utilization rates and have successfully sheltered people who have been outside for years. The city now has nearly one hundred additional beds of permanent supportive housing, which serves vulnerable people who need support to stay housed.

Vulnerable people are still stuck in a bottleneck. Despite increases in supply, people eligible for permanent supportive housing still wait a long time for housing. More than 95 percent of people waiting on the housing queue have some form of disability.

Targeted prevention is key to reducing the number of people experiencing homelessness. Berkeley's current housing retention programs have been successful at preventing evictions, but are not targeted to the people most likely to become homeless, many of whom do not have a formal lease. System modeling suggests that Berkeley will need to more than double the number of households served by targeted prevention in order to achieve a 75 reduction in unsheltered homelessness.

Recommendations

In order to effectively reduce unsheltered homelessness, **Berkeley should look for opportunities to increase funding for homelessness services and affordable housing.** The City should prioritize the following specific investments:

- Accelerating the transition to non-congregate shelter
- Funding permanent supportive housing
- Investing in targeted homelessness prevention

In addition, the City should consider doing additional research into rapid rehousing and the needs of people with lower levels of acuity. More detail about these recommendations can be found in Part VII.

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Part I: Background

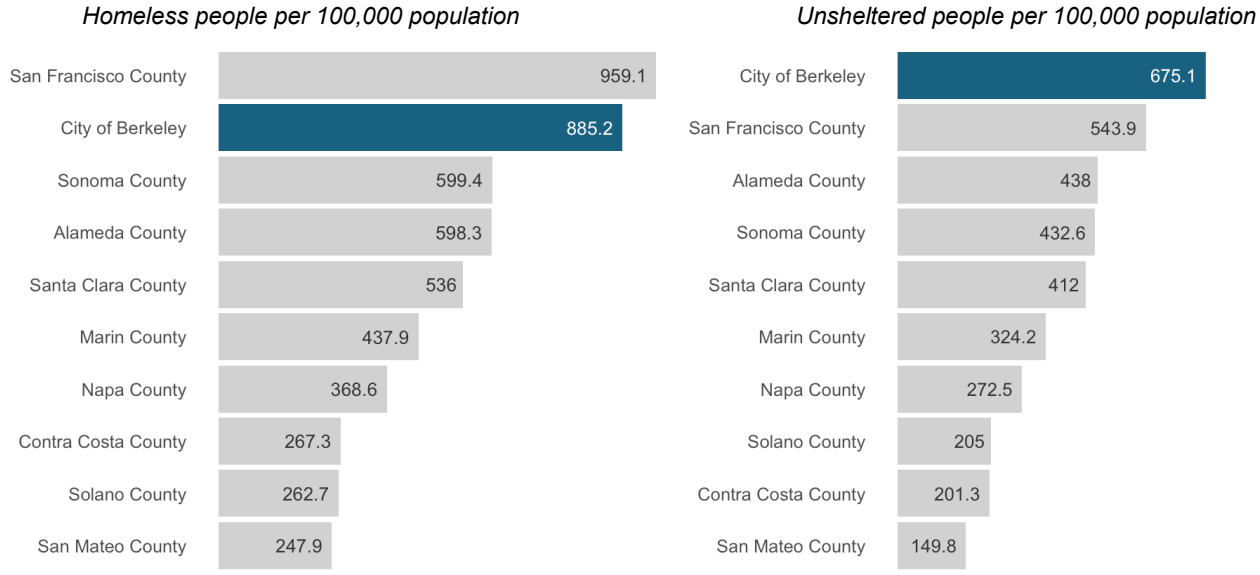
A. Problem definition

About a thousand Berkeley residents experience homelessness on a given night. Most of those Berkeleyans—about 75 percent—are unsheltered, meaning that they sleep in a tent, vehicle, or on the street rather than in a shelter or interim housing.[1]

Homelessness is a regional problem with roots beyond Berkeley's borders, driven by a shortage of affordable housing and federal disinvestment during the twentieth century.[2] Before the COVID-19 pandemic, 17 percent of households in the Bay Area had extremely low incomes, making an average of $17,800 per year. More than half of these households were at high risk of losing their housing.[3] Rising housing costs and pandemic-related instability have put further pressures on this population.[4] As of 2022, more than 38,000 people in the nine-county Bay Area were homeless on a given night, a nine percent increase since 2019.[5]

That said, Berkeley's level of homelessness is disproportionate among its neighbors. Berkeley residents make up about seven percent of Alameda County's population, but were 11 percent of unsheltered people on a given night in 2022.[6]

Figure 1: Berkeley's rate of unsheltered homeless people is higher than area counties



Source: 2022 PIT Count

[1] EveryOne Home, "Berkeley 2022 Point in Time Count: Unsheltered & Sheltered Report," accessed February 16, 2024, https://everyonehome.org/wp-content/uploads/2022/05/Berkeley-PIT-2022-Infographic-Report.pdf.
[2] Greg Rosalsky, "How California Homelessness Became A Crisis," NPR, June 8, 2021, https://www.npr.org/sections/money/2021/06/08/ 1003982733/squalor-behind-the-golden-gate-confronting-californias-homelessness-crisis.
[3] Carolina Reid, "On the Edge of Homelessness: The Vulnerability of Extremely Low-Income Households in the Bay Area" (Terner Center for Housing Innovation, December 2021), https://ternercenter.berkeley.edu/wp-content/uploads/2021/12/ELI-Households-Bay-Area-Report-Final-1.pdf.
[4] Christian Leonard and Sriharsha Devulapalli, "Bay Area Real Estate: Where Rent or Mortgages Hurt Residents Most," accessed February 16, 2024, https://www.sfchronicle.com/bayarea/article/housing-costs-rent-mortgage-18535110.php.
[5] Analysis of 2019 and 2022 PIT data.
[6] EveryOne Home, "Berkeley 2022 Point in Time Count: Unsheltered & Sheltered Report."

Unsheltered people are vulnerable to a wide range of harms. They have high rates of chronic health conditions and low access to health care. The trauma of living on the street can cause or exacerbate physical and mental health conditions and substance abuse disorders.[7] They are also highly vulnerable to crime: more than a third of homeless people surveyed in California said that they had been physically victimized while homeless.[8] Between 2018 and 2020, at least 809 people in Alameda County died while experiencing homelessness.[9]

These harms fall disproportionately on people of color. Black residents make up eight percent of Berkeley's population but 45 percent of the sheltered homeless population in the 2022 Point-in-Time Count. Native American and Latine Berkeleyans are also overrepresented.[10] A long history of racist policies such as redlining have made people of color in Berkeley and elsewhere more vulnerable to losing their homes and less able to rely on a safety net when they do.[11]

Unsheltered homelessness also has an impact on the community where it occurs. Some people experiencing homelessness use public services at high rates—for instance, 38 percent of homeless people in California reported that they had made an emergency room visit that did not result in hospitalization in the last six months.[12] A study in Santa Clara County found that the public cost of medical care and justice system involvement for homeless people was $520 million, with just five percent of the homeless population accounting for 47 percent of these costs.[13] Additionally, surveys of Bay Area residents regularly find that unsheltered homelessness impacts their perceptions and feelings of safety in their community.[14]

B. Report background

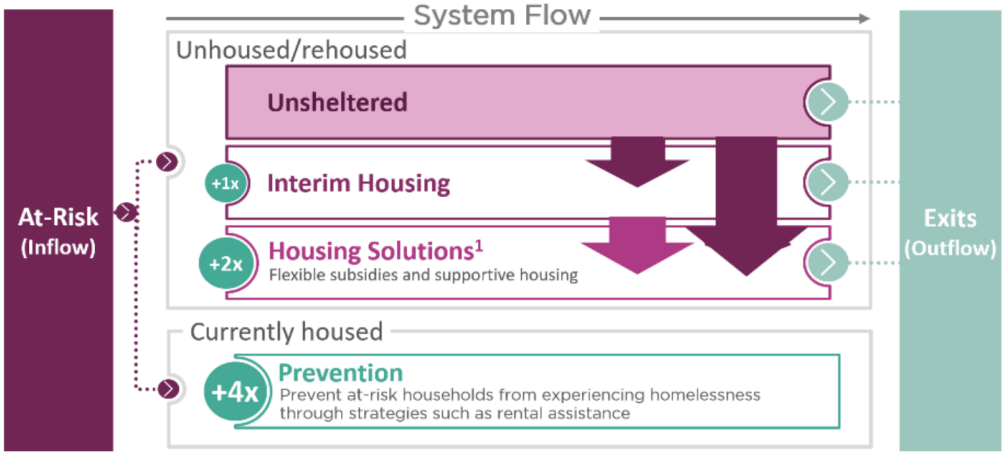
In July 2021, Berkeley City Council voted to endorse the All Home California Regional Action Plan (RAP), which seeks to reduce the number of people experiencing unsheltered homelessness across the nine-county Bay Area region by 75 percent.[15]

One central component of the Regional Action Plan is the concept of "system flow." In a functioning homelessness response system, there are adequate *permanent housing* resources to move people out of homelessness, and there are adequate *prevention* resources to prevent people from falling into homeless in the first place—meaning that fewer people end up relying on emergency shelter and other

[7] Margot Kushel and Tiana Moore, "Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness," June 2023, https://homelessness.ucsf.edu/sites/default/files/2023-06/CASPEH_Report_62023.pdf.
[8] Ibid.
[9] Alameda County Health Care Services Agency, "Alameda County 2018-2020 Homeless Mortality Report," March 2022, https://www.achch.org/uploads/7/2/5/4/72547769/2018-2020_ac_homeless_mortality_report_final_4.11.2022.pdf.
[10] EveryOne Home, "Berkeley 2022 Point in Time Count: Unsheltered & Sheltered Report."
[11] "Homelessness and Racial Disparities," *National Alliance to End Homelessness*, December 2023, https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/inequality/;
Kate Cimini, "Black People Disproportionately Homeless in California," *CalMatters*, October 5, 2019, http://calmatters.org/california-divide/2019/10/black-people-disproportionately-homeless-in-california/.
[12] Kushel and Moore, "Toward a New Understanding: The California Statewide Study of People Experiencing Homelessness."
[13] "Home Not Found: The Cost of Homelessness in Silicon Valley," accessed April 1, 2024, https://destinationhomesv.org/wp-content/uploads/2021/01/FactSheetDestinationHome.pdf.
[14] For example: Sarah Ravani, "Oaklanders Say Homelessness Is the Most Urgent Issue Facing the City," *San Francisco Chronicle*, March 3, 2023, https://www.sfchronicle.com/eastbay/article/oakland-homelessness-survey-priority-17816397.php.
[15] "Item 12: Endorse All Home CA Regional Action," July 13, 2021, https://berkeleyca.gov/sites/default/files/documents/2021-07-13%20Item%2012%20Endorse%20All%20Home% 20CA%20Regional%20Action.pdf.

services. In our current homelessness response system, too many people are entering homelessness and too few are exiting, leading to a bottleneck of people who are currently homeless.

Figure 2: System flow diagram from the All Home Regional Action Plan (RAP)



Source: All Home Regional Action Plan

The RAP's 1-2-4 framework encourages local governments to fund homelessness prevention and permanent housing solutions alongside emergency shelter and interim housing. The framework broadly suggests that policymakers fund two units of permanent housing and four slots of homelessness prevention for every additional unit of shelter. That said, the RAP acknowledges that the ideal mix of investments will look different for different localities.

This report makes recommendations for how Berkeley can recalibrate and prioritize its investments to align with the Regional Action Plan. It gives an overview of Berkeley's current homelessness system of care and analyzes the needs and demographics of people experiencing homelessness in Berkeley. Lastly, it describes the results of modeling developed by All Home to project the resources needed over the next ten years to achieve a significant reduction in street homelessness.

Part II: Berkeley's Current System of Care

This section provides an overview of the homelessness services available to Berkeley residents and contextualizes the City of Berkeley's current investments in these services. I use the HUD Housing Inventory Count (HIC)[16], Homeless Management Information System (HMIS) data, City of Berkeley budget documentation, shelter capacity reporting, and referrals to the county's Coordinated Entry housing queue to paint a picture of the system as a whole.

A. Homelessness and affordable housing programs used by Berkeley residents

Berkeley residents experiencing homelessness receive assistance through a constellation of service providers and governments, paid for by a mix of city, county, state, and federal funds. Berkeley is part of the Alameda County Continuum of Care, meaning that many services are coordinated county-wide and Berkeley residents have access to services outside of the city's borders.[17] That said, this analysis largely focuses on services within Berkeley, given that people tend to stay local when seeking shelter and assistance.

Berkeley's homelessness system of care was dramatically reshaped by the COVID-19 pandemic, in ways that are reflected in the data in this section. The pandemic response brought unprecedented new resources and new priorities, including increased need for non-congregate shelter and reduced capacity in congregate shelters. As of 2023, the system was adjusting to the new normal in the post-emergency period. Federal funds were rapidly drawing down and the City and County were providing additional services to transition people out of temporary FEMA shelters.

Emergency shelter and transitional housing

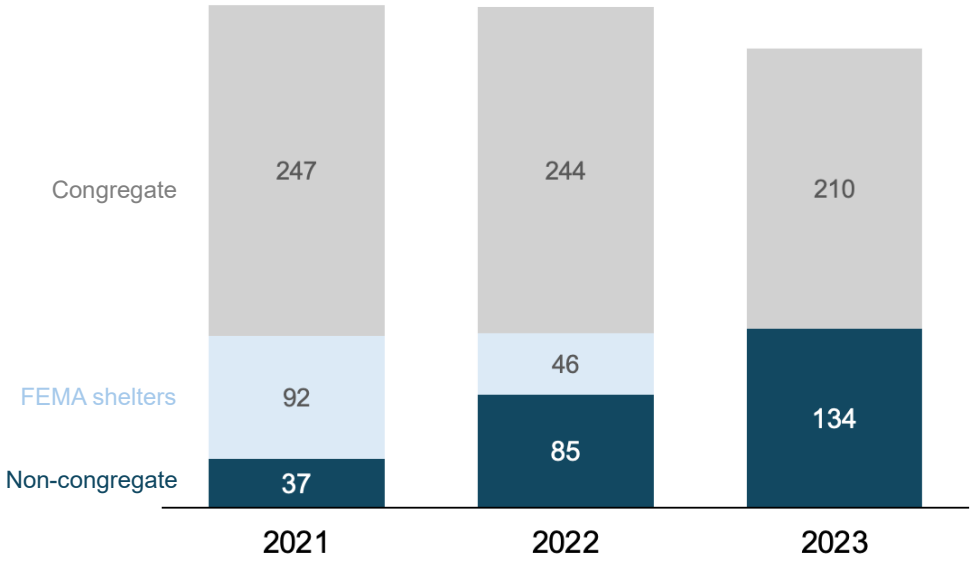
Berkeley had nearly 350 shelter beds at the start of 2023, 108 of which were seasonal and open only during the winter months. Over the course of 2023, over 900 individual people used a shelter bed in Berkeley. The city also had about fifty transitional housing beds dedicated for specific populations, including transition-aged youth, people with substance abuse disorders, and veterans.

Non-congregate shelter beds have become more common, though most are designated for specific purposes. Since the COVID-19 pandemic, new shelter beds in Berkeley are increasingly likely to be in non-congregate settings, meaning that residents have a private room or space rather than sleeping in a dorm-style shelter. When paired with case management and housing navigation on site, this model is sometimes referred to as "interim housing."[18]

More than a third of Berkeley's shelter beds were non-congregate as of the 2023 HIC count, more than triple the number of non-congregate beds available in 2021. Several additional non-congregate shelters opened in Berkeley later in 2023, such as the Dorothy Day House University Community Shelter. This growth has made up for the closure of the FEMA COVID-19 shelters in 2022.

[16] The HIC includes permanent supportive housing, rapid rehousing, emergency shelter, transitional housing, and safe havens. It is a point-in-time count at the start of each year and only includes services that are intended solely for homeless people, so the number of beds reported will not include services that opened midyear or services that do not screen for literal homelessness.
[17] Continua of Care, or CoCs, are HUD-mandated regional collaborations of governments and nonprofits that coordinate services, funding, and data across communities.
[18] Gail Gilman, "Strengthening Interim Housing as a Housing First Approach," All Home, March 20, 2023, https://www.allhomeca.org/2023/03/20/strengthening-interim-housing/.

Figure 3: Berkeley now has more non-congregate shelter beds



Proportion of shelter beds in non-congregate settings.
Source: 2021–2023 HIC

Non-congregate shelters in Berkeley are almost exclusively dedicated to specific populations, with funding streams for particular purposes. For instance, several are intended for people from specific encampments, while others serve populations such as families or SSI recipients. These non-congregate shelters necessarily have lower capacity than congregate shelters, with an average of 22 beds per facility. Nevertheless, during 2023 non-congregate shelters served 317 individual people out of the 900 who accessed shelter.

Congregate shelters have barriers to entry for many homeless people. During January and February of 2024, 82 percent of available shelter beds were occupied each night on average.[19] This rate is slightly below the national average occupancy rate of 88 percent in 2023, though the methodology used to calculate that occupancy rate is slightly different.[20] Non-congregate shelters had higher levels of utilization: 93 percent of beds in non-congregate shelters were full on average, compared to 79 percent of beds in congregate shelters.

Providers and City staff report that matching a person with shelter is more complex than simply finding an empty bed. People have physical limitations or needs that make some shelter beds inappropriate for them—for instance, they cannot physically climb onto a top bunk or need to stay with family members. Restrictive rules such as curfews and pet policies also play a role, though many shelters in Berkeley are moving away from these restrictions. The two shelters in Berkeley with the earliest nightly curfews

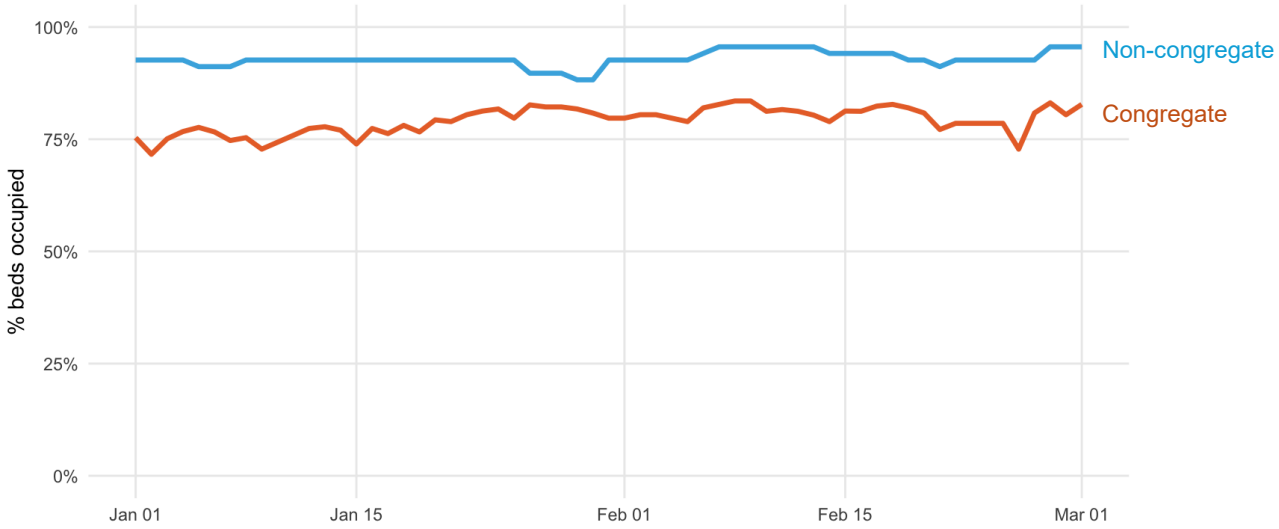
[19] This analysis excluded the Ursula Sherman Village families shelter because of the limitations of using bed counts for family shelters ("How Do I Calculate a Unit Utilization Rate?," HUD Exchange, November 2017, https://www.hudexchange.info/faqs/reporting-systems/homelessness-data-exchange-hdx/ahar/understanding-utilization-rates-in-the-ahar/how-do-i-calculate-a-unit-utilization-rate2). It also excludes the HCEB Rodeway to Home Shelter and IH Berkeley Respite Shelter because both are winding down operations and no longer taking new enrollments. For nights where over 100 percent of beds were occupied, I set the rate to 100 percent.

[20] HUD simply divides the number of sheltered homeless people by the number of ES, TH, and SH beds available at the PIT count, a method that captures a much larger variation in settings. *The 2023 Annual Homelessness Assessment Report Congress Part 1: Point-In-Time Estimates of Homelessness, December 2023*, December 2023, https://www.huduser.gov/portal/sites/default/files/pdf/2023-AHAR-Part-1.pdf, p. 11.

during this period also had the lowest occupancy rates, with an average of 71 percent occupancy each night.

Street outreach providers report that people are especially skeptical of congregate shelters due to concerns about safety, theft, and past trauma. One outreach team recorded that eighty percent of the people who declined offers of shelter were concerned about the fact that it was a shared space or that it was co-ed. All of these factors make congregate shelter less attractive and less accessible for a large portion of the unhoused population. City's Homelessness Response Team has reported that people living in encampments are far more likely to accept offers of shelter when they are non-congregate than congregate.[21]

Figure 4: Non-congregate shelters consistently have higher utilization rates



Berkeley shelter utilization rates, January to February 2024.
Source: HMIS weekly housing census

Permanent housing

Berkeley residents have to wait to access permanent housing programs. Berkeley residents experiencing homelessness access permanent housing through the Coordinated Entry queue. Coordinated Entry matches individuals to openings in permanent housing programs based on their level of need and program fit, essentially triaging access to a limited resource. Since mid-2022, people in the north Alameda County area spent an average of 280 days, or more than nine months, on the housing queue before receiving a referral to permanent housing.

Berkeley has a growing inventory of permanent supportive housing (PSH). Berkeley had 592 beds of permanent supportive housing (PSH) in early 2023. These units are intended for formerly homeless people with high needs: they require disability for entry and provide ongoing wrap-around services in addition to a subsidized unit. About ten percent of the PSH units in Berkeley are dedicated to families with children.

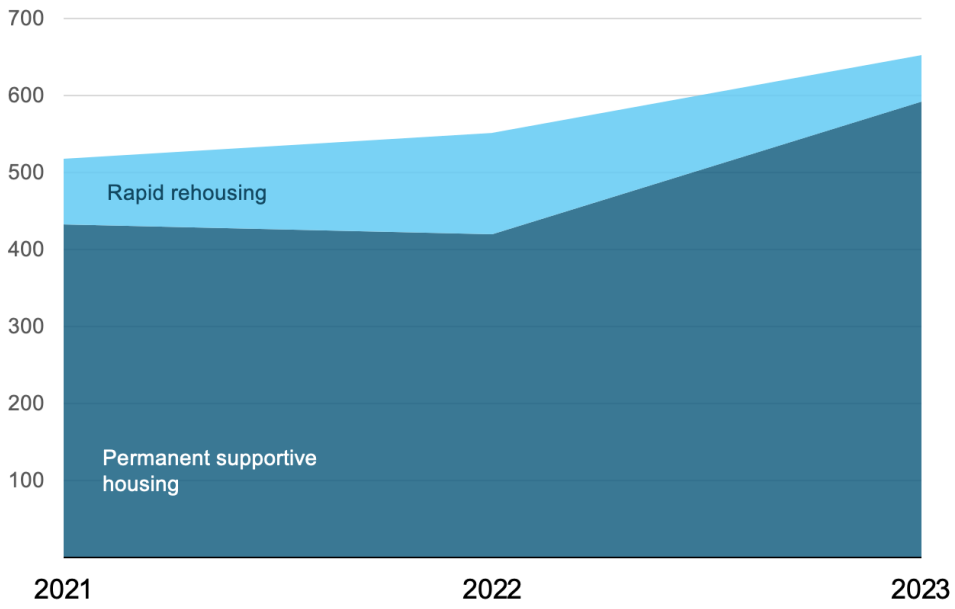
[21] Interview with Markos Gonzalez, Bay Area Community Services; "Encampment Resolution Funding (ERF) Grant Application and Budget Match, Budget and Finance Policy Committee, January 25, 2024, https://berkeleyca.gov/sites/default/files/legislative-body-meeting-attachments/ITEM%2003%20-%20ENCAMPMENT%20RESOLUTION%20FUNDING%20%28ERF%29%20PRESENTATION% 20%28STAFF%29.pdf

The permanent supportive housing available in 2023 represents an increase of nearly one hundred beds from the 2022 HIC. The city added both the HOPE Center in downtown Berkeley and the Golden Bear Hotel during 2022. There are additional PSH units in the pipeline set to open in the coming years.[22]

Coordinated Entry is intended to triage resources county-wide, so new PSH beds in Berkeley are not guaranteed to go to people experiencing homelessness in the city. The County's current policies allow both PSH programs and individuals waiting on the queue to indicate a geographic preference. Nevertheless, some of the people who move into Berkeley PSH units are from outside the city's borders and some Berkeley residents move into housing elsewhere in the county. Of the approximately 200 people who entered permanent supportive housing in Berkeley from 2021 to 2023, most had some previous connection to Berkeley, but about ten to fifteen percent had last accessed services from elsewhere in Alameda County.

People in PSH tend to stay there: the median person enrolled in PSH in 2023 had spent about five and a half years in their unit. The vast majority, 92 percent, had been enrolled for more than a year. More than half (298) of Berkeley's PSH units are administered as tenant-based vouchers, meaning that residents rent a unit from a private landlord.

Figure 5: Berkeley has expanded its supply of permanent supportive housing



Point-in-time count of permanent housing beds in the last week of January of each year. RRH inventory based on project stays. Source: 2021–2023 HIC

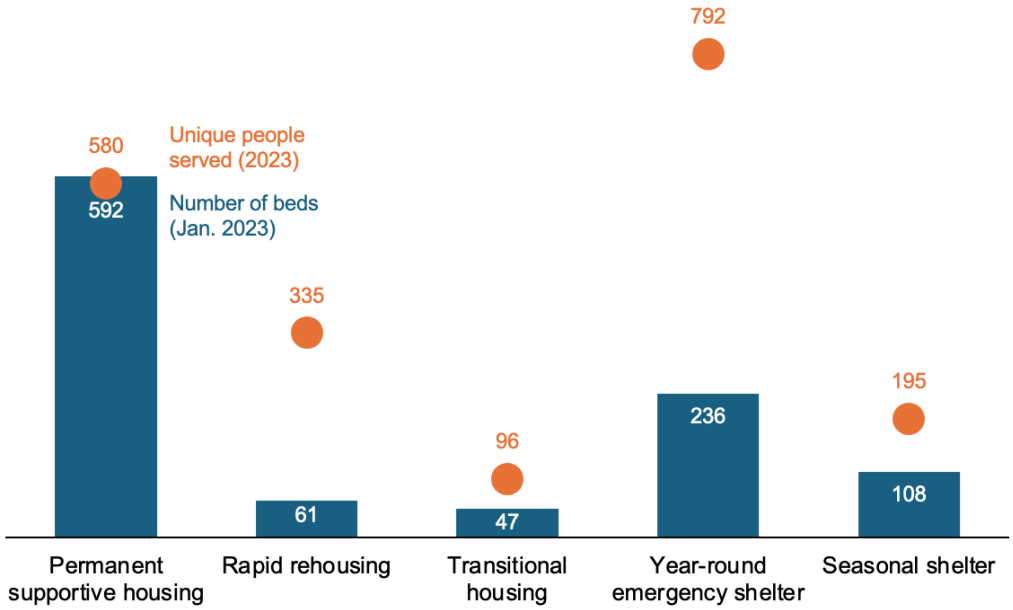
Rapid rehousing (RRH) serves people for shorter stints. At the start of 2023, Berkeley had 61 rapid rehousing slots, some of which were specifically designated for veterans. RRH provides short-term rental assistance and supports to people exiting homelessness into private rental units. The assistance tapers off after a few months to a year. Because of this difference in service model and focus, each rapid rehousing slot can serve more people over the course of a year. Sixty rapid rehousing slots in 2023

[22] For instance, the Step-Up Housing Project will provide 39 additional units, and the Maudelle Miller Shirek development will also include some PSH units https://www.self-sufficiency.org/boss-housing-projects; https://rcdhousing.org/maudelle-miller-shirek/

served over 300 people, and clients enrolled in RRH during 2023 spent a median of 241 days in the program in total.

Berkeley had more than double the rapid rehousing slots available at the 2022 Housing Inventory Count compared to 2023, largely due to a pot of dedicated City and County funding to transition people out of the temporary COVID-era FEMA shelters. The City also continues to fund a few slots of rapid rehousing for residents in a respite shelter for medically vulnerable people.

Figure 6: Berkeley housing and shelter beds capacity, 2023



Number of beds/slots in Berkeley vs. number of people served by programs over the course of 2023. For most programs, multiple people cycle in and out of a single bed over the course of a year.
Source: 2023 HIC; HMIS

A small proportion of federal vouchers are designated for people experiencing homelessness. The Berkeley Housing Authority administers the Housing Choice Voucher (HCV) program, sometimes known as Section 8, which is one of the main ways the federal government subsidizes housing for low-income people. As of November 2023, the BHA had authority for 2,110 vouchers, which are distributed to households in Berkeley who make less than fifty percent area median income.[23] The need for these vouchers far outstrips demand: when the BHA opened its waitlist for the first time in over ten years in 2022, over 21,000 households applied.[24]

[23] Not all of these vouchers were in use: Berkeley's voucher utilization rate was 76 percent as of 2023. "Housing Choice Voucher (HCV) Data Dashboard," U.S. Department of Housing and Urban Development (HUD), accessed April 14, 2024, https://www.hud.gov/program_offices/public_indian_housing/programs/hcv/dashboard.
[24] Supriya Yelimeli, "Over 21,000 Applied for Just 2,000 Section 8 Housing Vouchers in Berkeley," *Berkeleyside*, September 8, 2022, http://www.berkeleyside.org/2022/09/08/berkeley-section-8-voucher-lottery-applications.

Figure 7: Eight percent of Berkeley's vouchers are designated for people experiencing homelessness

Proportion of Berkeley Housing Authority voucher awards in Special Purpose Voucher programs, plus one-time EHVs
Source: HUD HCV Data Dashboard

About eight percent of these vouchers are specifically targeted to people experiencing homelessness. These include Veterans Authority Supportive Housing (VASH) vouchers, which are designated for homeless veterans, and "mainstream" vouchers, which are designated for non-elderly disabled people referred through the Coordinated Entry system. BHA project-based vouchers also fund the operations of two permanent supportive housing SRO buildings, Erna P. Harris Courts and UA Homes.[25] Lastly, HUD issued 51 Emergency Housing Vouchers to Berkeley in response to the COVID-19 pandemic. These vouchers were distributed through Coordinated Entry, but they were a one-time expansion and will not continue after current voucher-holders give them up. BHA does not currently prioritize people experiencing homelessness for regular Housing Choice Vouchers, though this is allowed by federal law.[26]

Berkeley is now prioritizing people experiencing homelessness for some other subsidized housing. Berkeley has over 2,000 subsidized or regulated affordable housing units for low-income people, funded by a range of overlapping funding sources and programs. As of 2024, there were 1,537 units in Berkeley that received funding from the City's Housing Trust Fund (HTF), which leverages state and federal sources such as the Low-Income Housing Tax Credit. The City also monitors 597 units of regulated below-market-rent (BMR) housing that are required by the City's inclusionary zoning ordinance.[27] Some of these units are designated for people experiencing homelessness—for instance, the HTF supports permanent supportive housing projects, and a portion of BMR units are set aside for permanent supportive housing voucher tenants.

Affordable units that are not specifically dedicated to homeless people are often not accessible to them: competition for these units is steep, and they are often not affordable to people with extremely low or zero income. However, the City recently adopted a preference policy that gives people who have lost or are at risk of losing housing in Berkeley priority for units regulated by the City. One of the preferences

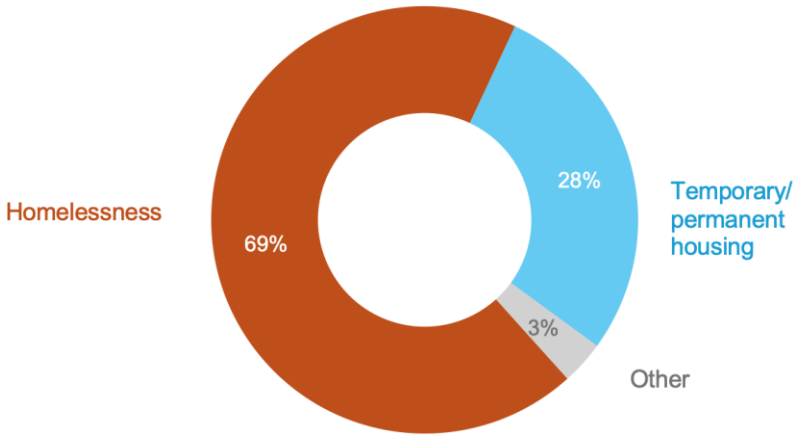
[25] "Housing for Disabled & Homeless Individuals (SROs)," Berkeley Housing Authority, accessed April 14, 2024, https://bha.berkeleyca.gov/bha-programs/housing-disabled-homeless-individuals-sros.
[26] Under current BHA policy, people on the waitlist are prioritized if they live/work in Berkeley, are a veteran, are elderly or disabled, and are a family with more than two people in the household. *2022 Administrative Plan for Section 8 Programs*, https://bha.berkeleyca.gov/sites/default/files/documents/2022%20Administrative%20Plan.pdf.
[27] Correspondence with City staff.

applies to people who are currently homeless in Berkeley and not eligible for permanent supportive housing, as well as people at risk of homelessness who live in Berkeley.[28]

Prevention, retention, and problem-solving

Flexible funds and housing navigation help people in a variety of circumstances. Berkeley's system of care funds a wide range of services intended to support people along their path to housing, including short-term rental assistance, counseling, legal help, move-in assistance, and housing search assistance.

Figure 8: Most people served by flex funds and navigation come from homelessness



Recorded residence of people served by flex funds and navigation programs during 2023.
Source: HMIS

The purpose of these services can vary, from supporting people who are entering housing, to retaining them once they are there, to preventing vulnerable people from falling into homelessness in the first place. That said, resources in Berkeley generally go first to people who are currently homeless or were recently rehoused—with limited funds, prevention is a lesser priority.

Many of these resources are distributed to service providers as "flex funds," which they can use to support clients with move-in costs, one-time rental assistance, and tenancy supports. The Housing Resource Center also provides problem-solving and navigation services to help people who have recently become homeless regain their footing, for instance by connecting them to a family member willing to take them in. In 2023, 469 unique people were served by flex funds or housing navigation services. More than two-thirds of people enrolling reported that they were literally homeless at the time they enrolled.

Berkeley's eviction prevention programming has expanded in response to the COVID-19 pandemic. The City of Berkeley spent $1.6 million on homelessness prevention services in FY 2022–23, including eviction defense services, rental assistance, and domestic violence survivor advocacy. According to city budget documents, this translated to 460 households served.[29]

Berkeley had an housing retention program prior to the COVID-19 pandemic, but it was transformed by the pandemic-era eviction moratoria and an infusion of federal funds. Berkeley now provides assistance

[28] "City Council Report: Item 32 Referral Response Affordable Housing Preference Policy for Rental Housing Created Through the Below Market Rate and Housing Trust Fund Programs," July 11, 2023, https://berkeleyca.gov/sites/default/files/documents/2023-07-11%20Item%2032%20Referral%20Response%20Affordable.pdf.

[29] Because these enrollments are not recorded in HMIS, this figure may double-count households who accessed multiple services over the course of the fiscal year.

up to a higher dollar amount and can cover expenses such as utilities in addition to rent. [30] Service providers report that these expansions have increased their ability to help people stay housed, though many families simply cannot afford to live in the area for the longer term.[31]

The City's eviction prevention programs are less targeted to those most at risk of homelessness compared to programs in other cities in the area. The City's current housing retention program is primarily intended to prevent eviction and displacement in general rather than homelessness specifically.[32] The program targets resources based on factors such as whether the recipient is a senior citizen, a long-term resident of the city, or very low-income.

In the last few years, more jurisdictions around the Bay Area have used targeted homelessness prevention to direct assistance to the families most at risk. For instance, both Oakland and San Francisco use factors such as past episodes of homelessness, justice system involvement, and living in a vulnerable neighborhood that are predictive of falling into homelessness. San Francisco provides assistance to people without formal leases, a group that is especially vulnerable to falling into homelessness.[33] A randomized control trial (RCT) of Santa Clara County's targeted prevention program found that it was effective at reducing rates of homelessness compared to a control group.[34]

The City's shallow subsidy program is not very shallow. In 2022, the City began funding a rental assistance program that provides up to 36 months of assistance to Berkeley households. The program is part of a larger movement towards medium-term "shallow" subsidies, which offer monthly rental assistance for up to a few years. Alameda County's 2021 *Centering Racial Equity in Homeless System Design* report identified shallow subsidies as a solution for households paying more than fifty percent of their income on rent and unlikely to increase their income, but without significant disabilities.[35] That year, Oakland launched a shallow subsidy pilot that is focused on preventing homelessness for people with high cost burdens.[36] Cities such as Los Angeles and the Veteran's Authority (VA) have also recently launched shallow subsidy programs.[37]

[30] "Housing Retention Program," accessed April 25, 2024, https://berkeleyca.gov/community-recreation/affordable-housing-berkeley/housing-retention-program.
[31] Interview with Eric Magaña, Eviction Defense Center
[32] "City Council Report: Item 13 Budget Referral Supplemental Funding" (City of Berkeley, November 7, 2023), https://berkeleyca.gov/ sites/default/files/documents/2023-11-07%20Item%2013%20Budget%20Referral%20Supplemental%20Funding.pdf.
[33] "SF ERAP Program Rules," City and County of San Francisco, accessed April 14, 2024, https://www.sf.gov/information/sf-erap-program-rules.
[34] David C. Phillips and James X. Sullivan, "Do Homelessness Prevention Programs Prevent Homelessness? Evidence from a Randomized Controlled Trial," *The Review of Economics and Statistics*, May 29, 2023, 1–30, https://doi.org/10.1162/rest_a_01344.
[35] "Centering Racial Equity in Homeless System Design" (EveryOne Home, January 2021), https://everyonehome.org/wp-content/uploads/2021/02/2021-Centering-Racial-Equity-in-Homeless-System-Design-Full-Report-FINAL.pdf.
[36] Oakland Shallow Subsidy Pilot. https://www.oaklandfund.org/oakland-shallow-subsidy-housing-pilot/.
[37] "COVID-19 Homeless System Response: Shallow Rental Subsidies" (HUD Exchange), accessed April 5, 2024, https://files.hudexchange.info/resources/documents/COVID-19-Homeless-System-Response-Shallow-Rental-Subsidies.pdf; "Shallow Subsidy Compliance Guide," VA Supportive Services for Veteran Families, November 2021, https://www.va.gov/HOMELESS/ssvf/docs/ Shallow_Subsidy_Compliance_Guide.pdf.

Figure 9: Berkeley's shallow subsidy program is focused on people who are currently homeless

	Berkeley shallow subsidy program	Oakland shallow subsidy pilot	VA shallow subsidy program
Funding limit	Up to $1,800 per month Up to 36 months	Up to $800 per month Up to 18 months	Up to 50 percent of "reasonable" rent Up to two years
Target population	Currently homeless people without significant disabilities	People at risk of homelessness (must be housed to be eligible)	Veteran households with sufficient income to pay, often after participating in RRH
Wrap-around services	Tenancy sustaining services, housing navigation, employment services	Referrals to other service providers	Light case management services

Source: Oakland shallow subsidy pilot; VA Shallow Subsidy Compliance Guide; Berkeley shallow subsidy program documentation

That said, Berkeley's program differs from other programs in some important respects. Unlike Oakland, Berkeley chose to target its program to people who are currently homeless. This difference in prioritization means that the program must provide more wrap-around services and a much deeper subsidy, up to $1,800 per month as opposed to $800 in Oakland.[38] It has also served as a bridge for some people transitioning out of rapid rehousing. The program is relatively small, serving 49 people over the course of 2023.

Basic needs and outreach

There are several day shelters and drop-in centers in Berkeley that provide storage space, shower services, hot meals, and other daily needs for unsheltered people. The drop-in centers that record enrollments in HMIS served nearly 2,000 unique people over the course of 2023, though this total probably include people who are not homeless or live outside of Berkeley.[39] There are also a range of services that address the basic needs of people experiencing homelessness, including medical care, laundry trucks, and hot meals.

The City and nonprofit service providers also conduct street outreach to people who are unsheltered. Some of this outreach is associated with facilities such as the STAIR Center that also provide shelter and case management. In 2023, nearly 600 unduplicated people were enrolled with a street outreach program. There are also several street outreach programs that do not report their data in HMIS, such as an outreach worker employed by the Downtown Business Association.

[38] "Measure P: Contract No. 31900273 Amendment- Bay Area Community Services (BACS) North County Housing Resource Center – Shallow Subsidy Program," November 15, 2022, https://berkeleyca.gov/sites/default/files/documents/2022-11-15%20Item%2008%20Measure%20P%20Contract%20No.%2031900273.pdf; interview with Logan McDonnell and Kelsey Knutson.

[39] The Dorothy Day House drop-in center and the Network of Mental Health Clients drop-in center do not record enrollments in HMIS. In general, drop-in center data should be interpreted with caution.

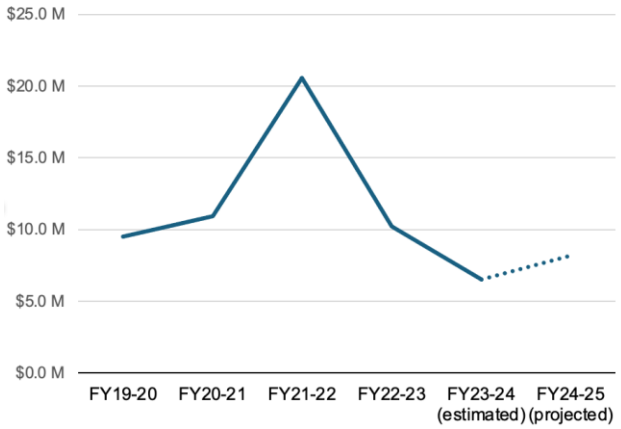
B. The City of Berkeley's current investments in homelessness

The City of Berkeley allocated approximately $35 million in expenditures related to homelessness, housing insecurity, and affordable housing in FY 2023–24. While this was an unusually high level of expenditure, Berkeley generally spends more on housing and homelessness than many other area cities. Fremont, for instance, allocated about $15 million to affordable housing and homelessness in FY 2023–24 despite having about the same number of people experiencing homelessness.[40]

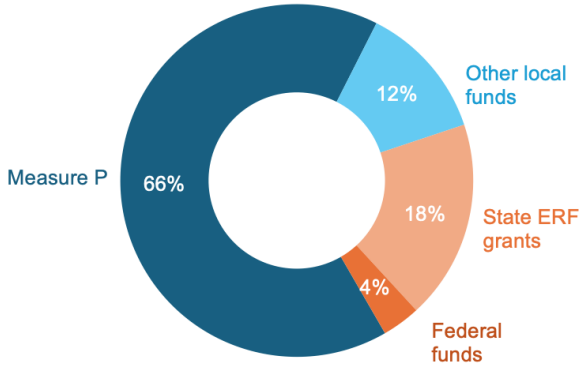
Measure P is the largest source of funding for homelessness services. Voters approved Measure P in 2018, increasing the real estate transfer tax on high-value properties, and City Council dedicated those revenues to services related to homelessness. The measure largely funds community nonprofits to provide services such as shelter, housing assistance, and basic needs, but also pays the salaries of City staff who work in program administration and outreach.

Figure 10: Measure P is the dominant funding source for homelessness services

Measure P revenues, FY 2020 through 2025



Homelessness services fund sources, FY 2024



Source: City budget documents

Measure P made up the largest part of the more than $35 million the City allocated to affordable housing, homelessness services, and tenant supports in the 2023–24 fiscal year. In addition to Measure P, the City uses its Housing Trust Fund and a general obligation bond passed by voters in 2018 to contribute to capital costs for housing that serves homeless people.[41] It also allocates funds from Measure U1, a gross receipts tax on certain rental unit owners, to pay for affordable housing development and homelessness prevention services such as eviction defense.

Berkeley has received multiple rounds of state Encampment Resolution Fund (ERF) grants for non-congregate hotel/motel shelters targeted to people living in specific encampments. The City committed a local one-to-one match for future years of operation for these shelters. The City also allocates federal

[40] City of Fremont adopted operating budget, FY 2023–24: https://www.fremont.gov/home/showpublisheddocument/13972/638295969592101680; City of Fremont PIT Count, 2022: https://everyonehome.org/wp-content/uploads/2022/05/Fremont-PIT-2022-Infographic-Report.pdf

[41] "City Council Report: Item 14 Measure O Bond Impacts on Affordable Housing Development in Berkeley" (City of Berkeley, November 21, 2023), https://berkeleyca.gov/sites/default/files/documents/2023-11-21%20Item%2014%20Measure%20O%20Bond% 20Impacts.pdf.

Community Development Block Grant (CDBG) and Emergency Solutions Grants (ESG) funds to homelessness services.

The City acts as the lead agency on some projects that it does not fund, such as the Winter Respite Shelter funded by the County. These projects are not included in this analysis.

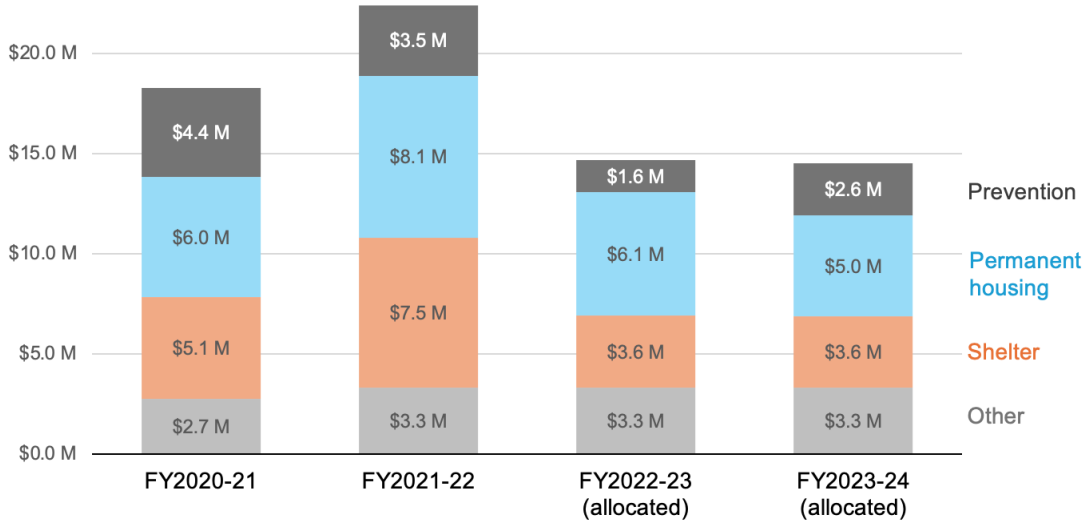
Measure P revenues are not guaranteed in the future. Since its passage, Measure P has generally brought in around $10 million per year, though revenues spiked in FY 2021–22 due to an unusual number of high-value real estate transactions. City staff have estimated that revenues will be lower going forward: $6.5 million in the 2023–24 fiscal year and between $8 million and $9 million in the following years.[42]

Real estate transfer taxes are often highly volatile because they depend on the strength of the real estate market. Revenues are more likely to fall during times of economic strain, when there may be more need for the services that Measure P funds. In addition, Measure P sunsets in 2029 and will need to be renewed by voters.

In 2022, Berkeley voters passed Measure M, a vacancy tax that will tax residential property that is unoccupied for more than half the year. The City estimates that the tax will generate between $3.9 and $5.9 million dollars per year.[43] These revenues will go to the General Fund, though backers have described building and preserving affordable housing as their intended purpose.

The City funds a full range of services, with a plurality of funding going towards permanent housing. City-funded services include permanent housing, emergency shelter, housing navigation, outreach, and basic needs such as medical care and hygiene services.

Figure 11: The City funds a wide range of homelessness services

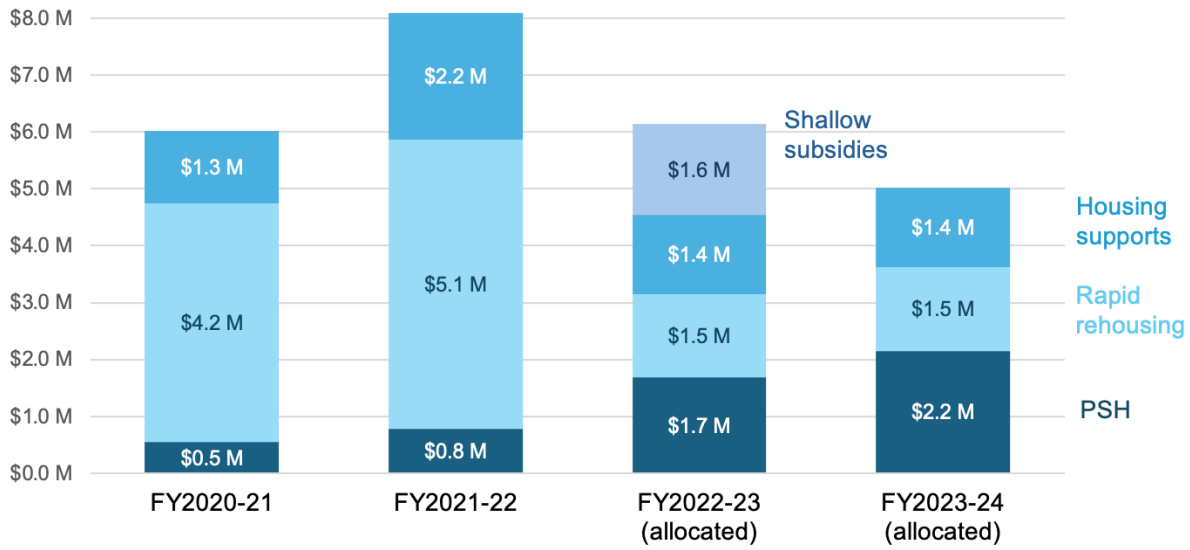


City homelessness budget allocations from Measure P, CDBG, and other local funds. "Other" includes street outreach, basic needs such as storage lockers and street medicine, and administrative costs.
Source: City budget documents

[42] "Measure P: FY25 Recommendations" (Homeless Services Panel of Experts, April 10, 2024), https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/Draft%20Agenda%20Package%20-%2004.10.24%20.pdf.
[43] "Measure M - November 8, 2022 Election," accessed April 15, 2024, https://berkeleyca.gov/sites/default/files/documents/Measure%20M%20-%20November%208%2C%202022%20Election.pdf.

Housing makes up the largest proportion of City homelessness funding. In the FY 2024–25 budget, programs such as permanent supportive housing, rapid rehousing, and housing navigation were about a third of City allocations, with prevention and shelter making up about 20 percent apiece.

Figure 12: City permanent housing expenditures include PSH, RRH, and other supports



City homelessness budget allocations for permanent housing-related services from Measure P, CDBG, and other local funds.. "Housing supports" include housing retention services, case management, and housing navigation.
Source: City budget documents

As described above, the City put dedicated funding into rapid rehousing in FY 2021–22 as part of a temporary program to transition people out of FEMA-funded shelters. Starting in FY 2022–23, the City has expanded its investment in permanent supportive housing projects such as the Step Up Housing project. The City also began funding a shallow subsidies program in 2023.[44]

[44] This allocation was not fully expended during the 2022–23 fiscal year and was rolled over to the following fiscal year.

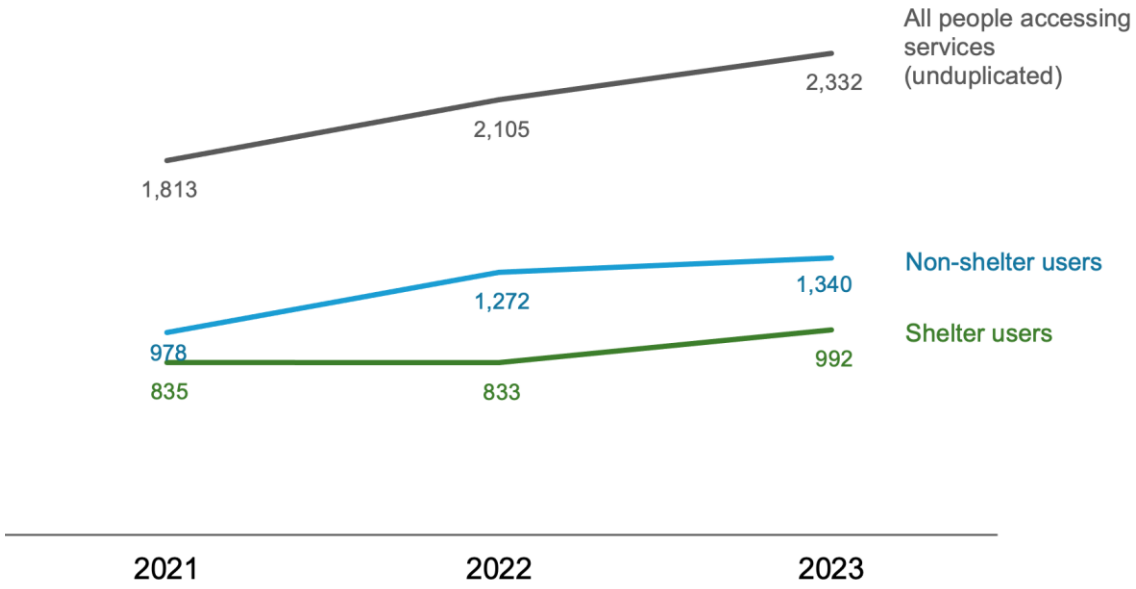
Part III: Homelessness in Berkeley

The purpose of this section is to outline who is homeless in Berkeley and how they interact with the system of care. I use service enrollment data from Alameda County's Homeless Management Information System (HMIS), which tracks people across multiple enrollments and includes demographic information. For the most part, this section focuses on people homeless in Berkeley during 2023, but where feasible I make comparisons to 2021 and 2022.

A. Overview of homelessness in Berkeley

More than 2,000 people in Berkeley accessed services while homeless during 2023. Using HMIS data, I estimate that about 2,300 people experienced literal homelessness in Berkeley during calendar year 2023. This number represents the unduplicated count of people who accessed services located in Berkeley, excluding those enrolled in permanent housing for the entire year and those who did not report that they are homeless.[45] This number translates to about two percent of the city's population experiencing some form of literal homelessness over the course of the year.

Figure 13: More literally homeless people are accessing services in Berkeley



Unduplicated count of literally homeless people accessing services in Berkeley
Source: HMIS

[45] This methodology mirrors the approach used by the State of California's Homelessness Data Integration System, which uses a the following definition of homelessness: "*People are considered to be "experiencing homelessness" at any point in the selected time frame if they: 1) accessed lodging services through Emergency Shelter, Transitional Housing, and/or Safe Haven projects: 2) entered into a permanent housing project from homelessness (i.e., Permanent Supportive Housing, Housing Only, Housing with Services, Rapid Re-Housing); or 3) reported living in a homeless situation (e.g., they are living in a place not meant for habitation, such as a vehicle) at the time they accessed other services."* I also tried an alternative methodology used by Alameda County's Home Together 2026 Strategic Plan to estimate the number of people homeless over the course of the year. This methodology uses the percentage of respondents in the PIT count who reported that they had been homeless for seven days or less and assumes that this is the weekly inflow rate for people experiencing homelessness. In the 2022 PIT Count, 2.4 percent of Berkeley respondents reported being homeless for less than seven days, meaning that about 25 people become homeless in Berkeley every week and 2,385 experienced homelessness over the course of 12 months. This number is slightly higher than the number of literally homeless people in HMIS during 2022 (2,105).

This number is another way of understanding the extent of homelessness in Berkeley, in addition to the more commonly cited Point-in-Time (PIT) Count. The most recent PIT count reported that 1,053 people experiencing homelessness on a single night in January 2022. However, a count at a single point in time do not capture the full impact of homelessness because people cycle in and out of homelessness during the course of the year. The 2024 PIT report is set to be released later this year, but the County used a different methodology for this year's count, which may limit the comparability between 2022 and 2024.

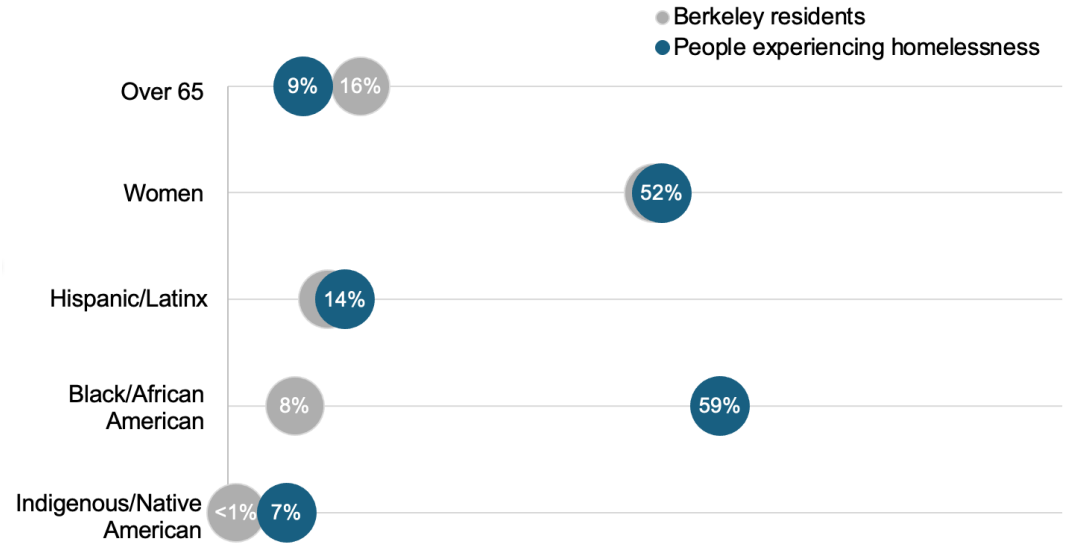
Ultimately, both of these estimates are imperfect. The PIT count is generally understood to be an undercount, especially of unsheltered people, and it is highly dependent on the methodology used and on factors such as weather.[46] HMIS data, on the other hand, may include people who live outside of Berkeley but access services in the city, since HMIS data does not generally include place of residence. It does not include Berkeley residents who experience homelessness but do not access services, a group that we know very little about. Changes how and whether people enroll in services—for instance, due to weather, increased outreach, or provider data practices—can also affect estimates based on HMIS data.

The number of people accessing homelessness services is trending upwards, but a larger proportion is accessing shelter. The number of people accessing services in 2023 represents about an 11 percent increase over 2022. A larger proportion of those people accessed shelter, probably reflecting increased shelter capacity: providers have opened new shelters such as the Inclement Weather Shelter and loosened COVID-era capacity restrictions in congregate shelters. Still, the raw number of people who were homeless and did not access shelter in Berkeley during the year was higher in 2023 than in 2022.

People experiencing homelessness in Berkeley are disproportionately Black and Indigenous. More than six in ten of the people who experienced homelessness during 2023 identified as Black, while Berkeley's general population is less than ten percent Black. Seven percent of people who experienced homelessness during 2023 identified as Indigenous or Native American, a larger proportion than their representation in the general population.

[46] For instance: Darrell Stanley, "Don't Count On It: How the HUD Point-in-Time Count Underestimates the Homelessness Crisis in America" (National Law Center on Homelessness & Poverty, 2017), https://homelesslaw.org/wp-content/uploads/2018/10/HUD-PIT-report2017.pdf; Alistair Boone, "Why Couldn't I Find Any Homeless People in Oakland?," *Bloomberg.Com*, March 4, 2019, https://www.bloomberg.com/news/articles/2019-03-04/the-problem-with-hud-s-point-in-time-homeless-count.

Figure 14: Black and Indigenous people are overrepresented in Berkeley's homelessness system of care



Demographics of people experiencing homelessness during 2023, compared to Berkeley residents in the 2023 ACS
Source: HMIS; US Census Bureau American Community Survey

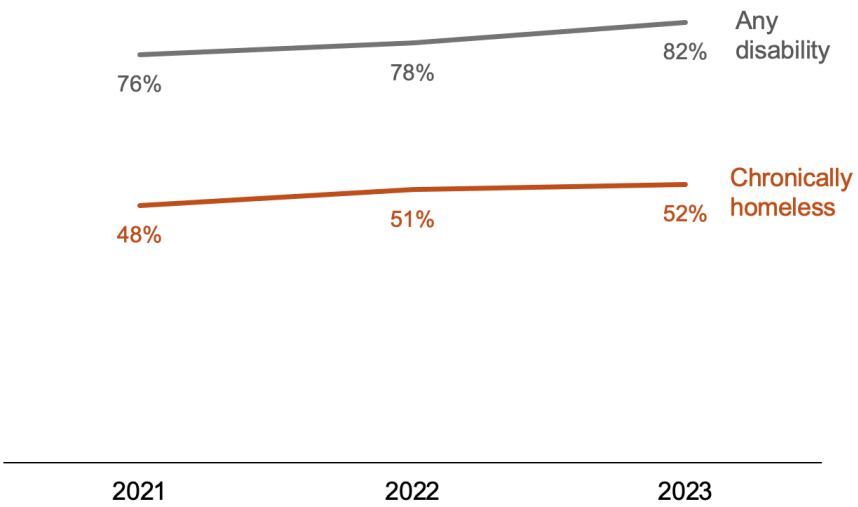
These disparities reflect historical and present institutional racist policies—including redlining and other forms of housing segregation—that make Black and Indigenous people more vulnerable to losing their homes and less able to find help from their networks when they do.[47]

The proportion of people with a disability appears to be trending up over time. Over eight in ten people experiencing homelessness in Berkeley had some type of disability in 2023, including severe mental illnesses (62 percent of all people reporting), physical disabilities (37 percent), and substance abuse disorders (39 percent). The proportion of people with disabilities and the proportion of people who are chronically homeless has increased from 2021 to 2023.[48]

[47] "Homelessness and Racial Disparities," National Alliance to End Homelessness, December 2023, https://endhomelessness.org/ homelessness-in-america/what-causes-homelessness/inequality/; Kate Cimini, "Black People Disproportionately Homeless in California," *CalMatters*, October 5, 2019, http://calmatters.org/california-divide/2019/10/black-people-disproportionately-homeless-in-california/.

[48] A chronically homeless person is defined by HUD someone who has a disability and has been literally homeless for at least 12 months, or on at least four separate occasions in the last three years.

Figure 15: Slightly more have a disability or are categorized as chronically homeless



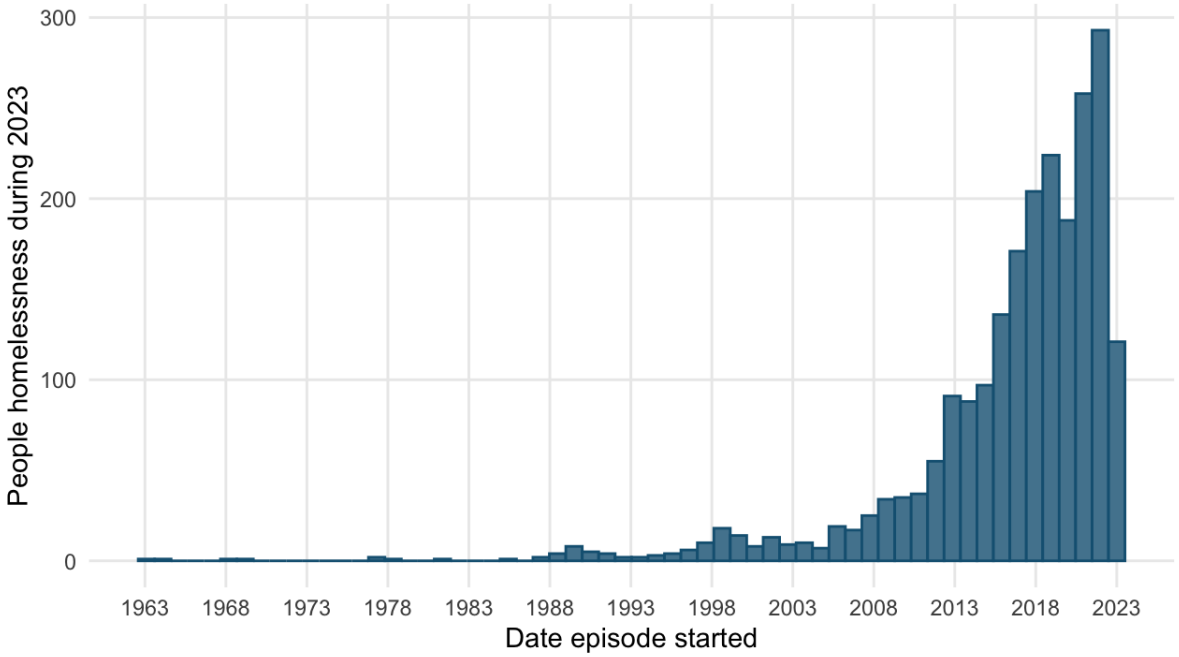
Rate of disability and chronic homelessness among people experiencing homelessness over the course of year
Source: HMIS

Among people who have been assessed for referral to permanent housing, vulnerability scores also trended up. These assessments evaluate risk factors such as disability, past trauma, and past homelessness to match people with permanent housing programs. Higher scores corresponding to higher vulnerability and a greater need for services. The average assessment score of people experiencing homelessness in 2021 was 53.9, which increased to 59.1 among people who experienced homelessness in 2023.[49]

Most people have been homeless for five years or less. About eleven percent of the people homeless during 2023 reported that their episode of homelessness started that year. More than half (54 percent) reported that their episode of homelessness had started at some point since January of 2019. A small number of people in Berkeley have been homeless for decades.

[49] For people who have been assessed multiple times, this analysis uses the average of their scores.

Figure 16: Most people report that their homelessness started five years ago or less



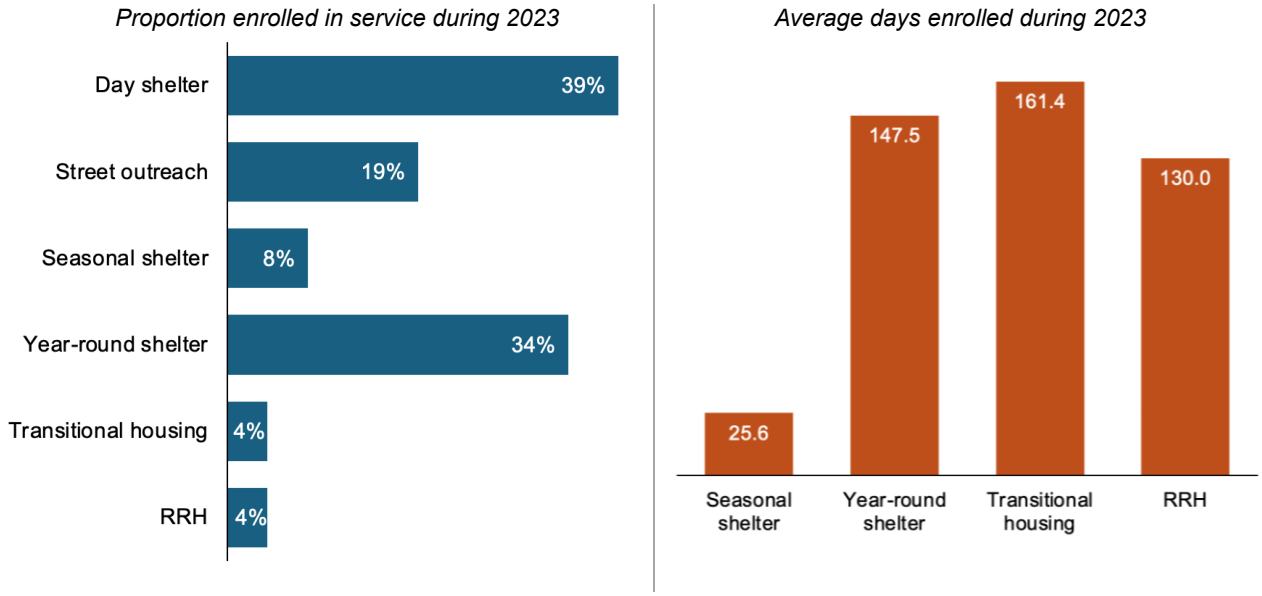
Year episode of homelessness started among people homeless during 2023.
Source: HMIS

The number of people who reported becoming homeless in 2020 is lower than the number of reported becoming homeless in 2019 or 2021, possibly reflecting COVID-era shelter-in-place orders and policies that prevented evictions.

Most people experiencing homelessness in Berkeley are single adults. About 76 percent of people accessing services in Berkeley during this period were in single-person households, and an additional nine percent were in two-person households. Nearly nine in ten households were single adults.

Many people have only brief connections to the homelessness system of care. Most people—about 66 percent—enrolled in services only once between January 2021 and December 2023. More than a third of people experiencing homelessness during this period appeared at a day shelters or drop-in centers, where people access basic needs during the day and eat a hot meal. About 24 percent of people counted appeared only once at a drop-in center.

Figure 17: Service access among people experiencing homelessness in Berkeley



Left: Proportion of people experiencing literal homelessness during 2023 who enrolled in program type.
Right: Average days enrolled in program type during 2023 among people who enrolled.
Source: HMIS

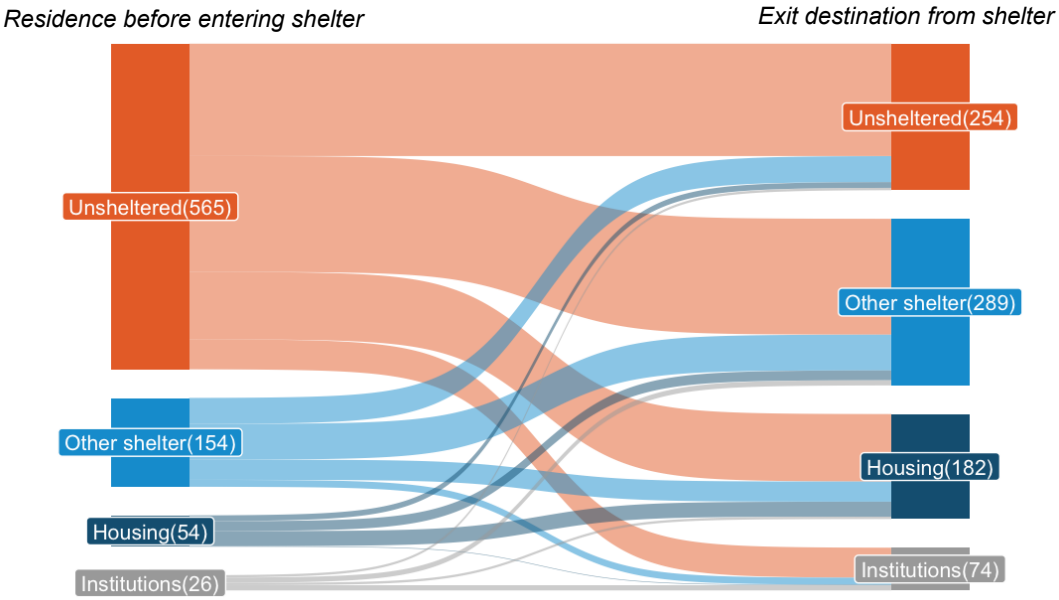
That said, enrollments in shelter tend to be lengthier: the average person who enrolled in year-round emergency shelter during 2023 spent nearly five months there.

B. Unsheltered homelessness in Berkeley

Many people who access shelter also spend time unsheltered. Of the 2,300 people who accessed services in the City of Berkeley in 2023, 992 accessed emergency shelter or transitional housing at some point over the course of the year—about 42 percent. The remaining 58 percent of people captured by the data may have accessed services such as case management, street outreach, or drop-in centers while unsheltered, or may have entered a permanent housing program directly from unsheltered homelessness. Some may have accessed services and shelter outside of Berkeley's borders.

Many of the people who *did* enroll in shelter or transitional housing at some point during the year also spent time unsheltered. Of year-round shelter enrollments during 2021–2023, seventy percent came from unsheltered homelessness and 17 percent exited to unsheltered homelessness. Including seasonal shelters, more than a third of the emergency shelter exits during 2021–2023 were to unsheltered homelessness.

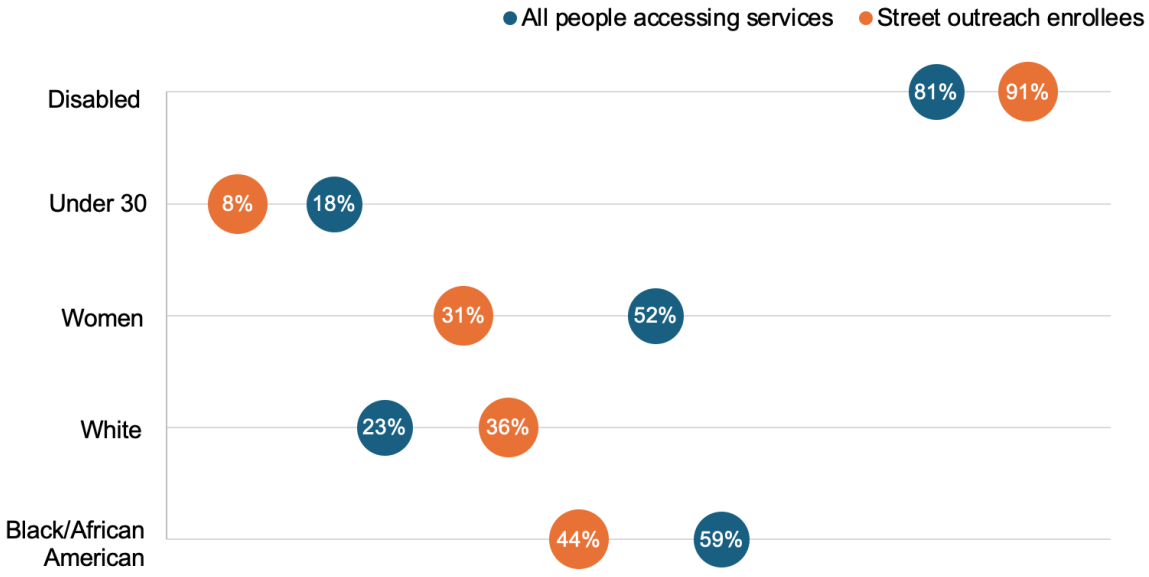
Figure 18: Many people move between sheltered and unsheltered homelessness



Prior residence and exit destination of shelter enrollments, 2021–2023 (year-round shelters only)
Source: HMIS

Unsheltered people in street outreach programs are more likely to be over thirty, male, and white. It is challenging to get accurate data about people who are unsheltered, since they are by definition less connected to services. People enrolled in street outreach programs is one imperfect approximation of the population that spends significant time unsheltered, though they probably do not capture people who spend only a short amount of time on the street before entering shelter or self-resolving.

Figure 19: Street outreach enrollees are more likely to be over thirty and male



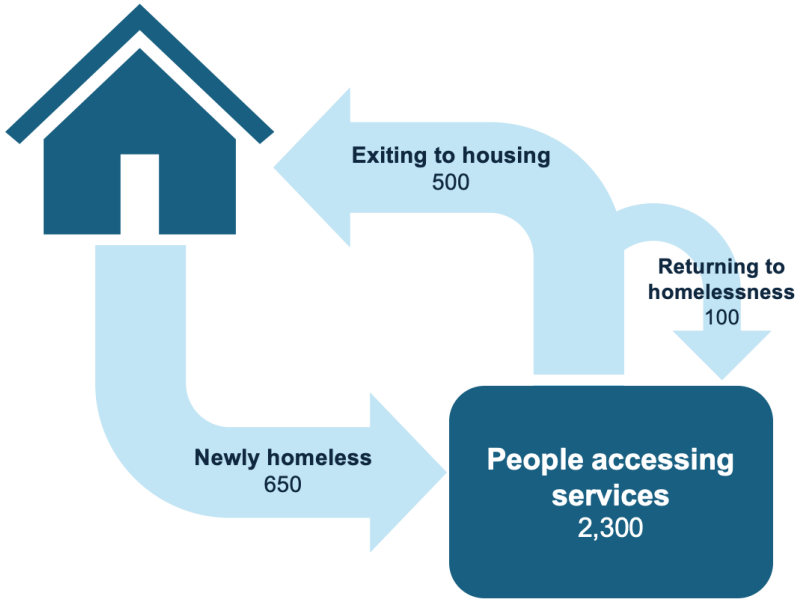
All people accessing services during 2023 vs. people enrolled in a street outreach program during 2023
Source: HMIS

More than nine in ten people enrolled in street outreach programs reported having some kind of disability. This group was also older on average and more likely to be white and male. They were more likely to spend time in seasonal shelter, probably reflecting that they are more vulnerable to weather.

Part IV: Inflows and Outflows

The purpose of this section is to examine homelessness in Berkeley at the system level. Largely using service data from HMIS, I estimate the rate of inflow into homelessness, the rate of exits to housing, and the number of people who fall back into homelessness soon after exiting. Where possible, I explore the demographics and needs of the people in Berkeley moving between homelessness and housing using both HMIS and PIT data.

Figure 20: More are entering or returning to homelessness than exiting, according to HMIS data



Estimated inflows to and outflows from homelessness in Berkeley during calendar year 2023
Source: HMIS

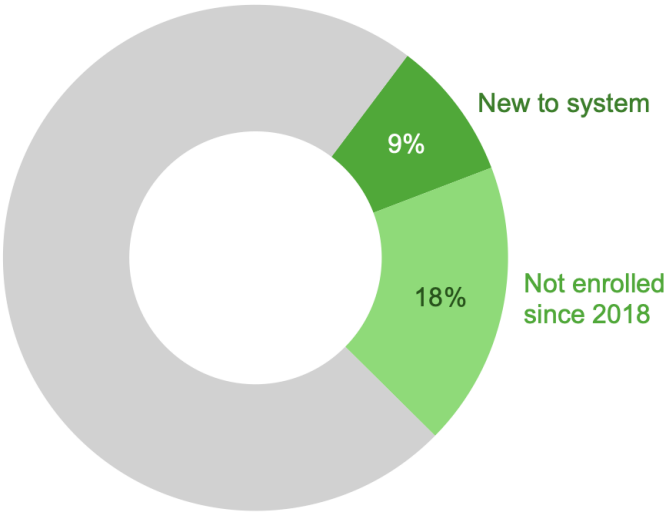
Figure 20 shows estimates of the number of people over the course of 2023 who entered homelessness, exited homelessness, and returned to homelessness within a year. These numbers should be thought of as very rough approximations due to the limitations of HMIS and PIT data, but give a sense of the scale movement in and out of homelessness over the course of the year in Berkeley.[50]

A. Inflows to homelessness

About a quarter to a third of the people who experienced homelessness during 2023 had been out of the homelessness system for at least five years. Of the approximately 2,300 people who were enrolled in a Berkeley program during 2023, 26 percent had not been enrolled in homelessness services in Alameda County at any point since 2018. 201 had never been recorded in an Alameda County homelessness program before—translating to about nine percent of people accessing services in 2023.

[50] The number of newly homeless people is the number of people enrolling in services during 2023 who had not previously been enrolled in Alameda County since 2021. The number of people exiting to housing is the number who are recorded existing from Berkeley programs, plus an estimated ten percent who self-resolve or leave the area every year. The number of people who return to homelessness within a year is twenty percent of those who exit, based on the numbers in Part IV (C).

Figure 21: A quarter of people enrolled in 2023 had not accessed services for at least five years



Among literally homeless people enrolled in services during 2023, .
Source: HMIS

It should be noted that availability and daily needs affect how people access services. For instance, the number of people returning to services in Berkeley after time away increased notably during the winter months in 2022 and 2023, when weather may have driven more people indoors.

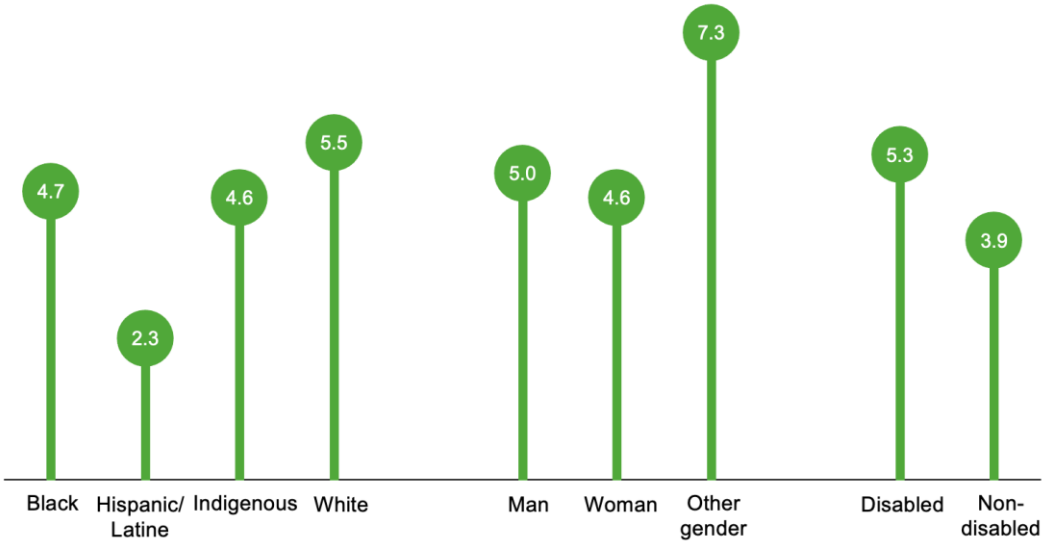
The homelessness response system doesn't always catch people early in their episode of homelessness. People who were new to the system often reported that their episode of homelessness started well before they first enrolled in a program—a median of 268 days for people who first enrolled in 2023. About four in ten of the people new to the system in 2023 were designated as chronically homeless.[51] This means that there are limitations to using this measure as an up-to-date indicator of inflows into homelessness, and that people are spending weeks or months unsheltered before accessing services.

Hispanic people are especially likely to be new to homelessness. More than six in ten Hispanic/Latine people experiencing homelessness during 2023 reported that their episode of homelessness had started sometime since January 2021, compared to about a third of people experiencing homelessness overall.[52]

[51] A chronically homeless person is defined by HUD someone who has a disability and has been literally homeless for at least 12 months, or on at least four separate occasions in the last three years. Some of the delay in enrollment can be explained by the data practices used by providers. For instance, street outreach teams often spend months building relationships with unsheltered people before enrolling them in their programs.

[52] There are also disparities when it comes to people who have been homeless for a long time. Nearly three in ten of white people accessing services during 2023 reported that their episode of homelessness started ten or more years ago, as opposed to 19 percent of people of color. Older people, people with disabilities, and people who identify as a gender other than male or female are also more likely to have been homeless for more than ten years.

Figure 22: The median episode of homelessness is shorter among people of color



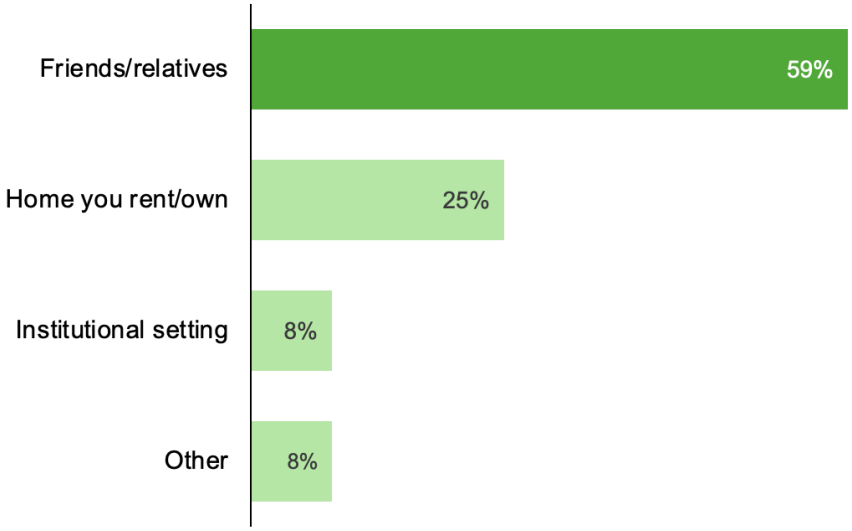
Median length of time in years between self-reported date episode started and Jan.1, 2024, among people accessing services during 2023
Source: HMIS

The racial disparities in Berkeley's homeless system of care reflect racial disparities in the population of people most at risk of falling into homelessness in the Bay Area. For instance, more than a quarter of Bay Area residents who are Black live in a household with an extremely low income, meaning that they make less than 30 percent of area median income (AMI).[53]

Most people experiencing homelessness were living with friends and relatives before becoming homeless. Nearly six in ten people experiencing homelessness in Berkeley in the 2022 PIT count reported that their most recent residence before becoming homeless was a home owned or rented by friends or relatives.[54] Less than a quarter had lived in a home they themselves owned or rented, where they were likely to have lease or other formal protections. This reflects that many people do not immediately enter a shelter or live on the street after being evicted or losing formal housing. Instead, they first double up with friends and family, then exhaust other options in a "gradual descent" towards literal homelessness.[55]

[53] Reid, "On the Edge of Homelessness: The Vulnerability of Extremely Low-Income Households in the Bay Area."
[54] "2022 Homeless Survey Findings by County and Jurisdiction" (ASR), accessed April 25, 2024, https://public.tableau.com/app/profile/asr1451/viz/TableauAlamedaCounty-HDXandSurveyData/CityHDX.
[55] Kushel and Moore, "Toward a New Understanding," p. 19.

Figure 23: Most homeless people in Berkeley report that they last lived with friends and family



Reported last residence before becoming homeless among Berkeley respondents
Source: 2022 PIT Count

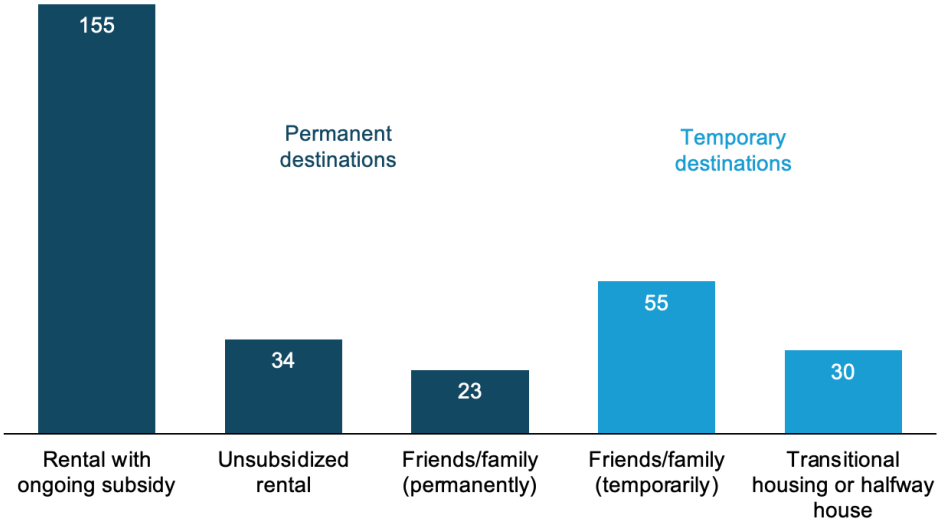
About two-thirds of the people homeless in Berkeley surveyed in the 2022 PIT count reported that they had last lived in Alameda County before coming homeless. This figure is somewhat lower than among the County overall (82 percent), possibly reflecting that Berkeley is close to the border with Contra Costa County. [56]

B. Exits from homelessness

About 300 people exited Berkeley's homelessness programs to housing during 2023. During 2023, 215 people exited from Berkeley programs to permanent housing, and an additional 85 people exited to temporary housing situations.[57]

[56] "2022 Homeless Survey Findings by County and Jurisdiction" (ASR).
[57] This figure includes exits from year-round emergency shelter, temporary housing, and rapid rehousing programs. It excludes exits that are purely administrative, such as transitioning a shelter from one provider to another. For people with multiple exits during 2023, it counts only the last exit during the year.

Figure 24: Most exits are to subsidized housing or friends and family



Housing destinations of exits from shelter, transitional housing, and rapid rehousing homelessness during 2023
Source: HMIS

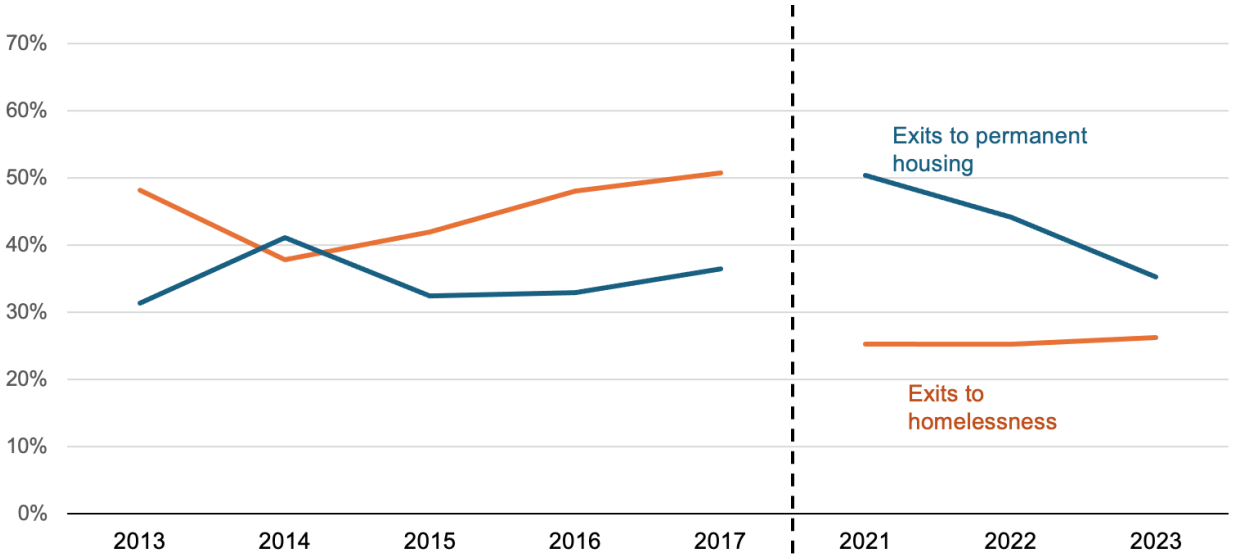
The vast majority of the permanent housing exits were to a rental with an ongoing housing subsidy (72 percent), which could include short-term subsidies, permanent supportive housing, below-market-rent housing, or a federal Housing Choice Voucher. About 16 percent exited to a rental with no ongoing subsidy, and 11 percent were planning to stay with family or friends.

In addition to the exits represented in these figures, there may be additional people who "self-resolve," or exit homelessness without assistance from a program. These exits are often not captured by HMIS enrollment data because people who self-resolve may spend little or no time enrolled in programs.

Berkeley is moving more people into permanent housing compared to before the pandemic. Of all of the exits from year-round shelter, transitional housing, or rapid rehousing between 2021 and 2023, 28 percent were to homelessness and 32 percent were to permanent housing. In 2017, about half of exits were to homelessness.[58]

[58] "City Council Report: Item 24 Referral Response: 1000 Person Plan," March 26, 2019, https://berkeleyca.gov/sites/default/files/documents/2019-03-26%20Item%2024%20Referral%20Response%20%201000%20Person%20Plan.pdf. The numbers reported here are slightly different than the numbers included in the original report. I removed exits from seasonal shelters and counted only the last exit per client per year so that the numbers would be comparable across years.

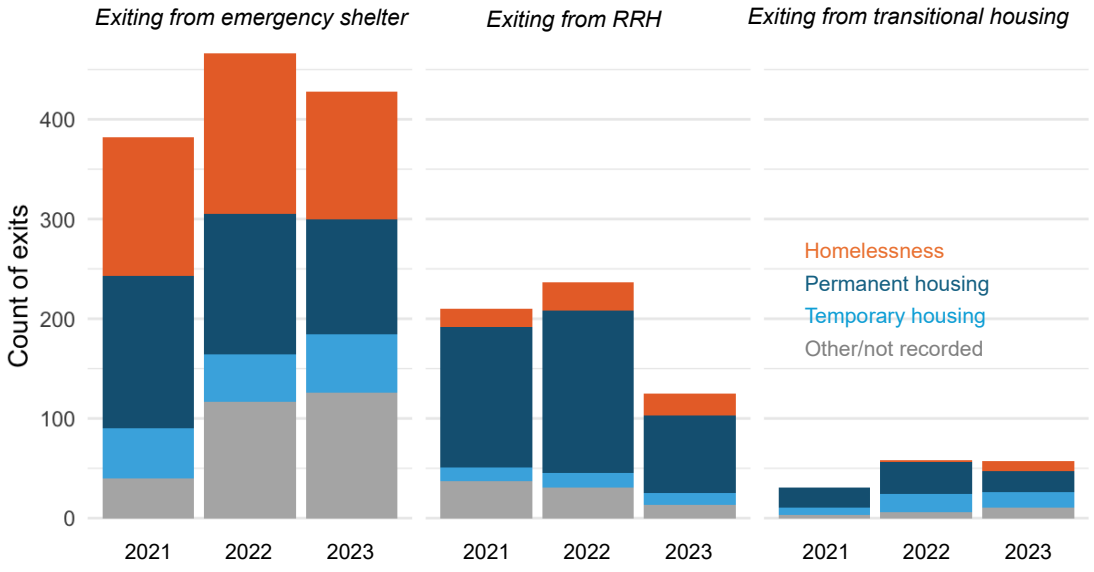
Figure 25: Fewer exits from Berkeley programs are to homelessness compared to pre-pandemic…



Percentage of exits from year-round ES, RRH, and TH to homelessness and permanent housing destinations. For clients with multiple exits per year, counts the last exit only.
Source: HMIS

Fewer people are exiting to housing compared to 2021 or 2022, but it's unclear whether more are exiting to homelessness from Berkeley programs. Nearly half of exits were to permanent housing in 2021, but this rate fell to about a third in 2023. This reduction was partially driven by the end of the temporary program intended to transition people out of FEMA emergency shelters, which lasted through 2021 and 2022. That said, there also more people exiting from emergency shelter without providing information about where they were going, which may also represent more people exiting to homelessness.

Figure 26: …but fewer people are exiting to permanent housing over last two years



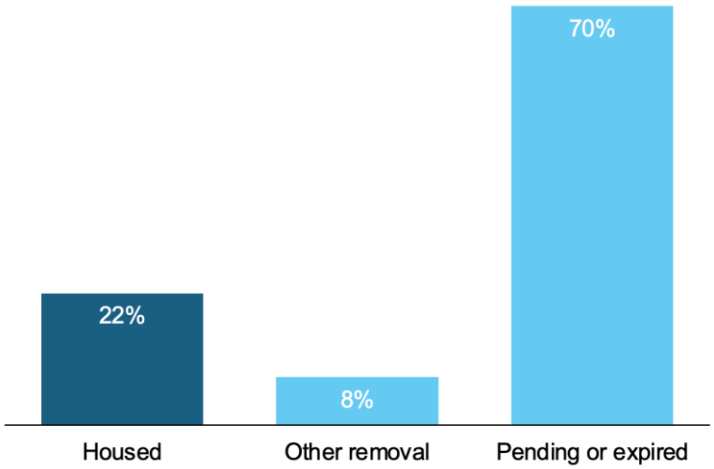
Counts of exits from year-round ES, RRH, and TH to homelessness and housing destinations, 2021–2023. For clients with multiple exits per year, counts the last exit only.
Source: HMIS

Non-disabled people are more likely to exit to housing. The people exiting to permanent housing from Berkeley programs are less vulnerable on average compared to people exiting to homelessness. They are less likely to have a disability and less likely to be chronically homeless, though these figures are still 75 percent and 50 percent, respectively. People exiting to housing are also more likely to be Black (64 percent). This pattern is likely related to the fact that rapid rehousing has the most exits to housing and also serves people with fewer vulnerabilities.

People wait more than nine months on average before they get into permanent housing programs. Berkeley residents experiencing homelessness access permanent housing programs through the county-wide Coordinated Entry system. Once a household joins the housing queue, the system matches them to openings based on their level of need and likelihood of success in the program. Many people exit homelessness without ever going through Coordinated Entry, but it is the sole entry point to programs such as rapid rehousing and permanent supportive housing.

Since July 2022, people in the north Alameda County region who were referred into a permanent housing program spent an average of 280 days, or about nine months, on the housing queue.[59] One year after their initial referral to the queue, less than a quarter of had been housed, while about seven in ten were pending or had their referral expire.[60]

Figure 27: Less than a quarter are housed after a year on the queue



Status 365 days after referral was made, July 2022 – March 2024
Source: HMIS

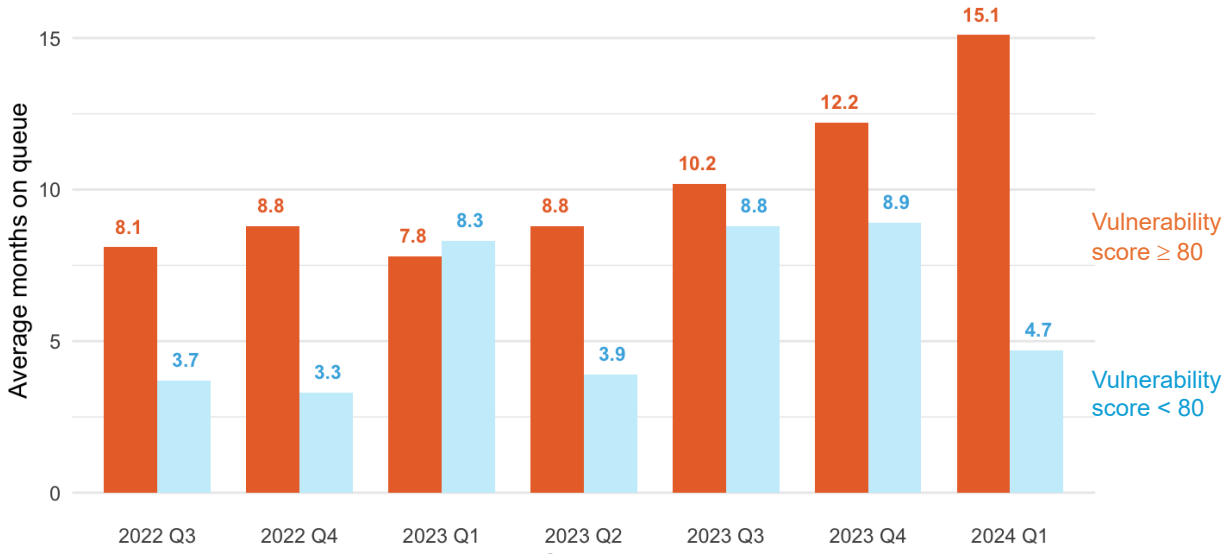
Vulnerable people on the housing queue are stuck in a bottleneck. Over nine in ten people who spent time on the housing queue between July 2022 and March 2024 reported having some type of disability,

[59] The North County region includes Berkeley, Albany, and Emeryville. I excluded people who were housed before July 2022 because the Coordinated Entry system changed its assessment methodology in July of 2021, which required staff to re-refer people to the housing queue and artificially reduced wait times.
[60] Referrals expire if the person is inactive with the system for six months, often because they are out of contact with providers. People in the "other removal" category were removed from the queue for some other reason, including passing away, moving out of the area, or finding their own housing.

and 70 percent were chronically homeless. About seven in ten had a vulnerability score above 80, which is the current threshold of eligibility for permanent supportive housing.[61]

People with higher vulnerability scores spend more time on the housing queue on average. Between July 2022 and March 2024, a person housed from the queue with a vulnerability score above 80 waited an average of 295 days, or about ten months, while a person with a score below 80 waited 237 days. This disparity is more extreme taking into account the fact that people with lower vulnerability scores may have other paths off of the housing queue. They are more likely to be removed from the queue for reasons like moving out of the area or self-resolving, or because their referral lapses.

Figure 28: People with higher needs tend to wait longer on the housing queue



Average wait time in months for people removed from queue during quarter (calendar years)
Source: HMIS

Paperwork challenges also contribute to wait times. Providers report that there are also logistical roadblocks to moving through the queue. Many permanent housing programs require documentation of income, identity, and chronic homelessness status—all of which are challenging to obtain, especially for someone who is unsheltered. The barrier of being "doc ready" may contribute to the longer wait times for high-need people who are less able to manage the process of obtaining documentation. They may also contribute to the number of lower-needs people who become frustrated and disengage with the process, leading to expired referrals.

Taken together, these factors mean that the housing queue is largely composed of people with high needs, pointing to a serious lack of resources appropriate to this population. Of the 632 people with pending referrals as of the date of this analysis, 96 percent had a disability and 77 percent were chronically homeless.

There are racial and gender differences in how people move through the housing queue. People with vulnerability scores over 80 were more likely to identify as male (64 percent), more likely to be white (33 percent) and less likely to be Black (49 percent). Black women made up nearly a third of people in the lowest quartile of vulnerability scores (below 75).

[61] People can be assessed multiple times over the course of their time in the queue. This analysis uses the most recent acuity score associated with the referral.

Based on street outreach data, people who are long-term unsheltered in Berkeley are also more likely to be white and male than the general population of people experiencing homelessness. It may be the case that Berkeley residents of color have less of a safety net and are more vulnerable to homelessness even when their needs are not as acute, while white people must experience more serious problems before they end up on the streets. Researchers have found racial bias in one assessment used by Continua of Care to match people with resources, though a 2020 analysis as part of the County's *Centering Racial Equity* report found no racial disparities in their custom prioritization tool. [62]

In the context of Berkeley's homelessness system of care, people who receive lower assessment scores may get off of the housing queue faster—but they receive short-term housing resources with less support than the permanent supportive housing that people with higher scores are waiting for.

C. Returns to homelessness

About one in five exits return to homelessness within a year. Of the people who exited to permanent housing during 2021 and 2022, 19 percent came back to homelessness services in Alameda County within a year. About ten to fifteen percent return within six months across the years covered in the data.[63]

Figure 29: About one in five who exited homelessness during 2021 returned within a year

Proportion of people who exited during 2021 who had returned to homelessness services at each time period
Source: HMIS

Older people and people with disabilities are more likely to return to homelessness. People with disabilities were also more likely to return to homelessness, especially people with substance abuse

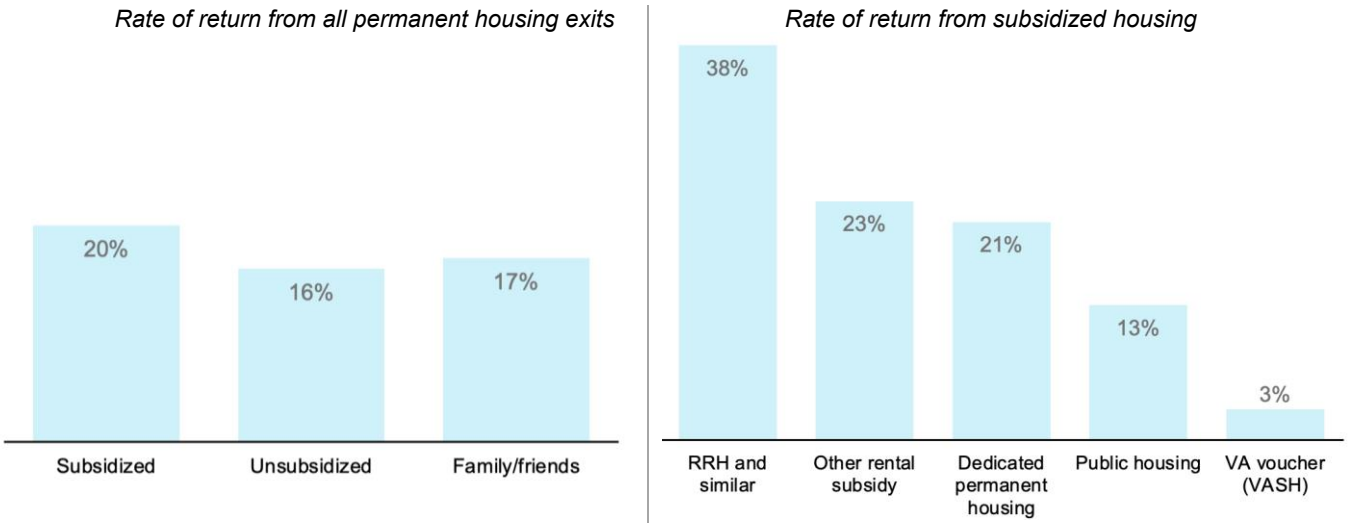
[62] Catriona Wilkey et al., "Coordinated Entry Systems: Racial Equity Analysis of Assessment Data" (C4 Innovations, October 2019), https://c4innovates.com/wp-content/uploads/2019/10/CES_Racial_Equity_Analysis_2019-.pdf; "Centering Racial Equity in Homeless System Design," p. 12.

[63] HUD's system performance measures do not count returns to projects other than emergency shelter, transitional housing, safe havens, and permanent housing, so these numbers are not totally comparable to those reported in other communities.

disorders (28 percent). Of the people who returned to homelessness within a year, six in ten were chronically homeless.

People exiting to rapid rehousing were most likely to return to homelessness. People exiting to unsubsidized housing, or to family and friends, were about as likely to return to homelessness as people with some kind of subsidy.[64] There was variation in the rate of return among different types of subsidy. More than a third of people who exited to rapid rehousing or equivalent subsidies returned to homelessness within a year, compared to just two percent of people who received a Veterans Affairs Supportive Housing (VASH) voucher.

Figure 30: A third who exit to RRH return within a year



Proportion of people who exited during 2021 and 2022 to each destination who had returned to homelessness services within 365 days. Excludes people who exited to housing that they own (n < 10).
Source: HMIS

The higher rate of returns among RRH recipients is partially related to pandemic-related programs. The City and County ran a short-term RRH program to transition people out of FEMA shelters opened during the pandemic. However, even when excluding people who were exiting from FEMA shelters, the rate of return for RRH was 29 percent.

That said, these numbers should be interpreted with caution. Providers have different standards for how they categorize exit destinations and generally have no way of verifying that the person who reports exiting to a subsidized housing program actually enrolls. More research would be needed to determine why people who are recorded as exiting to rapid rehousing appear to be returning at higher rates.

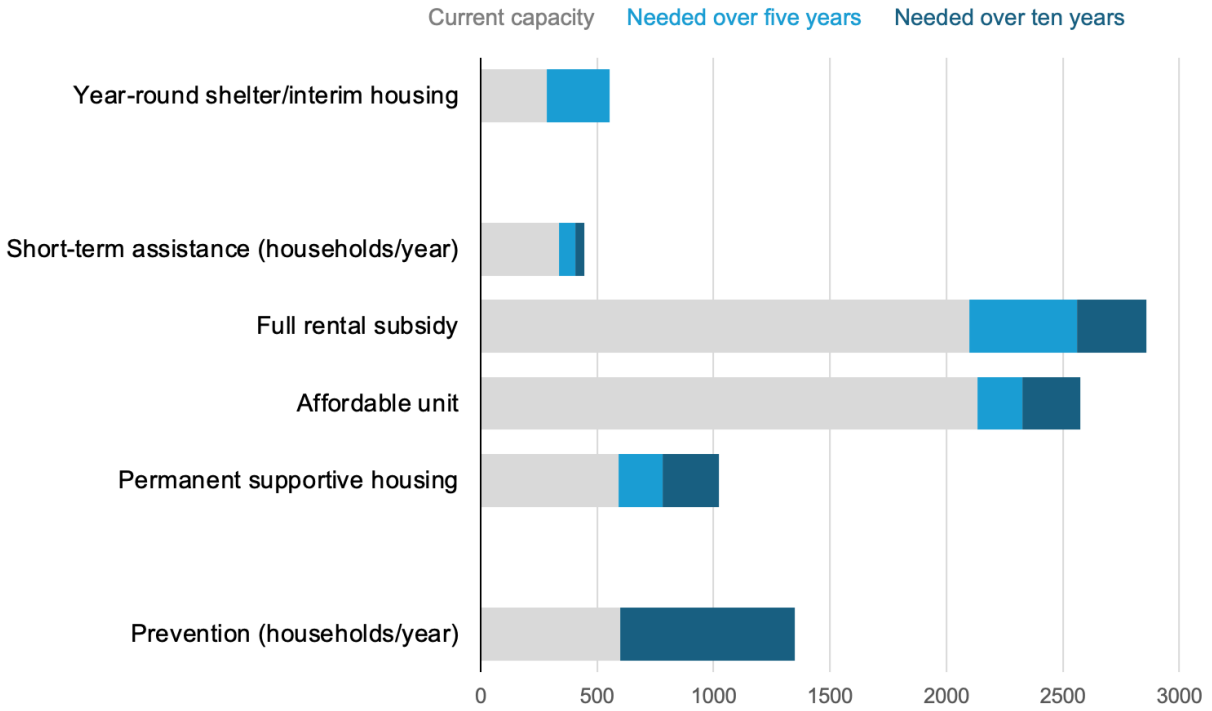
[64] About three-quarters of exits to permanent housing were to a subsidized rental unit.

Part V: Modeling Future Investments

The following section describes modeling that projects what it will take for Berkeley to achieve a rapid reduction street homelessness. The model, which was developed by All Home, estimates the number of additional interim housing units, permanent housing solutions, and prevention interventions required to reduce unsheltered homelessness by 75 percent in five years, and to maintain those reductions for an additional five years. More detail about model methodology can be found in Appendix B.

Berkeley will need sustained investments across prevention, permanent housing, and interim shelter to reduce unsheltered homelessness. Figure 31 shows that Berkeley will need significant expansions in the capacity of the homelessness system of care in order to achieve reductions in unsheltered homelessness.[65]

Figure 31: Projected capacity requirements to achieve 75 percent reduction



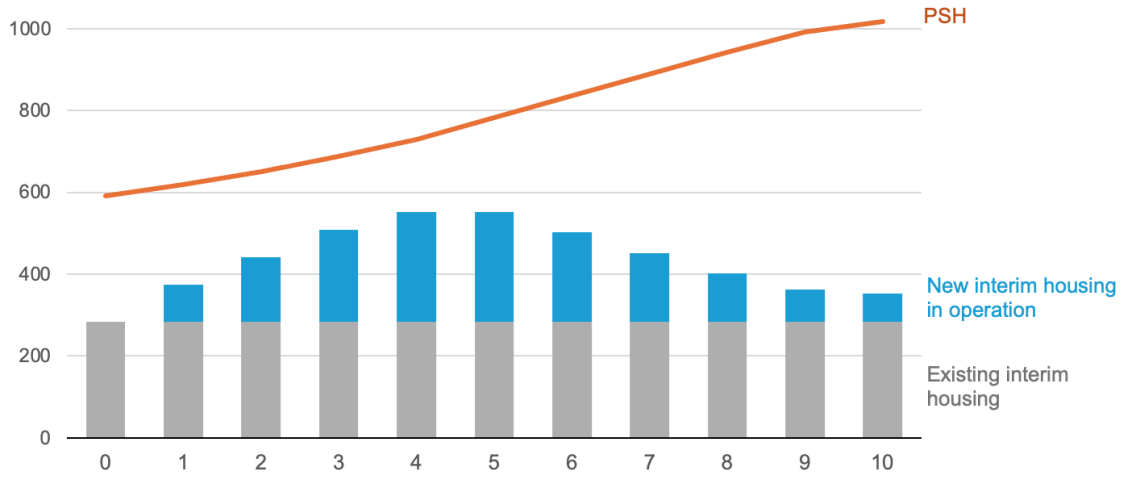
Projected expansions within five years (light blue), and additional expansions over the following five years (dark blue), to achieve and maintain a 75 percent reduction in unsheltered homelessness in Berkeley. Prevention and short-term assistance numbers represent the additional people served each year for the entirety of the period.
Source: All Home Housing Gap Analysis; 2023 HIC; HMIS; City budget documents

These investments are interrelated. Without including expanded prevention services in the modeling, substantially more interim and permanent housing would be required to reach the same unsheltered reduction goals. Shelter and interim housing play a larger role during the first five years, given the time required to build affordable housing, but they are less necessary as permanent housing solutions come

[65] The model projections are intended to provide a general sense of costs and do not map perfectly onto Berkeley's existing programs. The "current capacity" numbers in Figure 31 reflect the number of year-round ES, TH, and SH beds in the 2023 HIC; the number of RRH slots and PSH beds in the 2023 HIC; the number of Housing Choice Vouchers allocated to the Berkeley Housing Authority; the number of HTF and BMR units in Berkeley; and the number of households served by prevention services in FY 2023 plus the number of households served by flex funds/navigation that were housed at the time they enrolled.

online. In the long term, permanent housing investments are necessary to maintain reductions in unsheltered homelessness. This dynamic can be seen in Berkeley's present: while the city is sheltering a larger proportion of the homeless population than in years past, the number of unsheltered people continues to grow because of the overall increase in people experiencing homelessness. More detail about projected needs can be found in Appendix C.

Figure 32: Expansions in permanent housing allow decommissioning shelter beds

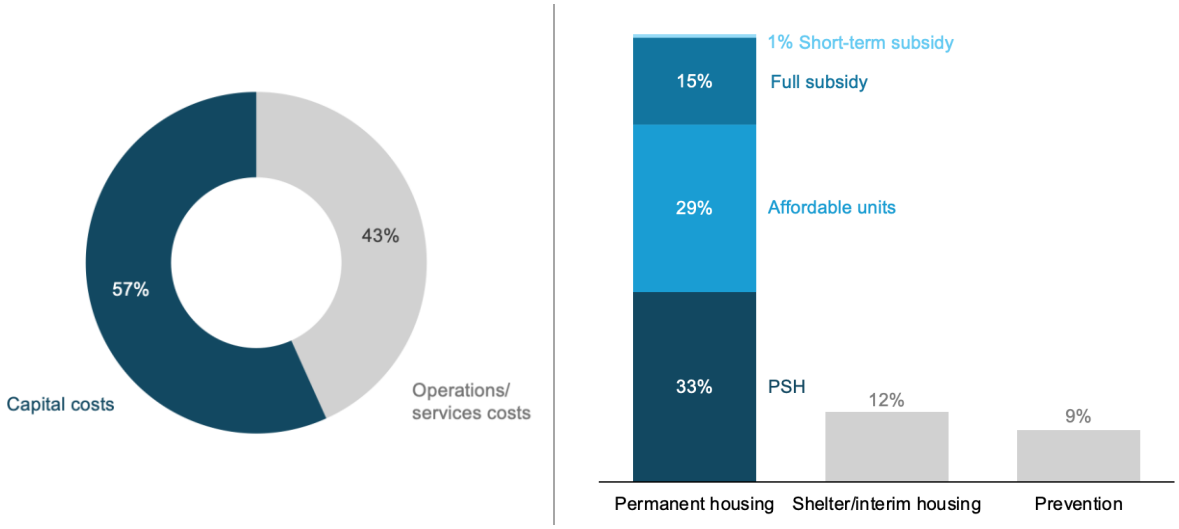


Projected shelter bed/IH unit needs and permanent supportive housing supply
Source: All Home Housing Gap Analysis; 2023 HIC

Preventing people from falling into homelessness is key to limiting the number of people who need other types of interventions. Berkeley served about 450 households with eviction prevention services in FY 2022–23 and served an additional 150 housed people with flex funds and housing navigation. All Home's model estimates that Berkeley will need to more than double this capacity, serving 750 additional households with targeted prevention each year in order to limit inflow and minimize the pressure on shelter and permanent housing resources. This estimate takes into account the challenges of targeting homelessness prevention: not everyone who receives assistance would have otherwise become homeless, but it is impossible to predict who is most vulnerable with complete accuracy.

The model anticipates costs of about $300 million over five years. This expansion in services would require significant new resources in addition to what the city, county, state, and federal governments are currently spending on homelessness services and housing. Berkeley allocated over $30 million for homelessness services and capital expenditures in FY 2023–24, a record level of spending that is unlikely to be sustained with current revenues. The projected need would require an additional $75 million per year on average, though this spending would not solely come from City coffers.

Figure 33: Most spending over ten years would be on permanent housing solutions



Percentage of projected spending over ten years
Source: All Home Housing Gap Analysis

About eighty percent of the funds spent over ten years would be for permanent housing and a majority would go to capital costs. The model includes only the development costs typically borne by local governments in development, subtracting out the funding that these projects typically receive from LIHTC and other sources.

Part VI: Discussion

By signing on to the All Home Regional Action Plan, the City has already committed to an "all of the above" strategy, acknowledging that addressing unsheltered homelessness requires investments in shelter, prevention, and permanent housing solutions simultaneously.

Reducing unsheltered homelessness will require more investments than what the City can fund with current resources. According to All Home's system modeling, reducing unsheltered homelessness by 75 percent will require about $300 million in additional spending over five years and over $750 million over ten years, corresponding to about $75 million each year. If the City took on all of the additional spending to achieve this reduction, that would translate to more than tripling the amount the City spent on housing, shelter, and services in FY 2023–24, or redirecting about ten percent of the City's budget that year.

More urgently, there is a real risk that Berkeley will not be able to maintain its current momentum with existing funding sources. Berkeley has made enormous strides in expanding its homelessness system of care in the past few years, in partnership with new programs at the state level and a robust federal COVID response. However, the City is now bumping against the limitations of local funding sources, the end of pandemic-era programs, and state budget woes.

In the following section, I discuss the likely effects of allowing present trends to continue and analyze potential investments Berkeley could make to tackle unsheltered homelessness. To evaluate these alternatives, I use the following criteria:

- **Effectiveness at reducing unsheltered homelessness.** Reduces the number of people experiencing unsheltered homelessness in the city of Berkeley.
- **Effectiveness at reducing homelessness overall.** Reduces the number of people experiencing homelessness, whether sheltered or unsheltered.
- **Equity, especially racial equity.** Does not leave the people with the greatest needs behind and addresses racial disparities in homelessness.
- **Fiscal sustainability.** Can be sustained in the long term with resources realistically available to the City; aligns with funding and priorities at the state and federal level.

A. Impacts of maintaining current trends

Without additional action, Berkeley's response to unsheltered homelessness over the next five years will likely be characterized by an increasing, but still inadequate, supply of permanent supportive housing (PSH) and a shelter system slowly moving towards more non-congregate beds.

That said, this outlook is far from assured. Much of Berkeley's current progress in opening new non-congregate shelter has been paid for through state Encampment Resolution Fund grants, a program that is at risk as the state legislature considers cuts to homelessness services.[66] With Measure P revenues

[66] State leaders have considered cuts to homelessness programs during this year's early budget negotiations process. Jeannie Nguyen, "Housing advocates call for no budget cuts toward solving homeless crisis in California," April 4, 2024, https://www.abc10.com/article/news/local/sacramento/california-budget-homeless-crisis/103-95d0f191-9cb8-4149-9ad4-c8fcfc215924

falling, temporary COVID-related eviction prevention funding could be among the services cut to balance the budget.

Effectiveness. Berkeley has seen more people enter homelessness than leave it over the last several years, pointing to a system that is not keeping up with the need. Without further action, the city will continue to see the number of people experiencing homelessness increase. These trends could accelerate if Berkeley pulls back on funding for homelessness prevention.

Berkeley's recent expansions in shelter capacity have increased the proportion of homeless people in Berkeley who access shelter. However, the raw number of non-shelter users has increased as the number of people experiencing homelessness has continued to grow. Without addressing inflow into and outflow from the homelessness system of care, these strides in shelter capacity will be inadequate to address the problem of unsheltered homelessness.

Equity. People experiencing homelessness in Berkeley are disproportionately Black and Indigenous, and people with the greatest needs wait the longest for permanent housing resources in Berkeley's current system of care. Without further action, these facts are unlikely to change.

Fiscal sustainability. As discussed above, some of the progress Berkeley has made in recent years is contingent on resources that may not be maintained for the long term.

B. Alternative: Focus on permanent supportive housing (PSH)

Berkeley added nearly one hundred beds of permanent supportive housing between 2022 and 2023. However, the city will need sustained increases over the next several years just to meet the needs of people currently experiencing homelessness, as discussed in Part V. This alternative would require the City to focus its investments in PSH, possibly at the expense of other services if there is not additional funding.

Effectiveness. Permanent supportive housing serves people with some of the most acute needs—often, though not always, a population that is most visible and vulnerable on the street. In addition to directly moving people from street homelessness indoors, PSH has the potential to reduce demand pressure on shelters and services for people who are homeless. When implemented to its full extent, PSH is effective at ending homelessness for individuals, with 80 to 90 percent success and retention rates.[67] That said, focusing resources on PSH might reduce the system's ability to serve people with lower needs—possibly resulting in serving fewer people experiencing homelessness overall.

As discussed in Part IV, there are barriers to moving people into PSH other than supply. Many people, especially those who are unsheltered or have significant disabilities, struggle to obtain documentation that is required before enrollment. These delays do not appear to be creating slack in the system: the utilization rate of these beds was above ninety percent across 2021–2023, despite a large number of new beds to be filled during this period.[68] Even so, these types of barriers are costly to individuals, and they may disproportionately affect people with higher needs. While Berkeley does not control the

[67] Maria C. Raven, Matthew J. Niedzwiecki, and Margot Kushel, "A Randomized Trial of Permanent Supportive Housing for Chronically Homeless Persons with High Use of Publicly Funded Services," *Health Services Research* 55, no. S2 (2020): 797–806, https://doi.org/10.1111/1475-6773.13553.

[68] As recorded in January of each year in the Housing Inventory Count. By comparison, the utilization rate of Housing Choice Vouchers in Berkeley is 76 percent.

federal documentation requirements or Coordinated Entry policies, the City could concentrate resources on intensive supports to help Berkeley residents get "doc ready" to make a PSH-focused strategy more effective.

Another factor that complicates this alternative is the county-wide nature of the Coordinated Entry system. As noted in Part II, not everyone who moves into a Berkeley PSH unit will be coming from Berkeley's streets. City staff described a local preference policy as one solution to this mismatch—in other words, giving Berkeley residents priority in the Coordinated Entry queue for units that the City contributes to. However, this policy would have major equity considerations and may interfere with regional coordination between Berkeley and other cities.

Equity. PSH serves people with mental and physical disabilities that would make sustainably living indoors difficult or impossible without assistance. As discussed in Part III, people with disabilities are more likely to exit programs to homelessness and more likely to return from homelessness to housing in Berkeley's current system of care. There are different levels of need within the group of people who are eligible for PSH; if the City chooses to invest in helping Berkeley residents get "doc ready," that may make it more likely that people with the greatest barriers to housing make it through the queue.

Concentrating on PSH does come with tradeoffs. The population eligible for PSH is more white and more male compared to people experiencing homelessness overall; people who are not eligible for these higher-intensity services are especially likely to be Black women. Deprioritizing lighter-touch services might disproportionately harm people of color who have less of an existing safety net and are more vulnerable to homelessness even without significant disabilities.

Fiscal sustainability. Permanent supportive housing is expensive compared to other interventions. High-quality PSH requires skilled staff to provide wrap-around services and ensure residents are successful in housing, and residents are typically unable to pay much in rent to offset costs. All Home estimates the yearly cost of operations for a permanent supportive housing unit (including a housing subsidy and services) to be $40,000 to $50,000, not including capital costs.[69]

That said, policymakers around the state have recognized the barriers to constructing and operating PSH, and sources such as LIHTC and state Multifamily Housing Program funds increasingly prioritize these types of projects. The City can play an important role alongside these sources by providing gap funding, as it has done for projects like the HOPE Center.[70] Operating costs are more challenging, but state policymakers have explored making it easier for operators to access Medicaid dollars to cover the ongoing cost of care for people in PSH.[71] The City is not alone in tackling this problem, and City funding has a role to play in accelerating these types of projects.

C. Alternative: Accelerate the transition to non-congregate interim housing

Since the COVID-19 pandemic, Berkeley has made strides towards providing more shelter with a non-congregate, or interim housing, model. However, most shelter beds in the city are still in congregate settings, and the city's non-congregate shelters largely focus on specific populations and rely on special funding sources. The City could take a more aggressive approach working with providers to identify

[69] Based on estimates by the Corporation for Supportive Housing.
[70] "City Council Report: Item 14 Measure O Bond Impacts on Affordable Housing Development in Berkeley."
[71] Carolina Reid, "Permanent Supportive Housing as a Solution to Homelessness: The Critical Role of Long-Term Operating Subsidies" (Terner Center, July 2023), https://ternercenter.berkeley.edu/research-and-policy/psh-homelessness-cost/.

potential non-congregate sites and fund their operations by moving money away from beds that are currently in congregate settings. These sites could include additional hotel/motel sites, but could also include cabins or tiny homes.

Effectiveness. This alternative has the potential to make a dent in unsheltered homelessness by simply moving more people indoors. Congregate shelter beds are not well-suited for many people experiencing homelessness due to medical needs and safety concerns. Street outreach providers report that unsheltered people are often more willing to come inside to a hotel room than a dorm-style shelter.

Sheltering people can also reduce logistical barriers to moving people into housing. According to reporting from other jurisdictions and anecdotal evidence from Berkeley providers, interim housing that includes case management and housing navigation has been more successful at moving people towards permanent housing compared to congregate shelters.[72] That said, shelter alone will not solve homelessness. Without increasing the supply of housing for people to move into, navigation and shelter connections can only have a limited impact on the central problem.

Equity. Like PSH, non-congregate shelter has the potential to serve a population that is highly vulnerable and currently underserved by Berkeley's shelter system. However, this strategy does potentially come with a tradeoff. It may result in a system with fewer shelter beds overall, and one that is more targeted to people with severe disabilities, who are more likely to be white and male.

Fiscal sustainability. Operating interim housing is more expensive than congregate shelters due to their larger footprint and the staffing costs of housing navigation and case management. Operations for "tiny home" interim housing programs elsewhere in the Bay Area have cost between $27,000 to $48,000 per unit per year.[73] Berkeley's current interim housing hosted in hotels and motels is generally more expensive due to the costs of renting rooms and serving a more vulnerable population. By way of comparison, Alameda County estimated that the cost to operate a congregate shelter bed was about $18,000 annually in 2021.[74]

These increased costs could create a tradeoff for effectiveness: transitioning more shelter beds to non-congregate may reduce Berkeley's overall capacity to shelter people. The fact that interim housing requires more square footage per occupant than congregate shelter also creates capacity challenges. Even so, increasing the number of non-congregate beds may bring a different population inside, including people with high needs who may represent a higher burden on other City services such as environmental remediation and emergency response.

In addition, non-congregate shelter facilities have the potential to transition to permanent housing in the future, as with the Rodeway to Home shelter in Berkeley—meaning that investing in shelter now could have long-term benefits.

D. Alternative: Expand medium-term subsides

Berkeley's "shallow subsidies" program provides up to $1,800 per month for 36 months of rental assistance for people exiting homelessness with high rent burdens. The current program is relatively small, serving 49 people in 2023. Berkeley could consider expanding this program to serve a larger pool

[72] Gilman, "Strengthening Interim Housing as a Housing First Approach."
[73] Ibid.
[74] "Centering Racial Equity in Homeless System Design" (EveryOne Home, January 2021).

of people who are not eligible for permanent supportive housing, but who are not well-served by the short-term subsidies provided by rapid rehousing.

Effectiveness. Berkeley's current program targets people with less acute needs, who may be homeless largely for economic reasons and are able to live independently without supports. Rapid rehousing is the current service model for this population, but there are indications that it is not working for everyone, given relatively high rates of exits and returns to homelessness. Alameda County's 2021 *Centering Racial Equity in Homeless System Design* report identified people who are unlikely to increase their income on the timeline required by RRH as a target population for ongoing shallow subsidies.[75] Making exits to housing for this population stick has the potential to reduce overall homelessness.

That said, it is not clear whether medium-term subsidies without additional services would make a large dent in the problem Berkeley faces. About four in five people experiencing homelessness in Berkeley have some form of disability. BACS, the nonprofit that runs Berkeley's current medium-term subsidies program, found that smaller subsidies and lighter-touch casework would not be appropriate for most of the people waiting on the housing queue.[76]

Expanding medium-term subsidies would not directly make a large impact on unsheltered homelessness in the short term, since it is less targeted to people who have been living outside for long periods. However, by reducing the number of people returning to or entering homelessness this strategy could decrease the number of people who are homeless and reduce the demand pressure on other resources such as shelter.

Equity. Medium-term subsidies do not directly serve the needs of the people in Berkeley's homelessness system who have the greatest vulnerabilities. However, there are longer-term equity considerations to consider. The experience of homelessness itself can cause trauma and harm; people who are less vulnerable today may become more so if their needs are not addressed now. This population is younger and are more likely to be Black compared to the population of homeless people overall. Neglecting the needs of this population has the potential to exacerbate existing inequities.

Fiscal sustainability. The shallow subsidy program has lower fixed costs compared to building housing. It also has the potential to make existing dollars stretch more effectively by supporting people tapering off of rapid rehousing. That said, the program as it has been implemented in Berkeley is more expensive than existing interventions. The service provider that operates the shallow subsidy program has estimated that they will be able to serve 53 households with the $2.25 million the City has allocated so far, corresponding to $42,000 per household—costs that are partially driven by staffing needs to serve people with vulnerabilities.

E. Alternative: Invest in homelessness prevention services

As discussed in Part IV, many people enter homelessness after living with friends or relatives without a formal lease, and a sizeable minority of people experiencing homelessness in Berkeley were last housed outside of the city. Berkeley's Housing Retention Program expanded during the COVID-19 emergency period and became more flexible. However, the program currently focuses primarily on formal tenancies,

[75] Ibid.
[76] "City Council Report: Item 08 Measure P Contract No. 31900273 Amendment," November 15, 2022, https://berkeleyca.gov/sites/ default/files/documents/2022-11-15%20Item%2008%20Measure%20P%20Contract%20No.%2031900273.pdf.

only applies within city limits, and does not target people based on their risk of falling into homelessness. Berkeley does have flexible funding and navigation help allocated through the Housing Resource Center and other service providers, but these resources are largely dedicated to helping people who are homeless move into housing.

Berkeley could strengthen its prevention programming by funding programs dedicated to homelessness prevention that target people most at risk. One way of doing this would be investing in prevention through the City's existing pots of flex funds—increasing funding so that providers have more flexibility to serve people who are not currently homeless and conduct outreach to people who are precariously housed. Berkeley could also ensure that the Housing Retention Program is as effective as possible by maintaining the flexibilities implemented during the COVID-19 emergency period, such as reducing documentation requirements and covering costs other than rent. The City would target these resources to the people most at risk of homelessness using evidence-based prioritization, like the programs already in place in San Francisco, Oakland, and Santa Clara County.

The City cannot directly control what happens in neighboring cities, but City leadership could also advocate for a county-wide or multi-county regional homelessness prevention programming, similar to the program currently in place in Santa Clara County.

Effectiveness. Like the previous alternative, making prevention more effective would not have a direct impact on unsheltered homelessness in the short term. That said, effective prevention reduces the demand for shelter or permanent housing solutions. System modeling suggests that Berkeley will need to serve 750 additional households per year with prevention resources or problem-solving in order to reduce unsheltered homelessness by 75 percent. In other words, preventing people from falling into homelessness is a necessary condition to reduce inflows and prevent increases in the homeless population in Berkeley.

Equity. Prevention programs would most help the population in Berkeley that is housed but vulnerable to homelessness, which is disproportionately Black, Indigenous and Hispanic/Latine. While this population has fewer support needs than the population likely to live in permanent supportive housing, they are still vulnerable. As described above, preventing people in these communities from experiencing homelessness in the first place can prevent trauma, loss of income, and physical and mental harm. The City could consider targeting assistance to specific neighborhoods where people are especially at risk of losing housing in order to ensure that these resources are being distributed to the communities who need them the most.

Fiscal sustainability. Prevention is relatively low-cost compared to many other investments and has the effect of reducing the need for higher-cost interventions such as shelter and housing supports. All Home estimates a cost of $8,000 to $9,000 per intervention based on existing prevention programming. Targeting Berkeley's existing housing retention services more tightly to the goal of preventing homelessness will also allow the City to get more bang for its buck, especially if the City is unable to maintain higher levels of spending in future years.

Figure 34: Policy alternatives trade-off matrix

	Effectiveness: Unsheltered	Effectiveness: Overall	Equity	Fiscal sustainability
Maintain current trends	Low	Low	Low	Moderate
Focus on PSH	High	High	Moderate	Low
Move to non-congregate	High	Moderate	Moderate	Moderate
Expand medium-term subsidy	Low	Low	Moderate	Moderate
Reinforce prevention services	Moderate	Moderate	Moderate	High

Source: Author illustration

Part VII: Conclusion and Recommendations

Based on Berkeley's existing resources and projected needs, I recommend that the City prioritize the following investments:

- **Accelerating the transition to non-congregate shelter.** Berkeley's non-congregate shelters have been effective at sheltering people and streamlining their access to permanent housing. Extending these opportunities to a larger population experiencing homelessness could bring more people inside.

- **Funding permanent supportive housing.** Permanent supportive housing serves people with the highest needs—often, though not always, a population that is most visible and vulnerable on the street. While expensive compared to other interventions, PSH is the most urgent permanent housing need in the system, and it is highly effective at housing people and retaining them in housing. As part of this recommendation, the City should explore strategies to reduce documentation barriers for people with high vulnerabilities.

- **Investing in homelessness prevention.** Targeting prevention programs to the people most at risk can cost-effectively prevent Berkeley residents from experiencing the harm of homelessness and reduce pressure on shelter and permanent housing services. As part of this recommendation, the City should consider:
    a. *Maintaining expanded rules that make the Housing Retention Program more effective,* such as more flexible documentation requirements and the ability to pay costs other than rent.
    b. *Targeting scarce resources to people most at risk of homelessness* by using evidence-based homelessness prevention, including factors such as past episodes of homelessness and living in an at-risk neighborhoods.
    c. *Explore increasing investments in flex funds* to allow providers to serve more people who are precariously housed, especially those without a formal lease.
    d. Advocating for regional homelessness prevention, which could serve people in neighboring cities without the same resources as Berkeley.

In addition, the City should consider the following actions:

- **Look for opportunities to increase funding and keep up the momentum.** A truly "all of the above" strategy will require more resources from every level of government. As pandemic-era federal support recedes and one-time resources are spent down, Berkeley must retain its dedication to long-term solutions to the homelessness crisis and work with its neighbors to ensure that the region makes these investments together.

- **Do additional research into rapid rehousing and the needs of people with lower levels of acuity.** While Berkeley's current medium-term subsidy program may fill in gaps for this population, more research is needed to understand how best to serve them.

In addition to the above actions, the City should consider how else it can reduce the burden on the systems that serve homeless people in Berkeley. Homelessness is downstream of housing, health, and labor policy, and the City has a role to play in making it easier to build new housing, supporting mental health investments, and supporting living-wage jobs. The roots of our homelessness crisis are long and deep. It will require sustained investment and dedication from policy leaders to get ourselves out of it.

Appendix A: Interviews

Stacey Burmaster, Insight Housing

Laurie Flores, City of Fremont

Markos Gonzalez, Bay Area Community Services (BACS)

Kelsey Knutson, Bay Area Community Services (BACS)

Jennifer Lucky, Alameda County

Eric Magaña, Eviction Defense Center

Logan McDonnell, Bay Area Community Services (BACS)

Appendix B: Model Methodology[77]

The Housing Gap Analysis uses an illustrative modeling technique to estimate the number of additional interim housing units, permanent housing solutions, and prevention interventions required to rapidly reach designated goals in reducing unsheltered homelessness. Reporting outcomes for alternate investment strategies for reaching these goals illustrates the relationship between each of these three program types and the efficacy of investing in all three concurrently.

While comparable in many ways to alternative approaches to homelessness response system modeling, three key distinguishing characteristics of the Housing Gap Analysis should be noted:

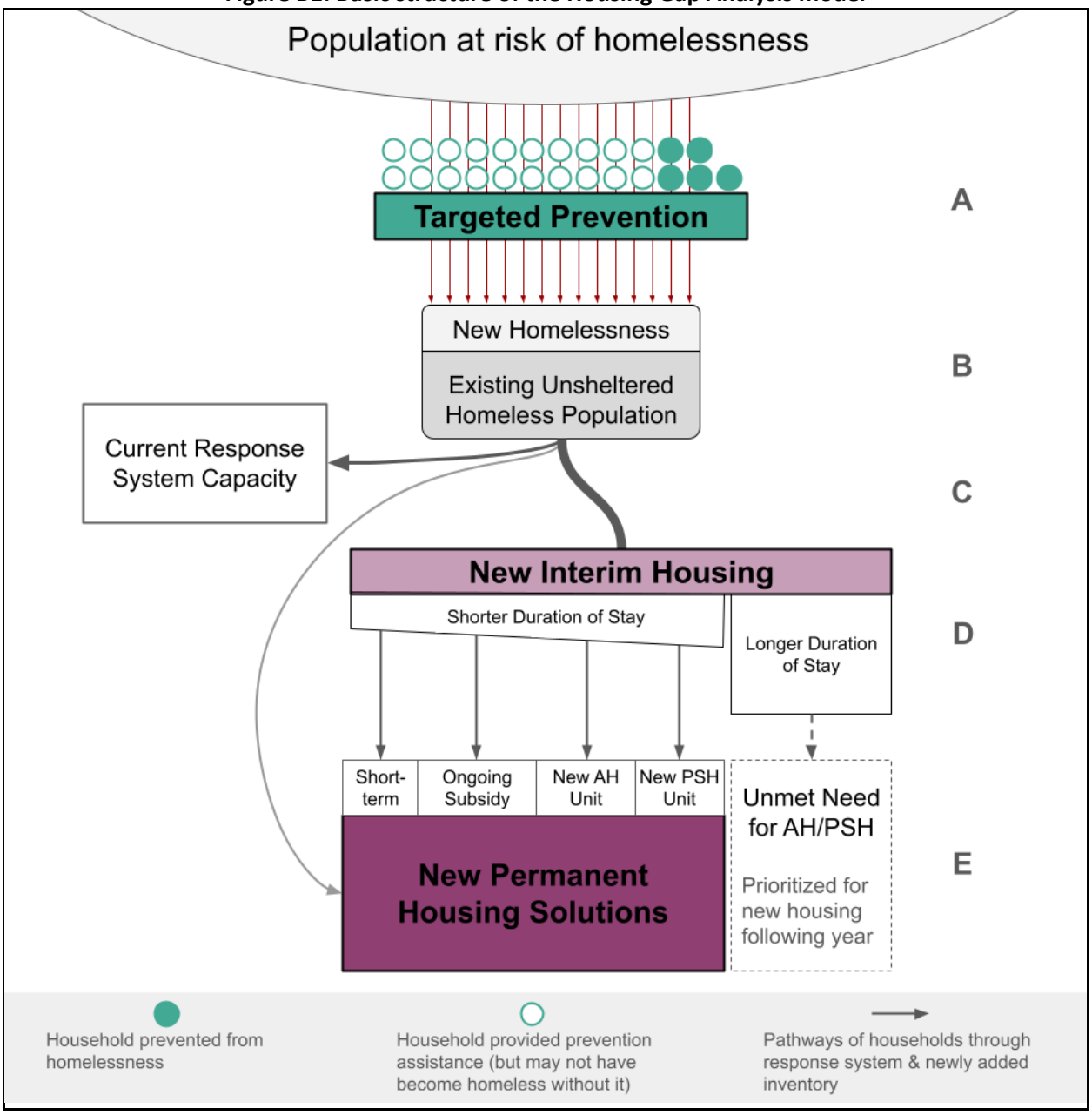
- **Linking prevention and inflow**: in our analysis, the estimate for the number of individuals becoming homeless in a given year ("inflow") may be reduced through increased investment in prevention. In nearly all other system modeling approaches, the association between inflow and prevention programming is typically unaddressed. Revealing the importance of prevention programming in a well-balanced homelessness system (especially its potential to reduce the need for more intensive housing-based interventions) requires establishing inflow as a dynamic variable determined in part by scaling new preventative measures.
- **Acknowledging annual housing production limits**: the production of new affordable housing is notoriously slow in the Bay Area, and the most informative modeling–even that investigating ambitious, aspirational change–must acknowledge that we cannot build all the homes we would need in the short-term to sufficiently address homelessness. In our modeling, we set baseline production limits based on recent trends, which we then allow to increase incrementally over time.
- **Allowing system performance flexibility**: Traditional approaches to homeless system modeling use HMIS data to establish system *pathways* (the percent of people moving from transitional housing to PSH, for example, or from emergency shelter back to unsheltered settings) which are then used to determine the additional inventory required to reach homelessness reduction goals. While useful for understanding the impact of incremental change, this approach is more likely to distort estimates for scenarios involving significantly expanding investment, especially when many more permanent housing solutions are made available. For the *new inventory added*, we expect a notably higher rate of successful exits from interim housing to permanent solutions given the assumed expanded availability of such housing.

These characteristics allow the analysis to remain constrained to realistic housing production limits while envisioning the efficiencies and synergies likely resulting from significantly expanded new investment.

Figure B1 visualizes the basic logic of the Housing Gap Analysis. It depicts the major interventions and new inventory required to reach unsheltered reduction targets, and portrays the pathways along which households experiencing homelessness are expected to progress toward permanent housing. Though the process of calculating the housing needs does not exactly align with the process of people progressing through the envisioned system, it is a useful reference for conveying how the analysis is conducted. The description of the modeling strategy—divided into four broad steps below—references this schematic throughout. Data sources, per-unit costs, and key assumptions can be modified in collaboration with local administrative staff to reflect newly available or revised data, to refine expectations, or to investigate alternate scenarios.

[77] This model methodology was developed and written up by David Amaral of All Home.

Figure B1: Basic structure of the Housing Gap Analysis model



A	Increased prevention assistance can reduce inflow. "Efficiency" determines # of interventions required to reduce inflow by one.
B	*Population to house* to reach annual unsheltered goals = currently homeless population + projected inflow (after prevention)
C	Current homelessness response system capacity = average # of households successfully exited to permanent housing in recent years.
D	Short-term stays in new IH accommodate those connecting with permanent housing in a given year. Longer stays are required when need for newly developed housing is not met.
E	To reach unsheltered reduction goals, all households are assigned to one of four permanent housing solutions.

Step 1: **Establishing the total population to house to reach unsheltered reduction goals**
The RAP sets a goal of reducing unsheltered homelessness by 75 percent, and this goal ultimately determines how many people need to be housed and how much added housing inventory is needed to do so. Annual progress toward achieving this overarching goal is assigned for each of the first five years, and is assumed to hold steady for the remainder of the modeled time span.

The model incorporates a dynamic estimate of the population of people experiencing homelessness that includes both those currently experiencing unsheltered homelessness as well as the total number of people expected to become homeless in a given year. This latter group, in turn, includes both people expected to engage with the homelessness response system for the first time (a rough proxy for "first time" homelessness) along with those expected to return to homelessness after ending a previous experience of it. (See model diagram section B.)

The number of individuals expected to become homeless (combining both first-time and returns to homelessness) may be reduced through increased homelessness prevention interventions (as is represented in model diagram section A). The model sets a target for reducing inflow by a percentage of current baseline estimates and calculates the number of individuals who would need to be prevented from falling into homelessness to reach this goal. The number of actual prevention interventions required to reach this goal depends on the assumption for how *efficiently* prevention programming can be targeted; in other words, how many prevention interventions are required to reduce inflow by one? A targeting efficiency of twenty percent would mean that putting out five prevention interventions would reduce inflow by one. In the diagram section A, empty circles represent prevention services provided to those deemed at risk of homelessness but who would not have become homeless even in the absence of prevention services. Full circles represent individuals/households who would have become homeless without prevention services. Red arrows represent individuals or households becoming homeless in a given year who did not receive prevention assistance.

The ultimate number of individuals requiring housing interventions in a given year (the "population to house") equals the difference between the expected number of unsheltered individuals (currently unsheltered plus annual inflow after prevention) and the particular year's target total unsheltered population.

Step 2: **Determining the number and type of permanent housing solutions required**
With the "population to house" calculated for a given year, the next step is to determine how many individuals can likely be assisted by the current homelessness response system and then how much additional inventory is required to fill the gap. Current system capacity is based on a three-year average for the number of individuals exiting the homelessness response system to permanent housing destinations. (See diagram section C.)

New permanent housing inventory is added for all individuals in the "population to house" remaining after accounting for current system capacity. Individuals served through this added inventory are assigned to one of the following four categories of permanent housing solutions:

1. Short-term assistance: a general category including one-time or time-limited financial or rental assistance. Operations/Services costs only.
2. Ongoing rental subsidy: comparable to Housing Choice Vouchers which persist and accumulate across the modeling time horizon. Operations/Services costs only.
3. New affordable housing unit: newly developed affordable housing units. Capital costs are calculated for the year new units become available. Operations/Services costs are calculated for

the year new units become available and all following years included in the modeling time horizon.

4. New permanent supportive housing (PSH) unit: like new affordable housing units but with higher annual operating/service costs.

The number of currently unsheltered individuals assigned new PSH units is directly determined by the number estimated to be experiencing chronic homelessness. For the population becoming newly homeless, the expected need for PSH units can be reduced. Assignment to the remaining three housing types aims to match the varied level of need expected among those experiencing homelessness while acknowledging that new construction (and not just rental subsidies) will be a crucial component to any effective and ambitious homelessness reduction strategy.

While the first two permanent housing solution types (neither involving any new construction) are added to meet the estimated need in a year, annual production limits are set for the cumulative number of newly added affordable housing units and PSH units. The baseline threshold is tied to recent trends in very-low income (VLI) housing production. In the primary modeled scenario, the production limit is allowed to grow incrementally over the course of the first five years included in the modeling. Though the cumulative projected need for new affordable and PSH units is often higher than the new production threshold, the total number of newly constructed units is constrained to a given year's production limit. (See diagram section E.)

Step 3: Estimating the need for additional Interim Housing (IH)
Total need for additional interim housing units is calculated to accommodate two distinct needs (See diagram section D):

1. Shorter duration needs: While a portion of all individuals/households assigned to each of the four permanent housing solutions are expected to move directly into housing from unsheltered settings (or at least without requiring an interim housing stay), a majority are expected to spend a short duration of time (2–3 months) in a new interim housing unit prior to their housing placement. Each new IH unit is expected to accommodate multiple individuals/households over the course of a year.
2. Longer-stay durations: In years for which the newly produced affordable and PSH units do not fully meet the level of need for these housing types (due to production limit constraints), additional new IH units are added equivalent to the gap between the number of needed new units and the number actually produced. Use of new IH for these longer-stay durations allows unsheltered reduction goals to be achieved despite production constraints. The expectation is that the individuals/households accommodated by longer-stay IH units are prioritized for newly produced units coming online in the following year.

The model assumes that the full need for new IH can be produced and utilized each year (i.e., there are no IH production thresholds imposed as they are for new affordable and PSH units in the model). Units produced in one year become available for use in the following year, and capacity is only expanded if need for new IH increases. As need for new IH units decreases, the new units are decommissioned in increments of ten units, while maintaining a limited buffer between need and capacity.

Step 4: **Calculating costs**
Average cost per unit/intervention is established for each of the interventions. For all *one-time* costs (including capital costs for all new IH, affordable, and PSH units; all short-term assistance permanent housing solutions; and prevention interventions) the full costs are tied to the year in which unit/intervention is first provided. For all ongoing costs (operations/services costs for all rental

subsidies, new affordable and PSH units) annual projected expenditures include both the cost of providing the units/support added in a given year while also covering all those added in previous years. In other words, subsidies and operations/services for new units persist and accumulate over the years included in the modeling. Operations/services costs for IH include only units in operation in a given year.

Capital costs for new affordable and PSH units included in the modeling are not the full costs of development, but rather represent the average portion of the overall capital stack funded by local governmental entities after accounting for tax credits, loans, etc.

All baseline costs increase by an established inflation rate of three percent in each year of the modeling.

Appendix C: Model Projections

The following tables provide estimates the bed capacity and funds needed for Berkeley to achieve a 75 percent reduction in unsheltered homelessness, based on All Home's modeling.

Figure C1: All Home model capacity projections

	Five-year total	Ten-year total
Permanent housing		
*Short-term assistance**	70	110
Full subsidy	460	760
AH units	190	450
Permanent supportive housing	190	430
Interim housing	270	270
Prevention*	750	750

* *Households served per year*

Figure C2: All Home model funding projections

	Five years	10 year total
Permanent housing	$195 M	$607 M
Short-term assistance	*$3 M*	*$5 M*
Full subsidy	*$31 M*	*$117 M*
AH units	*$76 M*	*$227 M*
Permanent supportive housing	*$84 M*	*$257 M*
Interim housing	$67 M	$95 M
Prevention	$32 M	$70 M
Total Cost	**$294 M**	**$772 M**
Total Capital	$153 M	$334 M
Total Operations/Services	$141 M	$438 M

Figure C3: Model projections over ten years (households served and costs)

		Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10
Permanent housing solutions											
Short-term assistance	*Total households*	50	70	80	80	70	50	50	40	40	40
	Cost	$436 K	$436 K	$436 K	$436 K	$436 K	$436 K	$436 K	$436 K	$436 K	$436 K
Full rental subsidy	*New households*	70	90	100	110	90	70	60	60	60	50
	Total households	70	160	260	370	460	530	590	650	710	760
	Cost	$1.5 M	$3.5 M	$6.0 M	$8.6 M	$11.2 M	$13.2 M	$15.2 M	$17.3 M	$19.3 M	$21.3 M
New affordable units	*New households*	30	30	40	40	50	50	50	50	50	40
	Total households	30	60	100	140	190	240	300	350	400	450
	Units added	30	30	40	40	50	50	50	50	50	40
	Capital Costs	$8.2 M	$10.0 M	$11.9 M	$13.9 M	$18.1 M	$18.6 M	$19.2 M	$19.5 M	$20.8 M	$16.4 M
	Operating Costs	$685 K	$1.6 M	$2.7 M	$3.9 M	$5.6 M	$7.4 M	$9.3 M	$11.2 M	$13.3 M	$15.2 M
Permanent supportive housing (PSH)	*New households*	30	30	40	50	60	60	60	70	70	50
	Total households	30	60	100	140	190	240	300	350	400	430
	Units added	30	30	40	40	50	50	50	50	50	30
	Capital costs	$8.2 M	$10.0 M	$11.9 M	$13.9 M	$18.1 M	$18.6 M	$19.2 M	$19.8 M	$19.1 M	$10.3 M
	Operating costs	$1.1 M	$2.5 M	$4.1 M	$6.1 M	$8.7 M	$11.4 M	$14.3 M	$17.4 M	$20.4 M	$22.4 M
Interim housing											
	Total households	90	160	230	270	250	190	140	90	40	30
	Units added	90	70	70	40	--	--	--	--	--	--
	Capital costs	$9.5 M	$7.1 M	$7.1 M	$4.9 M	--	--	--	--	--	--
	Operating costs	$3.3 M	$5.8 M	$8.4 M	$10.4 M	$10.7 M	$9.0 M	$7.1 M	$5.2 M	$3.6 M	$3.2 M
Prevention											
	Households served	730	750	760	760	760	760	760	760	760	760
	Cost	$6.0 M	$6.0 M	$6.0 M	$7.0 M	$7.0 M	$7.0 M	$7.0 M	$7.0 M	$8.0 M	$8.0 M

BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

06

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), Councilmember Brent Blackaby (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.

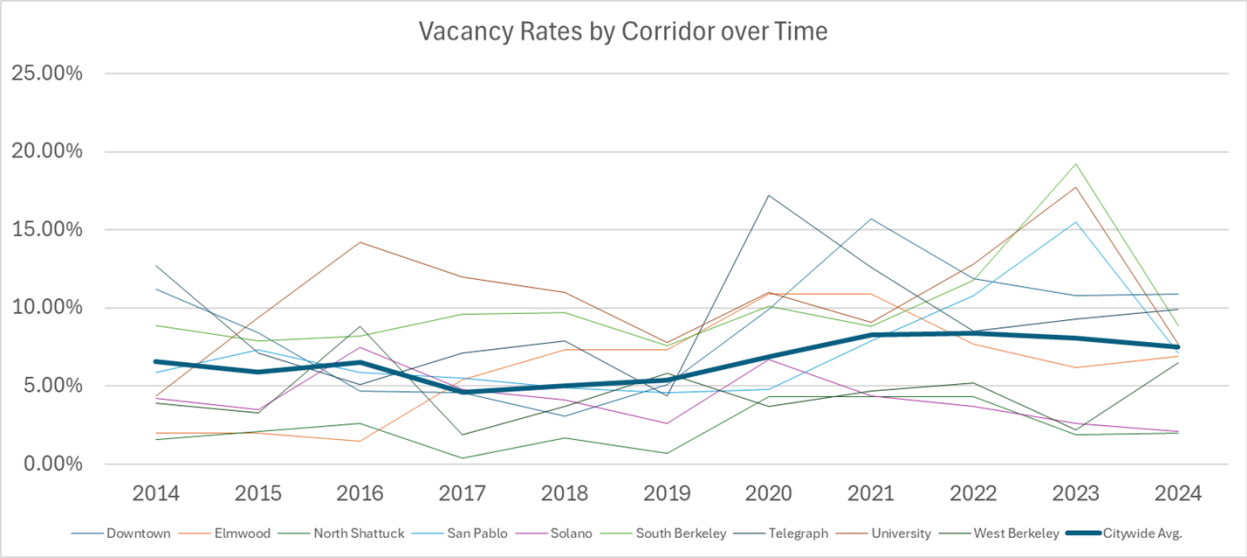
FISCAL IMPACTS OF RECOMMENDATION

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-

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%[1]. 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[2]. 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.

[1] https://www.commercialcafe.com/blog/national-office-report/
[2] Dinh, Emily, "Commercial Property Vacancies in American Cities" (2024). *University Honors Theses.* Paper 1505. https://doi.org/10.15760/honors.1537

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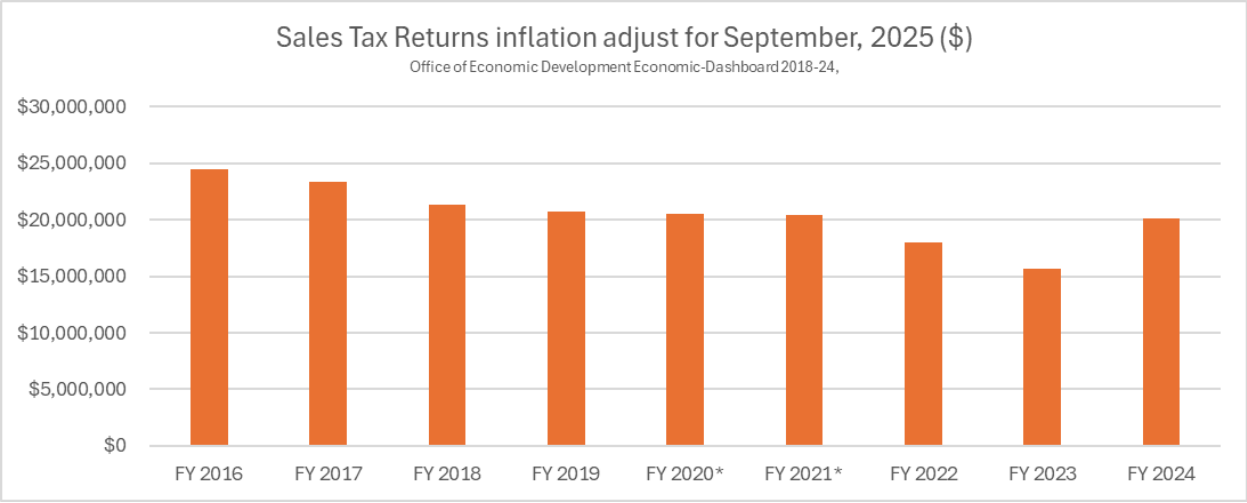

Implementing Entertainment Zones will lead to an increase in pedestrian activity. Opening businesses to pedestrian pathways leads to an increase in economic activities in those areas[3]. On top of economic growth, there is an opportunity for community development. Street closures have shown to lead to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

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[5]. 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

[3] 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.
[4] 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.
[5] https://www.downtownberkeley.com/about/

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.[6]

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.[6]

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.[6]

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.[6]

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[6]https://berkeleyca.gov/sites/default/files/documents/Attachment2_Commercial%20District%20Dashboards_2024_Q4.pdf

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

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[7].

[7] 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 TAPLIN
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;

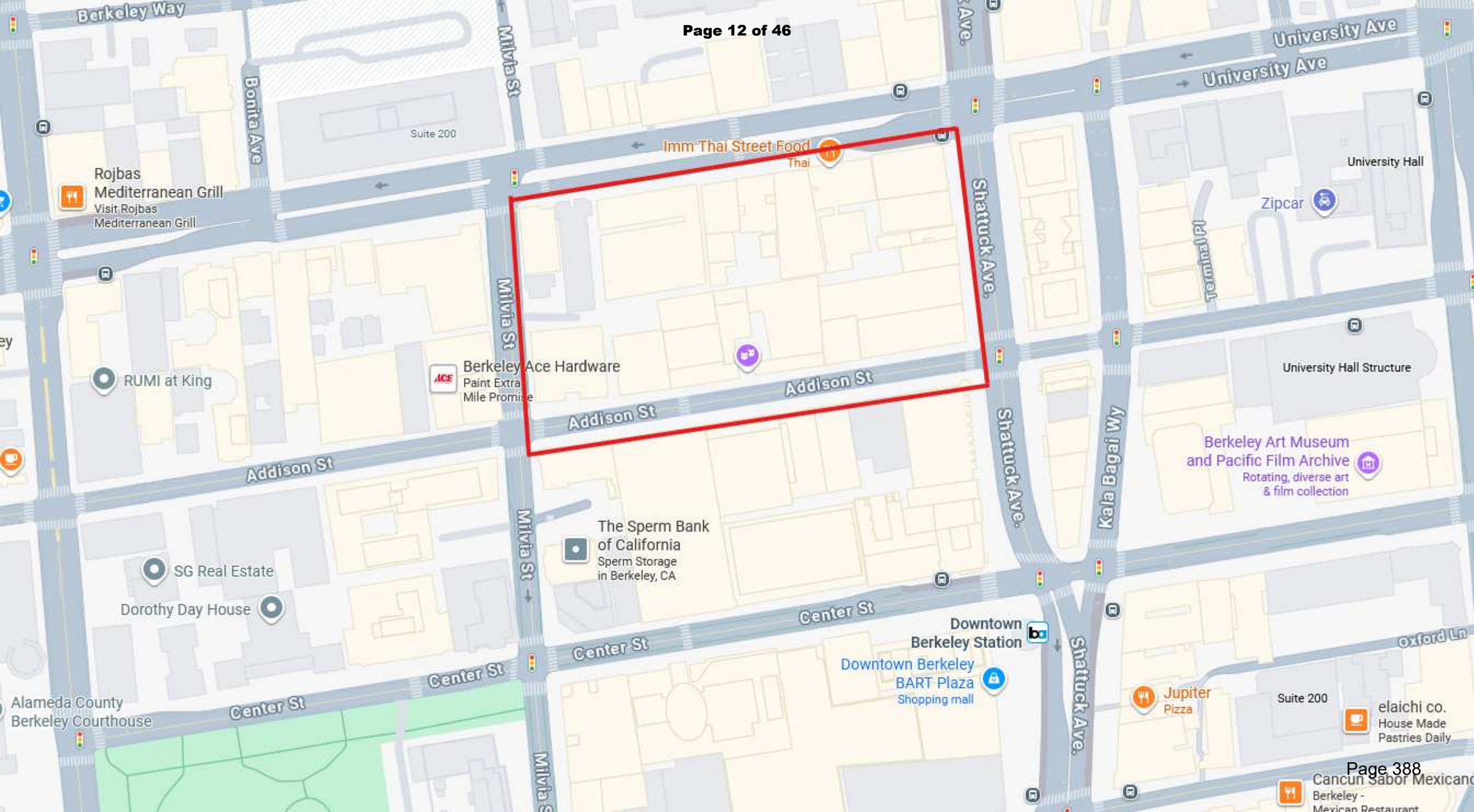
B. The entertainment zone activation plan; or
C. The street event permit for the entertainment zone event.

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.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University Hall
Zipcar
Terminal Pl
Addison St
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Berkeley Ace Hardware
Paint Extra
Mile Promise
RUMI at King
University Hall Structure
Berkeley Art Museum
and Pacific Film Archive
Rotating, diverse art
& film collection
Kala Bagai Wy
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of California
Sperm Storage
in Berkeley, CA
SG Real Estate
Dorothy Day House
Center St
Center St
Center St
Center St
Downtown
Berkeley Station
Downtown Berkeley
BART Plaza
Shopping mall
Oxford Ln
Jupiter
Pizza
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Pastries Daily
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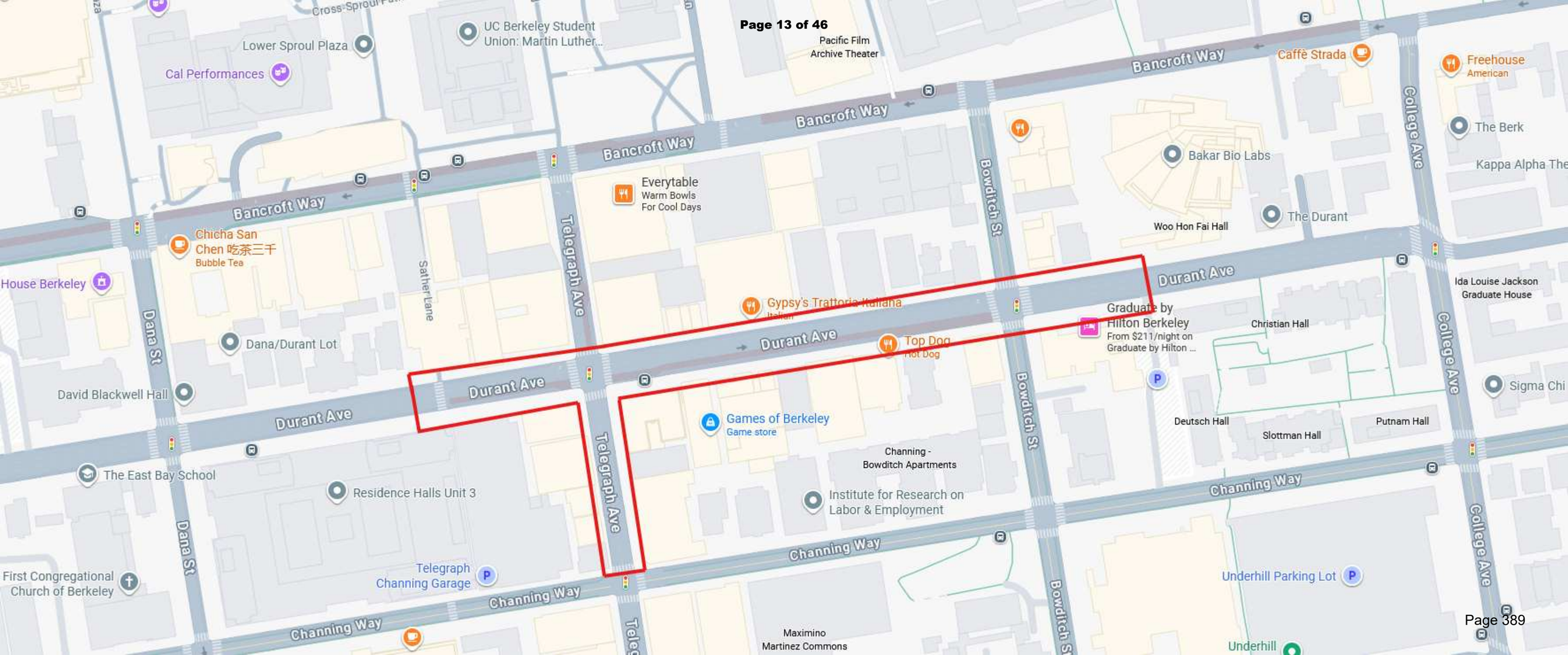
Berkeley Courthouse
Milvia St
Cancun Sabor Mexicano
Berkeley -
Mexican Restaurant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Cal Performances
Bancroft Way
Caffè Strada
Freehouse
American
The Berk
Kappa Alpha The
Bakar Bio Labs
Everytable
Warm Bowls For Cool Days
Chicha San Chen 吃茶三千
Bubble Tea
House Berkeley
Sather Lane
Telegraph Ave
Bowditch St
College Ave
Woo Hon Fai Hall
The Durant
Dana St
Dana/Durant Lot
Gypsy's Trattoria Italiana
Italian
Durant Ave
Top Dog
Hot Dog
Graduate by Hilton Berkeley
From $211/night on Graduate by Hilton ...
Christian Hall
Ida Louise Jackson Graduate House
David Blackwell Hall
Games of Berkeley
Game store
Deutsch Hall
Slottman Hall
Putnam Hall
Sigma Chi
The East Bay School
Residence Halls Unit 3
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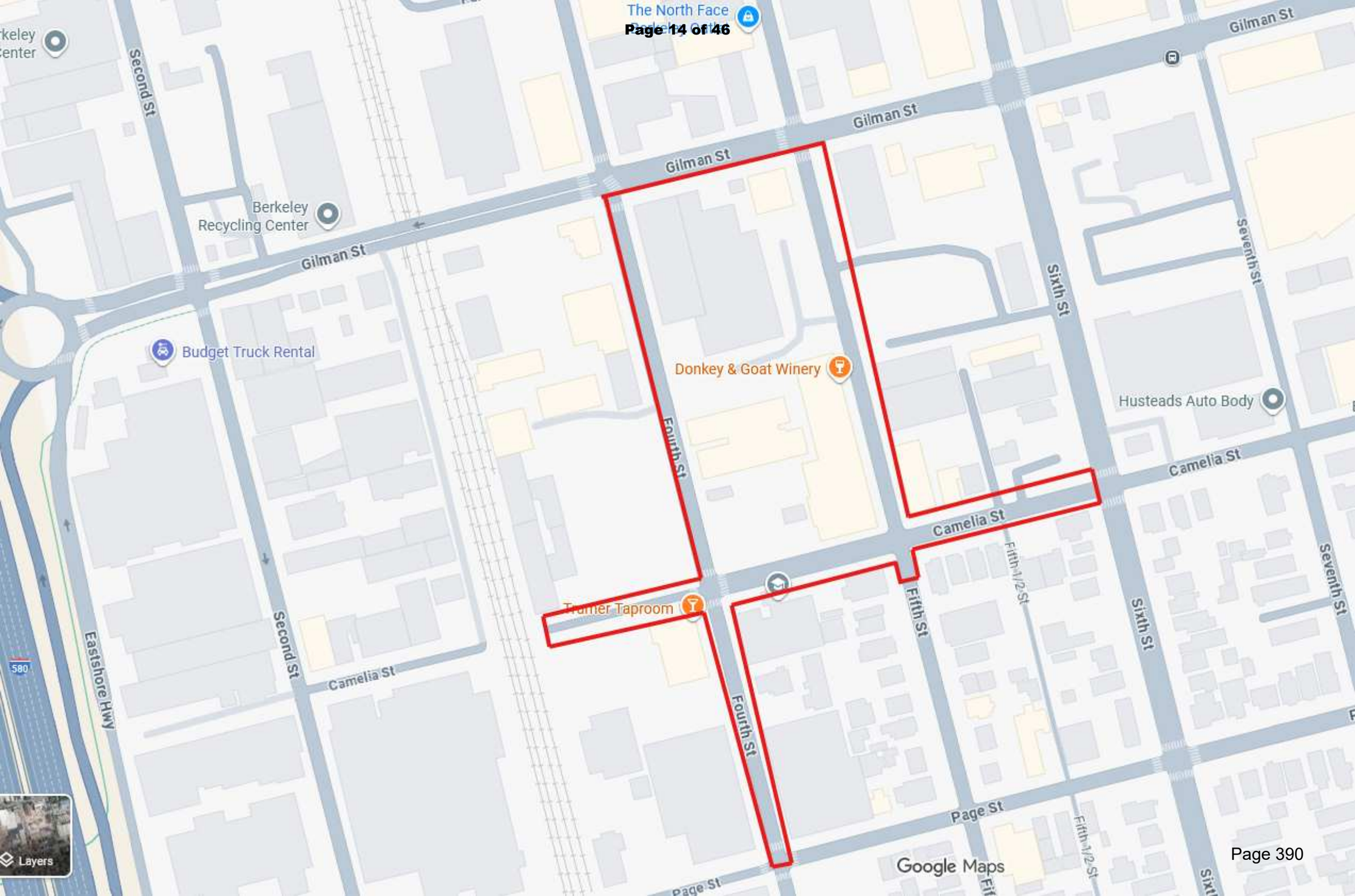
Institute for Research on Labor & Employment
Channing Way
First Congregational Church of Berkeley
Telegraph Channing Garage
Underhill Parking Lot
Maximino Martinez Commons
Underhill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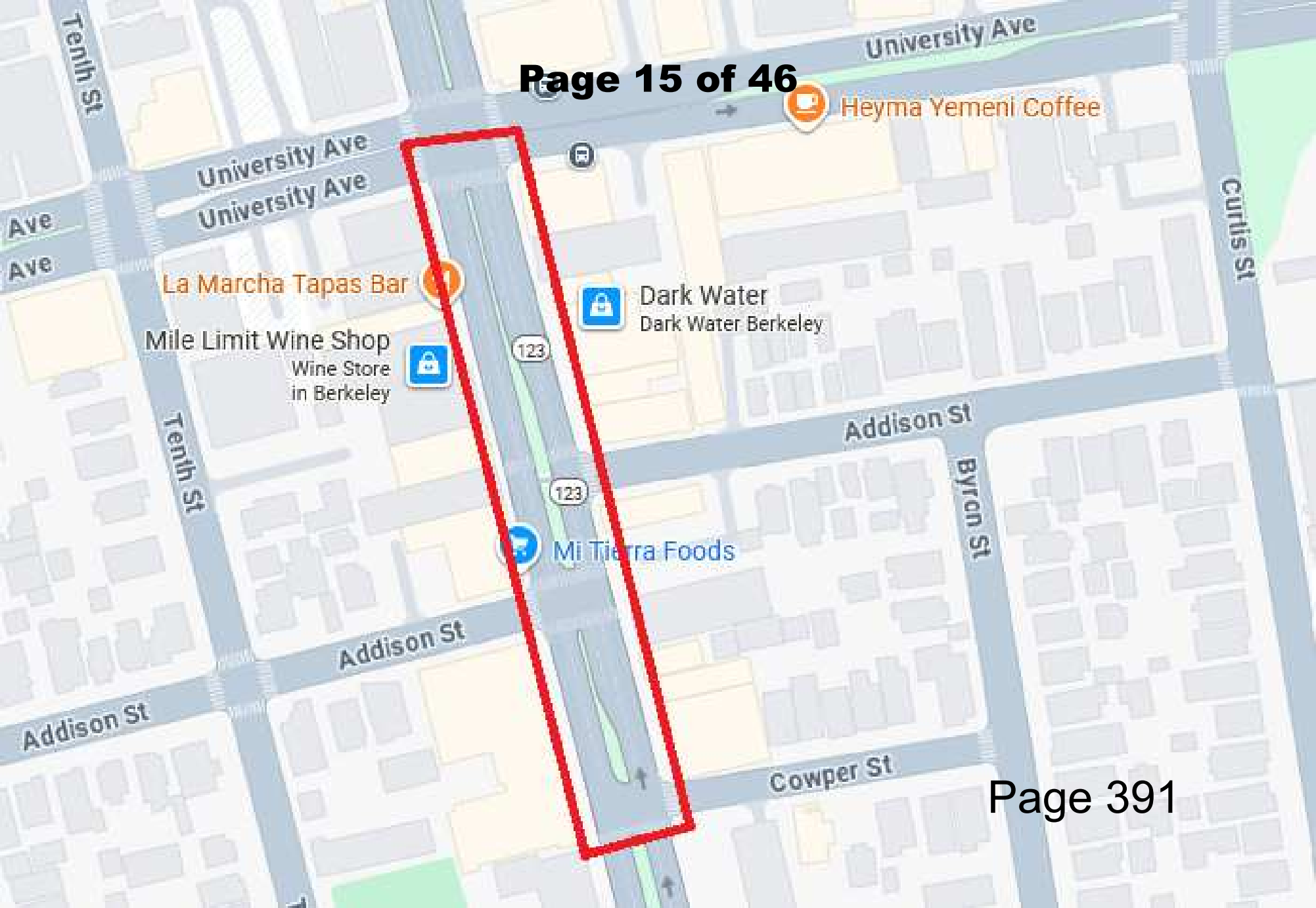
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123
Curtis St
Addison St
Tenth St
123
Byron St
Mi Tierra Foods
Addison St
Addison St
Cowper St

[Administrative, Police, Transportation Codes - Entertainment Zones]

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.

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

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

Section 1. General Findings.

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

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

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

Section 2. CEQA Findings.

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

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

CHAPTER 94B. ENTERTAINMENT ZONES

SEC. 94B.1. DEFINITIONS.

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

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

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

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

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

SEC. 94B.2. ENTERTAINMENT ZONE CONTROLS.

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

(1) All applicable ABC license and permitting requirements;

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

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

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

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

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

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

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

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

SECTION 94B.3. IMPLEMENTATION.

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

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

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

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

(B) Information as may be 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 permitted within the Entertainment Zone; and

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

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

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

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

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

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

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

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

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

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

(b) 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.

(c) 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.

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

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

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

(b) ~~t~~The provisions of this Section *21* shall not apply to

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 6.7. CONDITIONS.

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

* * * *

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

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

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

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

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

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

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

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

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

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

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

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

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

* * * *

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

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

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

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Victoria Wong
VICTORIA WONG
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.

Angela Calvillo
Clerk of the Board

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

SECTION I: SAN FRANCISCO ENTERTAINMENT ZONE PROGRAM OVERVIEW 2
SECTION II: FRONT STREET ENTERTAINMENT ZONE ORDINANCE 2
SECTION III: FRONT STREET ENTERTAINMENT ZONE VISION 3
SECTION IV: ENTERTAINMENT ZONE OPERATING REQUIREMENTS 5

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.

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
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; tobius.l.moore@sfgov.org; gregory.d.burchard@sfgov.org; 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) and email address (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

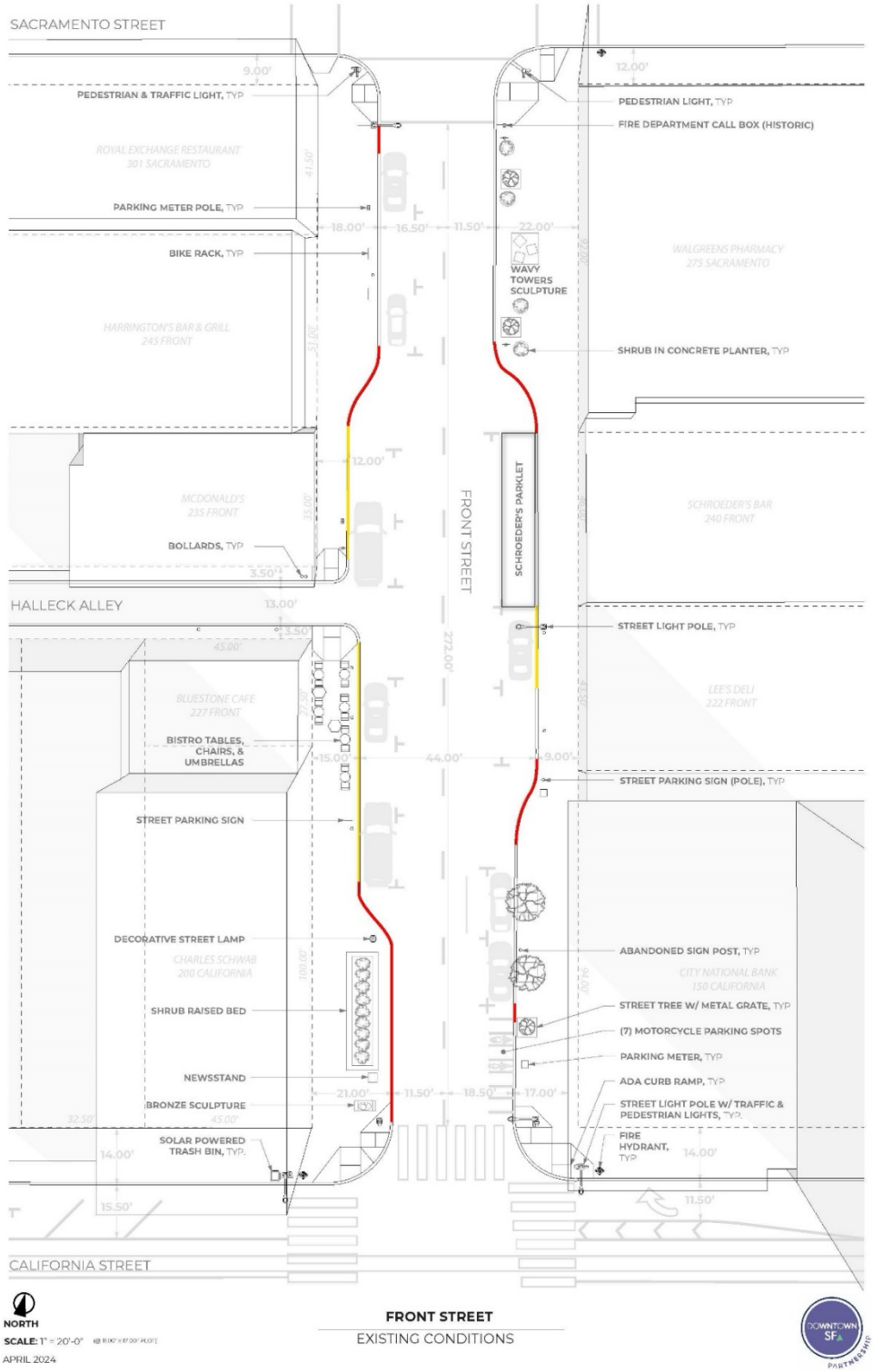
An Entertainment Zone event may only be held in conjunction with an approved street closure permit issued through the Interdepartmental Staff Committee on Traffic and Transportation (ISCOTT). The operation of the Entertainment Zone shall be subject to any conditions imposed upon the street closure permit.

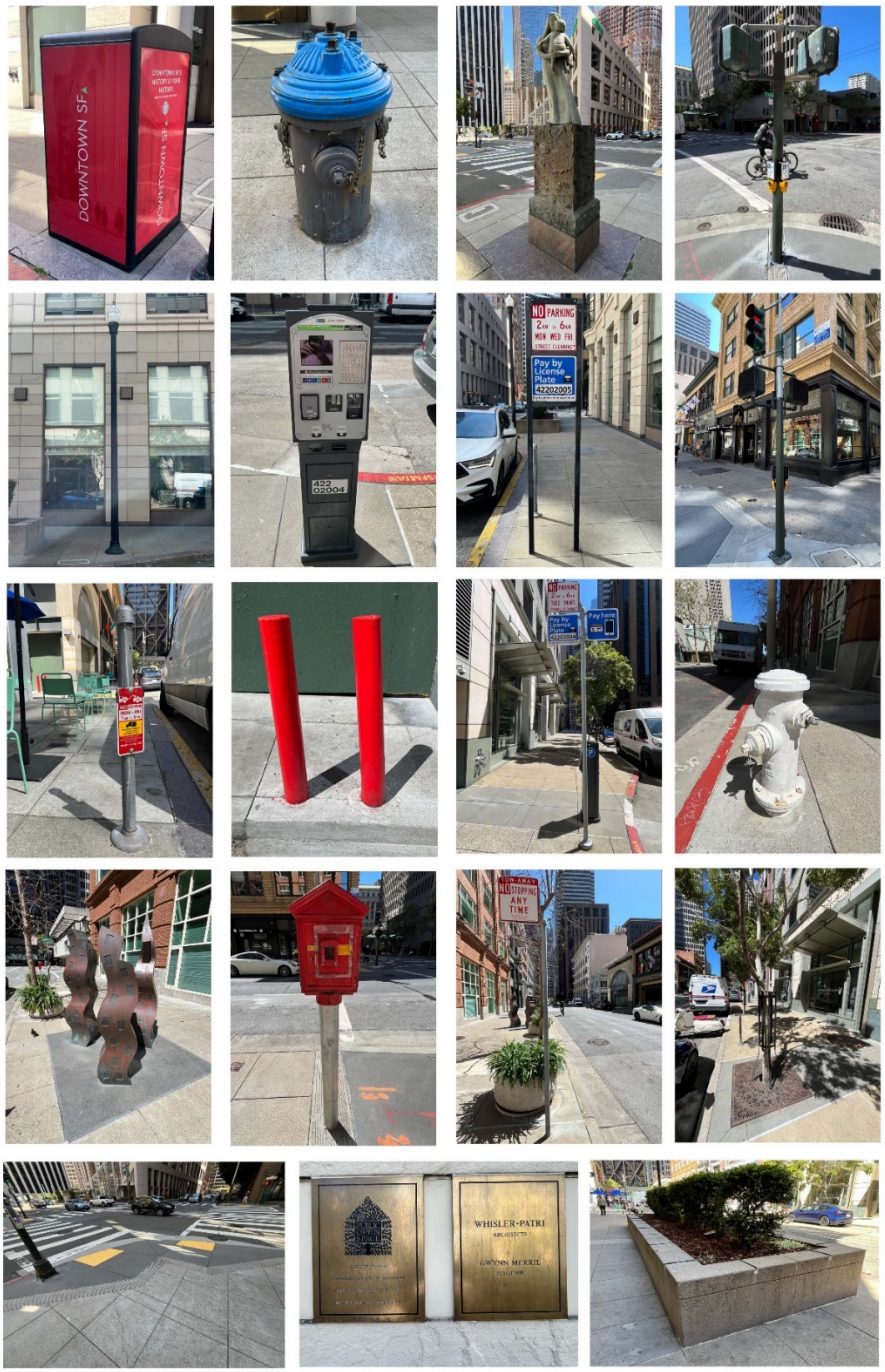
8. Insurance

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

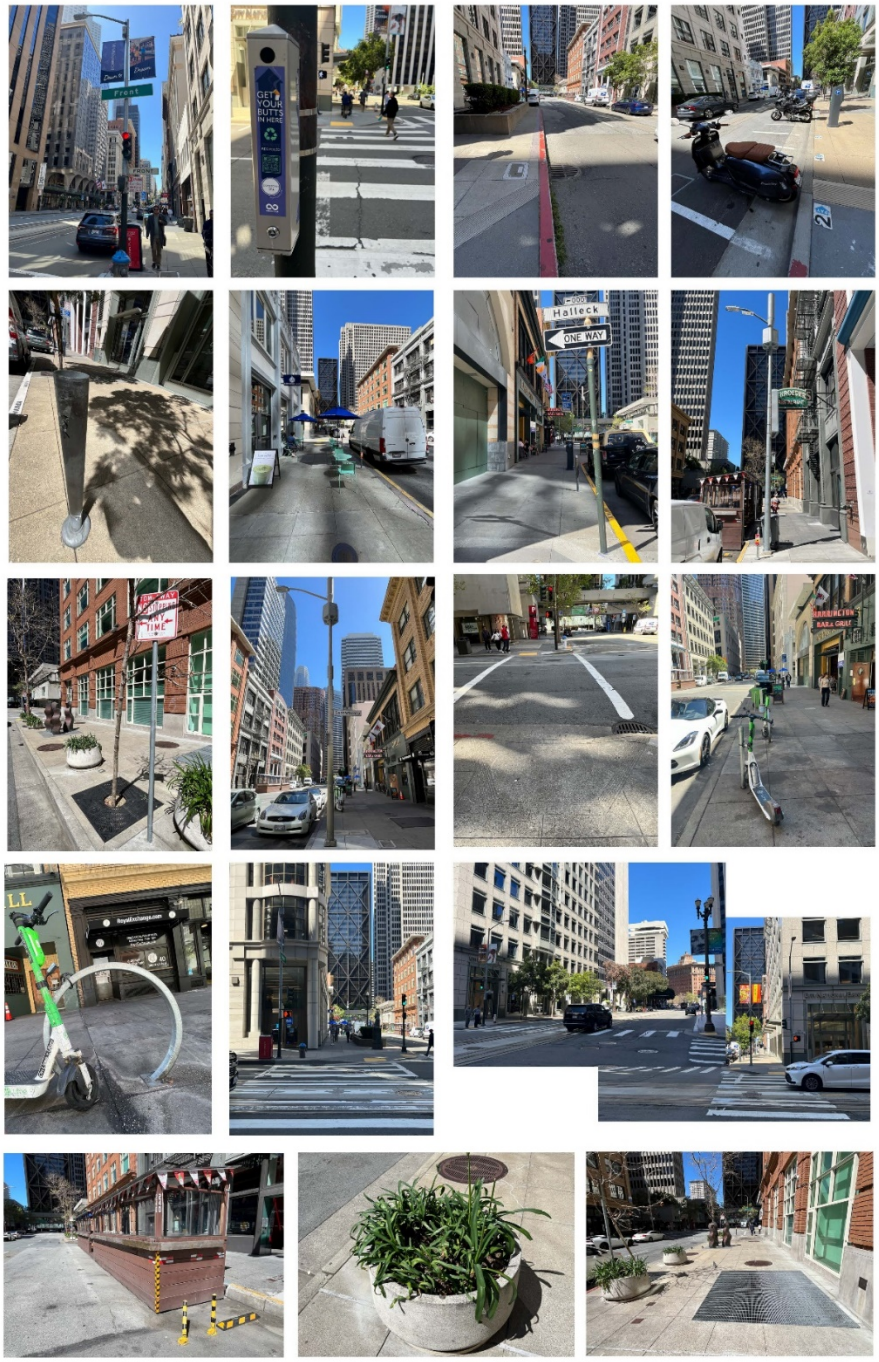
1. Front Street Entertainment Zone Map and Existing Infrastructure





APRIL 2024

FRONT STREET
EXISTING INFRASTRUCTURE



APRIL 2024

FRONT STREET

EXISTING INFRASTRUCTURE CONT.

2. Front Street Entertainment Zone Vision Rendering

Rendering courtesy of Gensler

CITY OF OAKLAND

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	**$400,000**
AI Activation Zones	$250,000	Fundraise	**$250,000**
Program Manager	$125,000	$125,000	**$250,000**
Administrative Costs (10%)	$50,000	$50,000	**$100,000**
Total	**$500,000**	**$500,000**	**$1,000,000**

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

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For questions regarding this report, please contact Chiamaka Ogwuegbu, Policy Director for At-Large Councilmember Rowena Brown, at 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

CONSENT CALENDAR
January 20, 2026

Shoshana O'Keefe
CITY COUNCILMEMBER DISTRICT 5

07

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.[1]

[1] 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.”[2]

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[3], San Jose,[4] Long Beach,[5] and Santa Cruz County.[6] 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.[7][8][9] San Francisco’s guidelines include monitoring for and manually correcting instances of bias.

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[2] Bick, A., Blandin, A., & Deming, D. (2024). The rapid adoption of Generative AI. National Bureau of Economic Research . https://doi.org/10.3386/w32966
[3] San Francisco generative AI guidelines. City of San Francisco . (2025, July 8). https://www.sf.gov/reports--july-2025--san-francisco-generative-ai-guidelines
[4]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
[5] Generative AI guidance. City of Long Beach . (n.d.). https://www.longbeach.gov/smartcity/projects/generative-ai-guidance/
[6] 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
[7] Artificial Intelligence in Predictive Policing Issue Brief. NAACP. (n.d.). https://naacp.org/resources/artificial-intelligence-predictive-policing-issue-brief
[8] 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/
[9] 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.[10] 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.[11]

AI Risk Levels for Generative AI

Risk Level	What It Means	Example Uses
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.

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[10]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/

[11]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.

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There is no material for this item.

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09

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

[DRAFT] CONSENT CALENDAR

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

RECOMMENDATION

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

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

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

BACKGROUND

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

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

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

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

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

2. Implementation of an ombudsman

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

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

[1] Lirtsman, T. (2020, February 27). *City of Santa Monica, CA Six-Week tax amnesty program*. Marcum LLP. Retrieved February 4, 2023, from https://www.marcumllp.com/insights/city-of-santa-monica-ca-six-week-tax-amnesty-program
[2] Walrack, J. (2021, October 2). *Tax amnesty programs: The complete guide*. SuperMoney. Retrieved February 4, 2023, from https://www.supermoney.com/tax-amnesty-programs/
[3] "Business Licenses." *City of East Palo Alto*, https://www.cityofepa.org/manager/page/business-licenses. Accessed 6 June 2023.
[4] "City of South Pasadena Revised Draft 2021-2029 Housing Element". Department of Housing and Community Development. 2022. https://www.hcd.ca.gov/housing-elements/docs/south-pasadena-6th-draft051122.pdf
[5] Albaryan, Anna. "LA City Council approves ADU amnesty program". Spectrum News 1. 17 May 2023. https://spectrumnews1.com/ca/la-west/politics/2023/05/17/la-city-council-approves-adu-amnesty-program

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

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

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

COVID

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

What the City of Berkeley License Business Application Entails[11]:

Any of the following ownerships must obtain a license:

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

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

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[6] "Harriet Tubman Terrace Tenant Support". City of Berkeley, Housing Advisory Commission. https://records.cityofberkeley.info/PublicAccess/api/Document/Ab1RJC2rpXhH094DEivy2v0%C3%815EsHvCyYoUzOiTWRyFHYi%C3%89izD%C3%811pHpGS5fELgym8OVoRmVI4HENVHzmuft7bXus%3D/

[7] "Business Ombudsman Program". Foster City, California. https://www.fostercity.org/citymanager/page/business-ombudsman-program

[8] "Ombudsman in Oakland, California". Salary. https://www.salary.com/tools/salary-calculator/ombudsman/oakland-ca

[9] "Ombudsman Salary". ZipRecruiter. 27 Feb 2024. https://www.ziprecruiter.com/Salaries/Ombudsman-Salary

[10] "The REAL People's Fund Budget & Policy Agenda for City of Oakland FY 2023-2025". https://docs.google.com/document/d/10V17b-0UOSxbZGyUS7IVZnVnCZ22tbpSSS619s0OLEM/edit

[11] "New Business Licenses". City of Berkeley. https://berkeleyca.gov/doing-business/operating-berkeley/business-licenses/new-business-licenses

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

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

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

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

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

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

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

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

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

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

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

CURRENT SITUATION: AN OVERVIEW OF WHAT WE ARE DOING

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

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

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

Commented [2]: is this still true?

[12] "Business License Classifications & Tax Rates". City of Berkeley. https://berkeleyca.gov/doing-business/operating-berkeley/business-licenses/business-license-classifications-tax-rates

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without an active business license.

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

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

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

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

IMPLEMENTATION:

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

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

[13] Dinkelspiel, Frances. "Is it hard to do business in Berkeley?". 20 January 2011. https://www.berkeleyside.org/2011/01/20/is-it-hard-to-do-business-in-berkeley
[14] https://baobobdirectory.com/
[15] "Berkeley Public Library to End Charging of Daily Late Fees for Teen and Adult Materials". Berkeley Public Library. 7 June 2018. https://www.berkeleypubliclibrary.org/about/news/berkeley-public-library-end-charging-daily-late-fees-teen-and-adult-materials

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

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

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

FINANCIAL IMPLICATIONS

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

CONTACT PERSONS

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There is no material for this item.

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