



**BERKELEY CITY COUNCIL LAND USE, HOUSING, & ECONOMIC
DEVELOPMENT COMMITTEE
REGULAR MEETING**

**Monday, February 2, 2026
10:00 AM**

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

Committee Members:

Councilmembers Ben Bartlett, Igor Tregub, and Cecilia Lunaparra
Alternate: Councilmember Shoshana O’Keefe

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 311 8254**. 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 - November 3, 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. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

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. **Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning From: Councilmember Humbert (Author), Mayor Ishii (Author), Councilmember Bartlett (Author)**

Referred: January 12, 2026

Due: May 22, 2026 (*Expedited review requested by author.*)

Recommendation: Refer to the City Manager the Project to Increase Telegraph and Claremont Housing (PITCH) as a standalone rezoning effort to proactively and equitably increase housing stock in southeast Berkeley's high-resource areas. This project would seek to:

1. Rezone the Telegraph Avenue corridor south of Parker Street from the current C-C (Commercial-Corridor) district to the C-T (Telegraph Avenue Commercial) district (or similar), allowing for taller mixed-use housing development, with a goal of base zoning of 8 stories/85 feet.
2. Identify and upzone specific auto-oriented C-N (Neighborhood Commercial) parcels in the Claremont and Ashby area (near Domingo Avenue) from their current 2–3 story limits to 4–6 stories using existing or new zoning districts.
3. Allocate funding to begin required planning and California Environmental Quality Act (CEQA) review for the proposed zoning changes.

Financial Implications: See report

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

Committee Action Items

3. **Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same**
From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)

Referred: May 5, 2025

Due Date: February 28, 2026

Recommendation: Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to: any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined; any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement; the enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley) that the City of Berkeley should employ in furtherance of the recommended regulation; and any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

Financial Implications: See report

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

Committee Action Items

4. **Referral to Establish a Citywide Local Density Bonus Program to Facilitate Lower-Cost Ownership Homes (Condominiums)**
From: Councilmember Kesarwani (Author), Councilmember Tregub (Co-Sponsor), Mayor Ishii (Co-Sponsor), Councilmember Blackaby (Co-Sponsor)
Referred: January 26, 2026
Due: June 15, 2026

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

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

Financial Implications: See report.

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

5. **Discussion Item: Strategies to Attract New Businesses to Berkeley**
From: Councilmember Tregub (Author)

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

Unscheduled Items

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

Items for Future Agendas

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

Adjournment

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*Written communications addressed to the Land Use, Housing & Economic Development Committee and submitted to the City Clerk Department will be distributed to the Committee in advance of the meeting and retained as part of the official record.*

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

**COMMUNICATION ACCESS INFORMATION:**

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

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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 29, 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.

**BERKELEY CITY COUNCIL LAND USE, HOUSING, & ECONOMIC
DEVELOPMENT COMMITTEE
REGULAR MEETING MINUTES**

**Monday, November 3, 2025
10:00 AM**

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

Committee Members:

Councilmembers Ben Bartlett, Igor Tregub, and Cecilia Lunaparra
Alternate: Councilmember Shoshana O’Keefe

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MINUTES

Roll Call: 10:18 a.m.

Present: Tregub, Bartlett

Absent: Lunaparra

Public Comment on Non-Agenda Matters – 2 speakers.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - June 10, 2025

Action: M/S/C (Bartlett/Tregub) to approve the June 10, 2025 minutes.

Vote: Ayes – Tregub, Bartlett; Noes – None; Abstain – None; Absent - Lunaparra.

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. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.

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.

- None

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.

2. Discussion Item: Strategies to Attract New Businesses to Berkeley

From: Councilmember Tregub (Author)

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

Unscheduled Items

3. **Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same From: Councilmember Tregub (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**

Referred: May 5, 2025

Due Date: February 28, 2026

Recommendation: Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to: any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined; any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement; the enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley) that the City of Berkeley should employ in furtherance of the recommended regulation; and any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

Financial Implications: See report

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

Items for Future Agendas

- Councilmember Bartlett noted that Item 2 entitled “Discussion Item: Strategies to Attract New Businesses to Berkeley” will be scheduled for action at the next meeting of the Committee.

Adjournment

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

Vote: Ayes – Tregub, Bartlett; Noes – None; Abstain – None; Absent - Lunaparra.

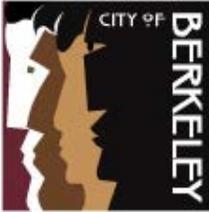
Adjourned at 10:36 a.m.

I hereby certify that the foregoing is a true and correct record of the Land Use, Housing & Economic Development Committee meeting held on November 3, 2025.

Rose Thomsen, Deputy City Clerk

Communications

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**Berkeley City Councilmember****Mark Humbert, District 8**

2180 Milvia Street, 5th Floor

Berkeley, CA 94704

mhumbert@cityofberkeley.info

www.MarkHumbert.com

ACTION CALENDAR

January 27, 2026

To: Members of the Berkeley City Council

From: Councilmember Mark Humbert (Author);
Mayor Adena Ishii (Co-Author);
Councilmember Ben Bartlett (Co-Author)

Subject: Project to Increase Telegraph and Claremont Housing (PITCH) Rezoning

RECOMMENDATION

Refer to the City Manager the Project to Increase Telegraph and Claremont Housing (PITCH) as a standalone rezoning effort to proactively and equitably increase housing stock in southeast Berkeley's high-resource areas. This project would seek to:

1. Rezone the Telegraph Avenue corridor south of Parker Street from the current C-C (Commercial-Corridor) district to the C-T (Telegraph Avenue Commercial) district (or similar), allowing for taller mixed-use housing development, with a goal of base zoning of 8 stories/85 feet.
2. Identify and upzone specific auto-oriented C-N (Neighborhood Commercial) parcels in the Claremont and Ashby area (near Domingo Avenue) from their current 2–3 story limits to 4–6 stories using existing or new zoning districts.
3. Allocate funding to begin required planning and California Environmental Quality Act (CEQA) review for the proposed zoning changes.

SUMMARY

This item proposes a new, targeted rezoning effort to deliver a substantial and equitable increase in zoned housing capacity in District 8 (and limited portions of District 3 along Telegraph). The Project to Increase Telegraph and Claremont Housing (PITCH) focuses on the under-utilized Telegraph Avenue corridor, which offers significant capacity (estimated up to 5,700 new units), excellent transit access, and larger, more easily developable parcels.

By simultaneously applying targeted upzoning to auto-oriented sites in the highest-resource Claremont neighborhood, the project would fulfill Affirmatively Furthering Fair Housing (AFFH) and other Housing Element goals by expanding housing opportunities into the highest-resource parts of Berkeley. This strategic approach ensures a significant and geographically equitable

contribution to Berkeley's housing goals, while potentially relieving pressure on more commercially and architecturally sensitive areas.

FINANCIAL IMPLICATIONS

The estimated cost to execute the necessary initial planning, staff time, and comprehensive environmental review (CEQA) for PITCH is \$250,000. To ensure the viability and timely commencement of this project, Councilmember Humbert commits to funding:

- \$100,000 from his Fiscal Year (FY) 2026 office budget.
- \$50,000 from his FY 2027 office budget.

The total contribution of \$150,000 helps make the project viable for immediate launch, allowing the balance to be secured from other general City funds or grant opportunities in FY 2027.

CURRENT SITUATION AND ITS EFFECTS

Telegraph Avenue, from Parker Street south to the Oakland border, is currently zoned C-C, which sets a base zoning for development of 3-story mixed-use or residential buildings. This represents a severe under-utilization of a key corridor located in a High Resource zone (slated to be upgraded to a Highest Resource area by 2026 TCAC maps) and which features wide street sections (~66' of traffic lanes) and large parcels ideal for higher-density housing.

Furthermore, new housing production has been disproportionately low in the highest-resource neighborhoods of District 8, such as Claremont. Although certain portions of the Claremont area have recently seen their housing capacity increase due to the City's Middle Housing efforts, fire risks and a limited number of underutilized non-residential parcels mean that, absent this project, this area is unlikely to contribute appreciably to the creation of new homes in Berkeley.

BACKGROUND

The City of Berkeley has a State mandate and made local commitments to increase housing production in high-resource, transit-rich areas. Telegraph Avenue's length, infrastructure, and under-developed parcels present an excellent opportunity for high-density housing. The State of California's new law (SB 79) will already require upzoning near Ashby BART (District 3) and the adjacent Telegraph/Alcatraz area, making a comprehensive upzoning of the entire Telegraph corridor both a logical and proactive step.

RATIONALE FOR RECOMMENDATION

This project is an effective approach to better meeting Berkeley's housing and equity goals:

- Increasing Housing Capacity on Telegraph: Rezoning Telegraph to C-T (8-stories) is projected to create a zoned housing capacity of up to around 5,700 units—a vital contribution to Berkeley's housing stock.
- Equitable Development:

- The Telegraph corridor is located in a High Resource area and the project will better satisfy Affirmatively Furthering Fair Housing goals.
- Including the Claremont area (targeting auto-oriented uses near Ashby and Domingo) creates new housing opportunities in one of Berkeley's highest resource neighborhoods, diversifying housing options and providing walkable retail access to residents.
- Infrastructure Alignment: The project aligns new development with the City's investment in the Telegraph Multimodal Corridors project, which includes bus lanes and a protected cycletrack to improve transit and cycling infrastructure.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The project promotes environmental sustainability and climate action by increasing housing development along the high-frequency 6-Telegraph AC Transit bus route, which also features good access to jobs, shopping, and other urban amenities. This location encourages car-free or car-lite living and would serve to reduce the carbon footprint associated with auto use relative to housing in other areas of Berkeley and especially outside Berkeley.

Encouraging infill development also has the effect of reducing development pressure on agricultural and wildland areas, helping preserve them as natural and working lands.

Subsequent CEQA review will ensure all environmental impacts are fully assessed and, if necessary, mitigated before zoning changes are enacted.

POSSIBLE FUTURE ACTION

This referral represents the first step in a longer process that would involve substantial additional staff work, public engagement, subsequent Council input, environmental review, and subsequent Council votes to approve any rezoning and associated CEQA documentation.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The project is made more fiscally viable by the immediate financial commitment from Councilmember Humbert's office. Subsequent fiscal impacts include increased property tax revenue from new housing development, increased sales tax revenue from more residents and subsequent foot traffic, and increased transit ridership on the 6-line, which will help AC Transit address its fiscal shortfall.

CONTACT PERSON

Councilmember Mark Humbert — mhumbert@berkeleyca.gov, 510-981-7180

ATTACHMENTS

Attachment 1 Preliminary Buildout Analysis

ATTACHMENT 1 Preliminary Buildout Analysis

Improving Corridor Upzoning in District 8

Telegraph Avenue is currently zoned C-C and allows for just 3 stories, mixed-use or fully residential. By continuing the C-T zone from the Southside Plan down Telegraph Avenue, District 8 would be making possible thousands of new housing units on a corridor with plentiful underutilized automotive land-use, office properties, drive-thrus, and parking lots, and with streets wide enough for homes taller than 4-6 stories. Telegraph is equal to College Ave. in state resource designation. North of Ashby is High Resource and south of Ashby is Highest Resource.

To estimate the housing unit capacity of a Telegraph Avenue re-zoning, assume 1,000 sqft units with first-floor commercial uses. If a building is 7 stories, then the housing capacity is 6 stories by the number of 1,000 sqft units that fit within the parcel. Telegraph Avenue has more space for much higher-density housing than is being proposed on all the corridors, and has high-density zoning that can be extended from the Southside Plan (C-T zone).

	College (Current D8 proposal)	Telegraph (Proposed)
Acreage	7 acres (only 1.9 acres likely to be developed)	20 acres
Zoned Housing Capacity	Proposed C-E up-zoning (only 130 units are expected, best case , on likely to be developed parcels.): 4-stories: 615 units 6-stories: 1,025 units	C-T Zoning (8 stories/FAR 8.0): 5,705 units

The gas station parcel on the northwest corner at Ashby and Telegraph alone fits 259 units, pre-density bonus, more than the best-case scenario for the entire proposed College Ave. rezoning.

In addition to adding Telegraph Avenue to the Corridors Plan and changing the Elmwood upzoning to a spot-zoning of the least sensitive lots without contingent commercial structures, the Claremont neighborhood has several car-oriented parcels ideal for new housing. Claremont is the Highest Resource neighborhood in Berkeley. Housing on the gas stations and auto shops in the C-N zone around Ashby and Domingo Avenue would provide future residents with walkable retail, a 5-minute walk to Star Grocery, and a local bus line.

The following is a comprehensive table of zoned capacity under the proposed changes to District 8 rezoning.

Location	Current Zoning	Proposed Zoning	Rationale	APN (if applicable)	Dwelling Unit Zoned Capacity
Telegraph Ave south of Parker Street	C-C 2-3 stories	C-T 85 feet (8 stories)	Good transit service, wide street, many suitable sites. 5 minute walk to Elmwood shopping district; Whole Foods, Berkeley Bowl within walking range.		8 stories w/ ground floor retail: 5,705 units
Claremont & Ashby: two gas stations, a car repair shop, and a parking lot	C-N 2-3 stories	4 - 6 stories (Same as Solano)	Creates new housing in the wealthiest district of Berkeley. 5 min. walk to Star Grocery. Domingo Ave. businesses next door. 12 minutes to BART by bus. Gas stations will be obsolete in the near future as the population continues shift to EVs.	'64-4234-3-3' '64-4235-8-4' '64-4236-4', '64-4236-2'	4 stories w/ ground floor retail: 159 units. 6 stories w/ ground floor retail: 265 units. 4 stories: 212 units 6 stories: 318 units.
Elmwood: 7-11 strip mall, Wells Fargo Lot, and Post Office	C-E 2-3 stories	4 - 6 stories (Same as Solano)	Rezone three parking lot parcels on College. Would allow building types such as senior or affordable housing, to be added to the Elmwood.	52-1567-62-6, 53-1696-15, 52-1567-16	4 stories w/ ground floor retail: 84 units. 6 stories w/ ground floor retail: 140 units.
Total Units Zoned Proposed					~6,100 units zoned

Current Plan (C-E)	C-E	4 - 6 stories	Entirety of College commercial re-zoned		615 - 1,025 units
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Additional Notes:

1. The Telegraph Multimodal Corridors project is investing in transportation for future population growth along Telegraph Ave.
2. SB 79 will likely require some rezoning of or near the west side of Telegraph Ave., via Ashby BART in District 3. This is an opportunity to rezone Telegraph comprehensively, rather than rely on the state and a portion of Telegraph and the LeConte neighborhood in District 3, only.

Internal



Igor Tregub
Councilmember, District 4

CONSENT CALENDAR

MAY 20, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Ben Bartlett (Co-Sponsor), Terry Taplin (Co-Sponsor)

Subject: Referral to 4 x 4 Committee: Removing On-Site Manager Exemption Loophole for Certain Multi-Family Properties that are Adjacent and/or Share the Same Common Area

RECOMMENDATION

Refer to the 4 x 4 Committee of the Berkeley City Council and Rent Stabilization Board a proposal related to the removal of an on-site manager exemption loophole, which is currently used by certain Berkeley properties to circumvent California Code Regulation, Title 25, Paragraph 42, for certain multi-family properties that are adjacent and/or share the same common area. If the recommended regulation is enacted, it is the intent of the referral to apply it to subject properties in a prospective manner that ensures that the rights of sitting tenants continue to be fully protected (i.e., a fully occupied property will not be required to rent to an on-site manager until at least one unit becomes vacant in accordance to all applicable state and local laws governing good cause eviction protections). The referral further requests that the 4 x 4 Committee discuss and provide recommendations as to:

- Any parameters that may limit the scope of this referral, including but not limited to situations in which one or more of the subject properties are owned by limited liability corporations (LLCs) and/or owners that own multiple other properties in Berkeley, California and/or beyond, with a total number of units or properties under ownership to be determined;
- Any exemptions to the on-site manager requirement for certain circumstances, such as for hardship of the property owner and/or LLC and/or other circumstances in which the interest of justice may supersede the public interest of this requirement;
- The enforcement mechanism and enforcing jurisdiction (i.e., City of Berkeley or Berkeley Rent Stabilization Board, with compensation by the City of Berkeley)

Internal

that the City of Berkeley should employ in furtherance of the recommended regulation; and

- Any other provisions pertinent to the efficient, just, and fair administration of the recommended regulation.

CURRENT SITUATION AND ITS EFFECTS

California Code Regulation, Title 25, Paragraph 42 (CCR 25 ¶42) includes the following requirements (germane language is emphasized in **bold**):

“A manager, janitor, housekeeper, or other responsible person shall reside upon the premises and shall have charge of every apartment house in which there are 16 or more apartments, and of every hotel in which there are 12 or more guest rooms, **in the event that the owner of an apartment house or hotel does not reside upon said premises**. Only one caretaker would be required for all structures under one ownership and on one contiguous parcel of land. **If the owner does not reside upon the premises of any apartment house in which there are more than four but less than 16 apartments, a notice stating the owner's name and address, or the name and address of the owner's agent in charge of the apartment house, shall be posted in a conspicuous place on the premises.**”¹

Over the past several months, it has come to our attention that at several contiguous properties in Berkeley have, in total, over 16 apartments but fulfill neither the on-site “manager, janitor, housekeeper, or other responsible person” nor the “notice stating the owner’s name and address” requirement. The properties in question share an entrance, common area space, and required amenities such as garbage and recycling collection and appear to have been part of a single parcel that was, somewhere over the course of their operation as apartment buildings, subdivided into separate parcels such that, individually, the number of apartment units on each parcel numbered less than sixteen (“16”).

It is the intent of this referral to explore local pathways to close this loophole and ensure that the integrity of CCR 25 ¶42 is restored in the face of efforts to subdivide a parcel with contiguous multifamily rental properties or hotels that otherwise, based on the number of apartments or hotel rooms would be subject to the “on-site manager, housekeeper, or other responsible person” provision. While not specifically the subject of this item, in the intent of this item is to ¶reveal how, if at all, the “notice” section of CCR 25 ¶42 is being enforced for existing properties on a parcel that, in total, includes between four (“4”) and sixteen (“16”) units.

1

[https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Document/I3F1C71434C8611ECB533000D3A7C4BC3?viewType=FullText&originContext=documenttoc&transitionType=CategoryPageItem&contextData=(sc.Default)&bhcp=1)

Internal

RATIONALE FOR RECOMMENDATION

The lack of an on-site manager within contiguous properties have, in total, over 16 apartments but fulfill neither the on-site “manager, janitor, housekeeper, or other responsible person,” sometimes coupled with the nonexistence of a “notice stating the owner’s name and address,” in contravention to the spirit, if not the letter, of CCR 25 ¶42 has led to significant adverse impacts to the neighbors as well as the sitting occupants of the properties in question. These have included but not been limited to: poor or nonexistent garbage and/or recycling collection; slow or non-existent efforts on the part of the property owner and/or off-site manager to comply with “warranty of habitability” and/or health and safety requirements; and inability to effectively mitigate for noise violations. It is the intent of this recommendation to address a clear loophole in the state code that has been exploited by some property owners and LLCs to the detriment of the residents and neighbors of the subject properties.

FINANCIAL IMPLICATIONS

Financial implications may include staff time associated with writing, reviewing, and, as necessary, enforcing the recommended language. It is the intent of this referral that discussion at the 4 x 4 Committee among members and staff from the City of Berkeley and Berkeley Rent Stabilization Board may be able to finetune these cost projections.

ENVIRONMENTAL SUSTAINABILITY

Indirect environmental sustainability benefits may result from these items, particularly around improved enforcement of disaggregation between recyclable, non-recyclable, and compostable items within subject multifamily housing buildings that currently do not have an on-site manager but would be required to under language contemplated by this referral.

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Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR

February 10, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Igor Tregub, Mayor Adena Ishii, and Councilmember Brent Blackaby (Co-Sponsors)

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

RECOMMENDATION

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

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

CURRENT SITUATION AND ITS EFFECTS

At Least Nine Recent Rental Residential Development Projects Are Stalled in Berkeley's Downtown, Sometimes Creating Blight. Currently, there are at least nine rental residential development projects that have received a zoning permit, the initial step that allows a project to apply for a building permit, as shown in Exhibit 1.

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However, only five of these nine projects have received a building permit and none have broken ground due to unfavorable economic conditions. According to a May 2024 residential feasibility analysis for the City of Berkeley, most development prototypes cannot support the current cost of development in today's market.¹ The report states, "This is being driven by increased construction and financing costs that are outpacing projected rental revenue relative to the required rate of return developers must provide to finance a project."

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

Address	Date Zoning Permit Was Received	Number of Proposed Units
2128 Oxford	Oct. 4, 2024	456
2190 Shattuck	April 28, 2023	325
2274 Shattuck	April 22, 2025	277
2015 Blake	Sept. 25, 2023	219
2100 Milvia	July 1, 2025	205
2065 Kittredge ¹	Feb. 22, 2023	189
2037 Durant	June 19, 2024	74
2138 Kittredge	Oct. 20, 2025	66
2210 Harold Way	Dec. 10, 2020	38
Total Number of Proposed Units Stalled		1,849

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

¹Note: Harold Way Development at 2065 Kittredge has broken ground but is currently stalled.

For the nine proposed projects listed above that received a zoning permit, five projects went on to receive a building permit (2210 Harold Way, 2065 Kittredge, 2190 Shattuck, 2128 Oxford, and 2138 Kittredge) but have not broken ground for various reasons. We note that another three projects not listed above (2113 Kittredge, 1998 Shattuck, and 2450 Shattuck) submitted a pre-application but never received a zoning permit. Some of these stalled projects are creating blighted conditions in our downtown:

- The 2128 Oxford Street stalled project has caused a once vibrant block of small businesses to remain shuttered, with boarded up storefronts and fencing for an extended period;
- 2065 Kittredge project is the site of an unsightly pit of dirt; and
- 2274 Shattuck is the site of the shuttered United Artists Theatres.

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

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Over Last Five Years, No Largescale Condo Projects Utilizing the State Density Bonus Have Been Built in Berkeley. While many multiunit rental housing developments have recently been added to Berkeley's housing stock, that has not been the case with multiunit ownership developments. Nor have many rental units been converted to condominiums over the same period. In large part that can be attributed to affordable housing requirements compelling developers to either include below-market-rate housing on site, which costs would need to be offset by the construction of additional market rate units, or pay an in-lieu fee that until very recently was costly.² The City's condominium conversion fees are also high which likely impacts the numbers of units converted to ownership opportunities.³ Exhibit 2 shows the numbers of condominiums constructed and/or converted from rental units in Berkeley over the last five years.

Exhibit 2: Number of Condominium Units Constructed and Converted over the Last Five Years in Berkeley

Year	Project Addresses (New Construction Only)	Number of New Construction Units	Number of Converted Rental Units	Total Number of Condo Units
2020	1811 Sixty-Third St (3 units)	7	14	21
	1444 Fifth St (4 units)			
2021	1923 Ninth St (3 units)	6	3	9
	1516 Carleton St (3 units)			
2022	1157 Hearst Ave (4 units)	4	5	9
2023	1519 Fairview St (1 units)	4	10	14
	776 Page St (3 units)			
2024	2421 Ninth St (2 units)	4	2	6
	2323 Eighth St (2 units)			
2025	2403 San Pablo Ave (36 units)*	42	0	42
	805 Jones St (6 units)			
TOTAL		67	34	101

Source: Berkeley Planning Department

*Indicates a private development for the purpose of a group living/ownership situation.

Note: There are two developments (2025 Kala Bagai Way, constructing 48 units, and 3000 San Pablo Avenue constructing 78 units) that have put a condo map on their projects but are being advertised as rental units; they are using a density bonus for those developments though will not be providing ownership units.

² Berkeley's Inclusionary Housing Ordinance In-Lieu Fee was amended February 2025: [https://berkeleyca.gov/sites/default/files/documents/2025-02-25%20Item%2014%20Inclusionary%20Housing%20Ordinance.pdf#:~:text=SUMMARY%20The%20proposed%20updates%20to%20Berkeley's%20Inclusionary,development%20\(2%E2%80%9319%20units\)%2C%20which%20face%20market%20constraints](https://berkeleyca.gov/sites/default/files/documents/2025-02-25%20Item%2014%20Inclusionary%20Housing%20Ordinance.pdf#:~:text=SUMMARY%20The%20proposed%20updates%20to%20Berkeley's%20Inclusionary,development%20(2%E2%80%9319%20units)%2C%20which%20face%20market%20constraints).

³ City of Berkeley Planning and Development Residential Condominium Conversion Packet: https://berkeleyca.gov/sites/default/files/documents/Condo%20Packet%2007-01-2022_Posted%20Online.pdf

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A Local Density Bonus Would Alter the Financial Feasibility of Larger-Scale Condominium Development, Allowing Stalled Rental Projects to Move Forward as Condominium Projects. Establishing a local density bonus for stalled rental residential projects that received a zoning permit since Jan. 1, 2024 could enable these projects to move forward as condo projects. A local density bonus can provide the benefits of the state density bonus (in terms of densities, bonuses, concessions, and waivers) that helps projects reach economic feasibility, while also providing the option to pay the in-lieu affordable housing fee for *all* condo units on site. These funds can then be used to fund 100 percent below-market-rate affordable housing elsewhere in Berkeley, such as at the Ashby East Parking Lot that is now owned by the City. The requirement under the state density bonus to provide below-market-rate units on site for condo developments currently renders these types of projects infeasible, as the for-sale price for below-market-rate condos is too low to be absorbed by the project's market-rate units. Costs for purchasing a condo unit can be considerable as they include mortgage loan payments, homeowner's insurance payments, property taxes and assessments, homeowner's association fees, utilities allowances, insurance premiums, etc., making ownership units much more costly to subsidize than rental units.⁴ A local density bonus exclusively for condo projects could allow some of the stalled rental projects to convert to condo developments, providing the City with affordable housing in-lieu fee revenue that it cannot otherwise realize for stalled rental projects under current economic conditions.

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

Condo Development in Downtown Offers Starter Homeownership Opportunities for Young Families and Downsizing Opportunities for Empty Nesters That's Walkable to Amenities and Public Transit. The City's median home price of \$1.3 to \$1.5 million remains out of reach for all but the wealthiest families. This is an issue of public concern because our community must be able to provide long-term viable home options for the families of middle-class workers who serve our community, including police officers, firefighters, teachers, and health care workers. For aging empty nesters

⁴ Meyers|Nave 2024 California Developers' Toolkit: Density Bonus Law, Housing Laws, & Strategies for Success, p. 4: <https://www.meyersnave.com/wp-content/uploads/2024.10-California-Developers-Toolkit-Density-Bonus-Law.pdf>

living in larger homes in the hills, there are virtually no opportunities to remain in the community and downsize to a smaller home that is walkable to amenities like grocery stores and public transit. A local density bonus for stalled rental projects seeking to convert to condo projects addresses the need to create smaller and more affordable ownership units for those seeking more affordable homeownership opportunities than a single-family home.

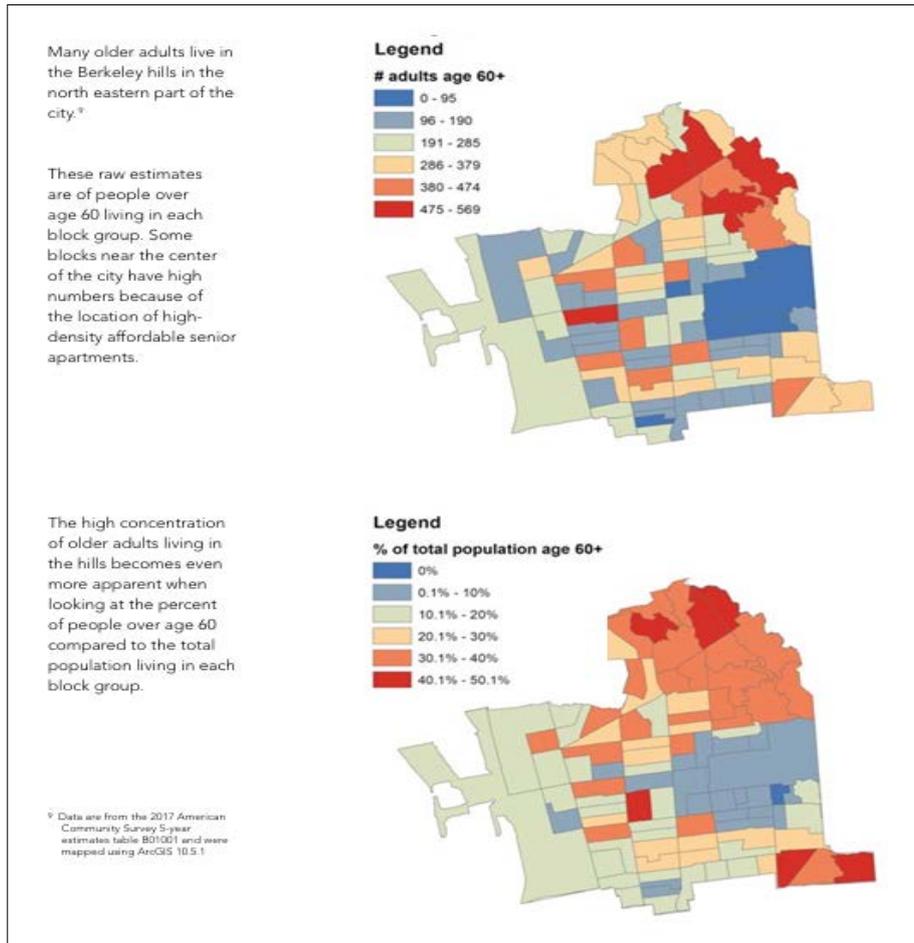
BACKGROUND

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

Berkeley Has a Significant Aging Population of Homeowners. Slightly over a quarter of all Berkeley residents are 55 and older.⁵ A high concentration of these older residents live in the Berkeley Hills, as shown in Exhibit 2 below. For aging residents wishing to remain in the community and downsize to a home they can own that is walkable to amenities and public transit, there are few options. Some new senior housing has been developed in recent years, such as Jordan Court for low-income seniors (corner of Oxford and Cedar), The Ivy at Berkeley assisted living and memory care home (corner of Dwight and Milvia), and Elegance Berkeley assisted living (corner of San Pablo Avenue and Addison). However, given the City's significant aging population, more ownership opportunities are needed for seniors seeking to downsize and relocate to a walkable neighborhood as they age.

⁵ State of Public Health in Berkeley Summary Report, Information Report presented at the June 24, 2025 City Council meeting: <https://berkeleyca.gov/sites/default/files/documents/2025-06-24%20Item%2030%20State%20of%20Public%20Health%20in%20Berkeley%20Summary%20Report.pdf>

Exhibit 2: Aging Berkeley Residents Are Concentrated In Berkeley Hills



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

Condo Affordable Housing In-Lieu Fee Has Been Lowered To Be Equal to Rental Affordable Housing Fee, With Potential to Encourage New Condo Development. Historically, the affordable housing in-lieu fee for condo developments has been much higher than the fee imposed on rental projects; it was calculated as 62.5 percent of the difference between the market price for each unit and the below-market-rate price for each inclusionary unit.⁶ In January 2023, the Berkeley City Council modified the affordable housing in-lieu fee to be applied on a square-foot basis, and to be applied equally to rental and ownership units.⁷ Effective

⁶ Klein, Jordan and Warhuus, Lisa. "Citywide Affordable Housing Requirements," Jan. 17, 2023, <https://berkeleyca.gov/sites/default/files/documents/2023-01-17%20Item%2021%20Citywide%20Affordable%20Housing%20Requirements.pdf>

⁷ Klein, Jordan and Warhuus, Lisa. "Citywide Affordable Housing Requirements," Jan. 17, 2023, <https://berkeleyca.gov/sites/default/files/documents/2023-01-17%20Item%2021%20Citywide%20Affordable%20Housing%20Requirements.pdf>

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July 1, 2025, the current in lieu fee is \$62.83 per square foot, with all projects receiving a discount on the first 5,000 square feet.⁸

Oakland, San Francisco, and Hayward Have Implemented a Local Density Bonus To Further Policy Goals. Neighboring jurisdictions have adopted their own local density programs going beyond state requirements to further their own specific policy goals. In Oakland, the Zoning Incentive Program allows additional density beyond what is allowed by the Downtown Oakland Specific Plan Base Zoning in exchange for a variety of community benefits, on-site affordable housing and with the option of paying in-lieu fees.⁹ San Francisco's local density program, HOME-SF,¹⁰ allows more height than the state's density bonus in exchange for 20 to 30 percent of the units being affordable to low and moderate-income families, with 40 percent of the total units being two-bedrooms or larger, in an effort to provide more family-friendly housing. The City of Hayward allows an additional density bonus, incentives, and concessions for housing targeted to special populations, such as large families (3+ bedrooms), projects including universal design features for people with disabilities, seniors, college students, and foster youth to name several examples.¹¹ While this item is somewhat novel in allowing condominium projects to pay an in-lieu fee into our Housing Trust Fund only and not build affordable units on site, these other examples illustrate the flexibility that a local density bonus can provide to address local concerns.

FISCAL IMPACT

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

ENVIRONMENTAL SUSTAINABILITY

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

⁸ Affordable Housing Requirements for Developers, City of Berkeley, <https://berkeleyca.gov/construction-development/permits-design-parameters/design-parameters/affordable-housing#:~:text=Effective%20July%201%2C%202025%2C%20the%20rental%20or,from%20the%20Residential%20Unit%20Floor%20Area%20calculation>

⁹ Hausrath Economics Group Memorandum: Comparative Analysis of Housing Outcomes: Downtown Oakland Specific Plan Zoning Incentive Program and California Density Bonus Law, March 10, 2023: <https://www.oaklandca.gov/files/assets/city/v/1/public-meetings/zoning-update-committee/2023/b-comparing-zip-and-sdb-housing-outcomes.pdf>

¹⁰ San Francisco Planning Department: HOME-SF: <https://sfplanning.org/home-sf>

¹¹ City of Hayward, Hayward Density Bonus User Guide, June 2025: <https://www.hayward-ca.gov/sites/default/files/documents/City-of-Hayward-Density-Bonus-User-Guide-2506.pdf>

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No Material
Available for
this Item

There is no material for this item.

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**The City of Berkeley Land Use, Housing, & Economic Development Policy Committee
Webpage:**

[https://www.cityofberkeley.info/Clerk/Home/
Policy Committee Land Use, Housing Economic Development.aspx](https://www.cityofberkeley.info/Clerk/Home/Policy%20Committee%20Land%20Use,%20Housing%20Economic%20Development.aspx)

