



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, JUNE 22, 2026

2:30 P.M.

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 165 171 2566**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

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

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

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

AGENDA

Roll Call

Public Comment

Review of Agendas

1. **Approval of Minutes: June 15, 2026**
2. **Review and Approve Draft Agenda:**
 - a. 7/7/2026 – Regular City Council Meeting
3. **Adjournments In Memory**

Scheduling

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

Action Calendar

- **None**

Unscheduled Items

7. **Review Policy Committees Structure**
8. **Review Boards and Commissions Structure**

Items for Future Agendas

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

Adjournment – Next Meeting Monday, June 29, 2026

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

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

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

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

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

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


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

**COMMUNICATION ACCESS INFORMATION:**

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

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City’s website, on Thursday, June 18, 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 AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

MONDAY, JUNE 15, 2026

2:30 P.M.

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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Roll Call: 2:34 p.m. All present.

Public Comment – 0 speakers

Review of Agendas

1. Approval of Minutes: June 1, 2026

Action: M/S/C (Humbert/Taplin) to approve the minutes of 6/1/2026.

Vote: All Ayes.

2. Review and Approve Draft Agenda:

a. 6/30/2026 – Regular City Council Meeting

Action: M/S/C (Taplin/Humbert) to approve the agenda of 6/30/2026 with the changes noted below.

- Item Added: Zero Empty Spaces (Tregub) – added to Consent Calendar
- Item 29 Street Rehabilitation and Measure FF (City Manager) – scheduled for July 7, 2026
- Item 30 Community Transportation (Bartlett) – referred to FITES Committee
- Item 31 Zoning Amendment (Tregub) – referred to LUHED Committee
- Item 32 Rent Ordinance Measure (Lunaparra) – scheduled for Action Calendar

Order of Action Calendar

Item 26 Tax and Revenue Anticipation Notes

Item 27 Issuance of Bonds

Item 32 Rent Ordinance Measure

Item 28 Surveillance Technology Ordinance

Vote: All Ayes.

3. Adjournments In Memory – None

Scheduling

4. Council Worksessions Schedule – received and filed

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

6. Land Use Calendar – received and filed

Action Calendar

- None

Unscheduled Items

7. Review Policy Committees Structure

8. Review Boards and Commissions Structure

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

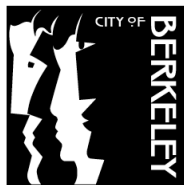
Adjourned at 2:43 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on June 15, 2026.

Mark Numainville, City Clerk

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DRAFT AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, July 7, 2026
6:00 PM

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702
 TELECONFERENCE LOCATION - 19-4178 WRIGHT ROAD, VOLCANO, HI 96785
 TELECONFERENCE LOCATION - 45 KAI MALINA PARKWAY, LAHAINA, HI 96761

ADENA ISHII, MAYOR

COUNCILMEMBERS:

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

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

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

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Preliminary Matters

Roll Call:

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

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

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

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

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

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

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

Consent Calendar

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

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

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

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

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

Consent Calendar

- Contract No. 114159-1 Amendment: Tyler Technologies, Inc. for Computer Aided Dispatch (CAD) Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 114159-1 with Tyler Technologies, Inc. for the continued maintenance and support of the Computer Aided Dispatch (CAD) software and associated public safety systems, increasing the contract amount \$750,000 for a revised total contract value not-to-exceed of \$3,684,123, and extending the term of the contract for two additional years through June 30, 2028.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

2. **Contract: Willdan Financial Services for Updates to Nexus Studies**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract with Willdan Financial Services, to make updates to five nexus studies in support of City development fees, in an amount not to exceed \$80,115, and authorizing the City Manager to execute any amendments, extensions, or change orders until the project is completed.

Financial Implications: Various Funds - \$80,115

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

3. **Revenue Grant Agreements: 2024 and 2025 Edward J. Byrne Memorial Justice Assistance (JAG) for Berkeley Police Department Costs**

From: City Manager

Recommendation: Adopt two Resolutions authorizing the City Manager or designee to submit grant agreements to Alameda County Sheriff's Office, to accept the grants, and execute any resultant revenue agreements and amendments to be used for funding overtime costs associated with focused crime suppression activities, community safety initiatives, and staffing for high impact community events.

1. Edward J. Byrne Justice Assistance Grant (JAG) 2024 Local in the projected amount of \$40,714 with a 10% admin fee with a net allocation of \$36,642.60 for the period of October 1, 2023 to September 30, 2027.

2. Edward J. Byrne Justice Assistance Grant (JAG) 2025 Local in the projected amount of \$47,856 with a 10% admin Fee with a net allocation of \$43,070.40 for the period to be determined at time of contract execution.

Financial Implications: See report

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

Action Calendar

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

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

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

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

Action Calendar – Public Hearings

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

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

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

4. **Ambulance Transport Fee Increase**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion, adopt a Resolution adjusting the Ambulance User Fee to match Alameda County's approved ambulance user fee schedule made effective July 1, 2026, for the Cities of Alameda, Albany, Berkeley, and Piedmont and to adjust the First Responder Fee. The increase would be included as an updated addendum to the Ambulance Provider Agreement, and rescinding Resolution 71,829–N.S.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

5. **Zoning Adjustments Board Appeal: 600 Gilman Street, Variance #ZP2025-0064**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution denying the appeal and upholding the Zoning Adjustments Board (ZAB) decision to deny Variance #ZP2025-0064 to establish a public drive-in vehicle wash.

Financial Implications: None

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

6. **Memorandum of Understanding (MOU) Compendium 2026: Agreements with Other Law Enforcement Agencies and Private Organizations**

From: City Manager

Recommendation: Conduct a public hearing, and upon conclusion, adopt a Resolution to:

1. Approve the attached MOU Compendium reflecting the current operational agreements between the Berkeley Police Department and other law enforcement agencies and private organizations.
2. Accept the attached Suspicious Activity Report (SAR).
3. Accept the attached Mutual Aid requests and responses report as submitted in accordance with existing City Council directives.

Financial Implications: See report

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

Action Calendar – New Business

7. 2025 Annual Police Equipment Report

From: City Manager

Recommendation: Adopt a Resolution approving the 2025 Annual Police Equipment Report pursuant to Assembly Bill 481 and Berkeley Municipal Code 2.100.

Financial Implications: See report

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

8. Five-Year Street Rehabilitation and Measure FF Plans for Fiscal Years 2027-2031

From: City Manager

Recommendation: Adopt a Resolution adopting the Five-Year Street Rehabilitation and Measure FF Plans for Fiscal Years 2027-2031.

Financial Implications: See report

Contact: Wahid Amiri, Public Works, (510) 981-6300

Council Action Items

9. Large Vehicle Parking Regulations in the Public Right-of-Way *(Reviewed by the Health, Life Enrichment, Equity & Community Committee)*

From: Councilmember Taplin (Author)

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.
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, 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).

Policy Committee Recommendation: To send item to Council with a qualified positive recommendation to more clearly articulate guidance on the intersection of the proposed amendments with applicable State law.

Financial Implications: See report

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

Action Calendar – Policy Committee Track Items

10. Waterfront Specific Plan Environmental Review Authorization and Near-Term Priority Adjustments

From: Councilmember Taplin (Author)

Recommendation:

1. Authorize the City Manager to initiate environmental review of the Waterfront Specific Plan pursuant to the California Environmental Quality Act (CEQA) and to prepare a Program Environmental Impact Report (EIR), using Scenario 1 (Highest Buildout, approximately 1,215,000 gross square feet) as the maximum development alternative for purposes of the EIR's environmental analysis and Project Description. As staff noted in the November 18, 2024 Worksession Report, analyzing Scenario 1 for CEQA purposes preserves the Council's full flexibility to scale the final plan to Scenario 2 or Scenario 3 at adoption, while ensuring no additional cost or delay would be incurred if the Council later wishes to pursue higher-density development.
2. Defer and hold in abeyance the November 18, 2024 Council direction to prepare a standalone nature-and-recreation-based conceptual plan for César E. Chávez Park, consistent with the ongoing administrative hold on that work pending resolution of environmental compliance obligations at the former landfill (City Manager Off-Agenda Memorandum, June 5, 2025). Incorporate the park's long-term improvement priorities into the Waterfront Park (WP) zone provisions of the Waterfront Specific Plan as part of the EIR scoping process.
3. Request that the City Manager return to Council with a certified EIR, a Final Waterfront Specific Plan, and companion Berkeley Municipal Code and General Plan amendments for adoption.

Financial Implications: See report

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

11. Referral to the City Attorney and the City Manager to pursue appropriate legal remedies regarding the killing of and fraudulent misrepresentation with respect to Berkeley shelter dogs transferred to Miranda's Rescue

From: Councilmember Humbert (Author), Mayor Ishii (Author), Councilmember Tregub (Author)

Recommendation: Refer to the City Attorney and the City Manager, jointly and within their respective legal and administrative authorities, and in coordination with other entities, to take all legally appropriate steps to protect animal welfare, preserve evidence, recover public funds, track and document City costs, and support full accountability for the alleged killing, mistreatment, and fraudulent disposition reporting of dogs transferred from Berkeley Animal Care Services (BACS) to Miranda's Rescue in Fortuna, California.

This referral is intended to facilitate the City acting promptly and comprehensively. It does not make final factual determinations and all allegations should be evaluated by the prosecuting authorities and investigating agencies based on the evidence developed in the pending and future investigations.

Financial Implications: See report

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

Information Reports

12. **FY 2026 Third Quarter Investment Report: Ended March 31, 2026**
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:*

1) *No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred.*

2) *In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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

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

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

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

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

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
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ACTION CALENDAR  
JULY 7, 2026

**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
  - 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:

- **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, 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).

### **POLICY COMMITTEE RECOMMENDATION**

On February 11, 2026, the Health, Life Enrichment, Equity & Community Committee adopted the following action: M/S/C (O’Keefe/Taplin) to send item to Council with a qualified positive recommendation to more clearly articulate guidance on the intersection of the proposed amendments with applicable State law. Vote: All Ayes.

### **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.

### Chapter 12.98

**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)):**  
[California Vehicle Code §§ 22660–22669](#)

### 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.

#### [Resolution No. 71,513-N.S.](#)

- 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](#)inances, 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       |

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|                                    |                         |      |                      |    |                                  |         |             |        |
|------------------------------------|-------------------------|------|----------------------|----|----------------------------------|---------|-------------|--------|
| 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 |

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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 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** [Catholic Charities](#)

- **Mountain View** [MOVE MV](#)
- **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** [Encampment Management Team \(EMT\)](#)

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](mailto: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



CONSENT CALENDAR

July 7, 2026

**To:** Honorable Mayor and Members of the City Council

**From:** Councilmember Terry Taplin, District 2

**Subject:** Waterfront Specific Plan Environmental Review Authorization and Near-Term Priority Adjustments

**RECOMMENDATION**

1. Authorize the City Manager to initiate environmental review of the [Waterfront Specific Plan](#) pursuant to the California Environmental Quality Act (CEQA) and to prepare a Program Environmental Impact Report (EIR), using Scenario 1 (Highest Buildout, approximately 1,215,000 gross square feet) as the maximum development alternative for purposes of the EIR's environmental analysis and Project Description. As staff noted in the [November 18, 2024 Worksession Report](#), analyzing Scenario 1 for CEQA purposes preserves the Council's full flexibility to scale the final plan to Scenario 2 or Scenario 3 at adoption, while ensuring no additional cost or delay would be incurred if the Council later wishes to pursue higher-density development.
2. Defer and hold in abeyance the November 18, 2024 Council direction to prepare a standalone nature-and-recreation-based conceptual plan for César E. Chávez Park, consistent with the ongoing administrative hold on that work pending resolution of [environmental compliance obligations at the former landfill](#) (City Manager Off-Agenda Memorandum, June 5, 2025). Incorporate the park's long-term improvement priorities into the Waterfront Park (WP) zone provisions of the Waterfront Specific Plan as part of the EIR scoping process.
3. Request that the City Manager return to Council with a certified EIR, a Final Waterfront Specific Plan, and companion Berkeley Municipal Code and General Plan amendments for adoption.

**BACKGROUND**

***About the Waterfront and the Specific Plan***

The Berkeley Waterfront encompasses approximately 100 acres of public tidelands west of Eastshore State Park. It contains the 1,000-berth Berkeley Marina, the DoubleTree by Hilton Hotel, four restaurants, a boatyard, the Adventure Playground, Shorebird Nature Center, and César E. Chávez Park.

As entirely public land governed by the California Public Trust doctrine, all uses must be consistent with public trust purposes and are subject to oversight by the Bay Conservation and Development Commission (BCDC), the State Lands Commission, and the U.S. Army Corps of Engineers (USACE). The Waterfront is currently zoned “Unclassified” in the Berkeley Municipal Code, requiring a lengthy, project-by-project discretionary approval process for any new use.

In 2019, the City Council allocated \$1.101 million to develop a long-term Waterfront Specific Plan providing a vision for the next 25 to 50 years. Work commenced in 2020 with studies on existing conditions and economic demand, followed by six community workshops (430+ participants), 28 focus groups (285 participants), three questionnaires (1,821 responses), two Council worksessions (February 2021, March 2023), and two Off-Agenda Reports (June 2022, January 2024). The draft WSP was published September 8, 2023, and most recently updated November 8, 2024.

On November 18, 2024, the City Council gave direction to: (1) complete the parking and transportation demand management study; (2) prepare a nature-and-recreation-based conceptual plan for César Chávez Park; (3) proceed with the EIR with the highest development scenario; and (4) return to Council with the revised Specific Plan and certification of the EIR. See [November 18, 2024, Worksession Report](#). This referral advances items 1 and 3, and formalizes the ongoing hold on item 2.

### ***The Fiscal Emergency***

The WSP was authorized in direct response to a worsening fiscal crisis. The Marina Fund carries a structural operating deficit that has required annual General Fund transfers for several years. As of February 2026, the total unfunded Waterfront capital and major maintenance backlog stands at \$168,984,000, including \$163,344,000 in existing infrastructure needs, a figure that has grown substantially from the \$94 million (non-Pier) estimate cited in the November 2024 Worksession Report, reflecting updated cost estimates and newly identified needs ([PRW Unfunded Capital & Major Maintenance Needs \(February 2026\)](#), presented to the Environment & Climate Commission, February 25, 2026).

The following summarizes the current status of each capital project referenced in the November 2024 Worksession Report:

- [South Cove Sailing Basin Dredging](#): design phase funded and underway (General Fund). Full construction project remains unfunded: \$15,230,000. The design study will determine final dredge volumes, costs, and permitting strategy in coordination with the Dredged Material Management Office (DMMO).
- [South Cove Seawall Replacement](#): design phase funded and underway (General Fund). Construction remains unfunded: \$5,780,000 per the [March 2025 PRW CIP Update](#).
- J, L, M Dock Replacements: entirely unfunded. Per the [February 2026 PRW Unfunded Capital Report](#): J-Dock full replacement, \$11,500,000; L-Dock major maintenance (floats, decking, waler), \$1,690,000; M-Dock major maintenance, \$1,630,000. Combined unfunded need: \$14,820,000. (For context: D&E Dock Replacement, which was under construction using \$10M in grants and capital funds, is anticipated to be complete early 2026.)
- [F&G Dock Re-Decking](#): completed March 2026. Weathered original wooden decking on F and G docks (constructed late 1990s) was replaced with composite decking. With D&E replacement also complete, F and G were the last remaining docks with original wooden decking.

- Parking Lot Reconstruction (FGHI area and others): entirely unfunded. Per the [February 2026 PRW Unfunded Capital Report](#): F&G Lot Reconstruction, \$1,000,000; L&M Lot Reconstruction, \$1,390,000; O Lot Reconstruction, \$1,070,000; 199 Seawall Parking Lot, \$8,600,000; Marina Blvd On-Street Parking (South of Virginia Street Extension), \$2,210,000; Launch Ramp Lots Reconstruction and Amenity Improvements, \$2,490,000. Total parking lots unfunded: \$17,290,000.
- Seawall Drive Reconstruction: entirely unfunded. Per the [February 2026 PRW Unfunded Capital Report](#): Seawall Drive Reconstruction (North of University Avenue, including Bay Trail), \$4,500,000; Seawall Drive Improvements (South of University Avenue, including Bay Trail), \$3,200,000; University Avenue between Marina Blvd and Seawall Drive, \$8,000,000. Total streets unfunded: \$15,700,000.
- Bay Trail Improvements: partially funded, partially unfunded. In September 2025, the City Council re-allocated \$1.7M in unspent State Coastal Conservancy grant funds to the [Bay Trail Segment at Shorebird Park](#) (design phase) and recreation improvements at the Gateway Pier and J&K Parking Lot. The broader Bay Trail network remains largely unfunded: Bay Trail Improvements (Adventure Playground to 199 Seawall), \$1,890,000; Marina Blvd Resilient Shoreline & Public Access Improvements (Trail from César Chávez Park to Roundabout), \$4,200,000 per the [February 2026 PRW Unfunded Capital Report](#).
- [César Chávez Park Pathway Improvements](#) — Design complete, construction paused. The Perimeter Pathway Project was paused at the design phase in Spring 2025 due to former landfill compliance requirements. The \$1.7M in previously allocated SCC grant funds was re-allocated to the Bay Trail and Gateway Pier improvements in September 2025. Per the [February 2026 PRW Unfunded Capital Report](#): Phase 1 (Perimeter Pathways Improvements and Amenities), \$4,250,000; Phase 2 (Interior Pathways Improvements and Amenities), \$3,200,000. Both phases remain entirely unfunded.

Two recent developments have provided partial operating relief. First, the 2024 voter-approved Parks Tax increase shifted more than \$1.5 million in costs for Waterfront parks and landscaped areas off the Marina Fund. Second, the City Council adopted targeted [Marina fee increases in January 2026](#), generating an estimated additional \$247,500 per year. See also the [Marina Fund Update presented to the Budget & Finance Policy Committee, October 28, 2025](#).

These measures are meaningful steps, but they are not structural solutions. The Marina Fund's single largest revenue source is the DoubleTree Hotel, and its weak recovery in the post-COVID regional hotel market continues to create significant budget uncertainty. Berth fees represent 46% of all Marina Fund revenue, leaving the fund highly concentrated in a single category. As staff noted in the January 2026 fee increase report, the measures adopted thus far are “one part of the City's strategy” with the WSP's commercial development framework as the long-term structural instrument for achieving Marina Fund self-sufficiency.

### *Development Scenarios*

The [November 2024 Worksession Report](#) presented three development scenarios for Council consideration:

**Scenario 1:** Highest Buildout: 1,215,000 GSF total, adding approximately 835,000 GSF of new development, including two new hotels (+535K GSF), four to five food-and-beverage

establishments (+100K GSF), and additional marine, recreation, and community uses (+200K GSF).

**Scenario 2: Moderate Buildout:** 985,000 GSF total, adding approximately 605,000 GSF of new development, including two new hotels (+415K GSF), four to five food-and-beverage establishments (+75K GSF), and additional uses (+115K GSF). Projected to generate approximately \$3.5M/year in additional revenue.

**Scenario 3: Low Buildout:** 760,000 GSF total, adding approximately 380,000 GSF of new development, including one hotel (+220K GSF), three to four restaurants (+60K GSF), and additional uses (+100K GSF). Projected to generate approximately \$2.2M/year in additional revenue.

Staff recommended Scenario 2 for the Plan description, while noting that Scenario 1 should be studied under CEQA because there is no additional cost to studying the maximum scenario first, but there would be cost and delay if a lower scenario were studied and the Council later wished to pursue higher-density development. Council directed staff on November 18, 2024, to proceed with the EIR using the highest development scenario (Scenario 1), which this referral reaffirms.

***Completed: Waterfront Parking and Transportation Demand Management Study***

Pursuant to item 1 of the November 18, 2024 Council direction, Kittelson & Associates, Inc. has completed the [Water Transportation Pier-Ferry Project Parking and Transportation Demand Management Plan](#) (Final Draft, March 7, 2025) and [Revised Draft Addendum](#) (May 7, 2025). The Addendum incorporated additional Waterfront Monitor data collected April–August 2024 and responded to public comments raised at the Parks, Recreation and Waterfront Commission meeting of March 12, 2025. This work follows and builds upon the earlier [Parking & Mobility Framework](#) prepared by Nelson\Nygaard in January 2022 as part of the then-named Berkeley Marina Area Specific Plan process.

The study was conducted in two phases. The first phase established existing conditions through hourly parking counts collected by Quality Counts on five days in 2024 (April 6, April 11, August 1, August 22, and August 24), supplemented by a Waterfront Monitors dataset collected over 554 days from May 2021 through February 2024. The second phase developed a suite of TDM and parking management strategies to respond to increased demand from the Pier Ferry project and WSP commercial development, using Scenario 1 as the planning horizon.

Key findings of the completed study include:

- Total public parking capacity: 1,541 spaces across 13 lots. On weekdays, peak demand occurs at 2 PM with approximately 560 spaces occupied (36% utilization). On weekends, peak occurs at 2 PM with approximately 717 spaces occupied (47% utilization).
- Even on the single busiest Saturday in the dataset (April 1, 2023), overall Waterfront public parking was 75% occupied with 306 spaces remaining. Certain lots reached higher utilization, but system-wide capacity was not exhausted.
- For Pier Ferry operations, the study designates the Seawall Drive Lot (250 dedicated spaces) as the primary ferry rider lot, with Marina Blvd and Skates/N Lot as overflow. At weekday peak, 83 spaces remain available at Marina Blvd and 74 at Skates/N Lot. On weekends, 59 spaces remain at Marina Blvd and 73 at Skates/N Lot: sufficient to accommodate overflow without impacting recreational users.

- Without TDM measures, weekday ferry rider parking demand is projected at 421 spaces. With TDM strategies in place, demand drops by 65 spaces to 356, well within the available capacity of the designated lots.
- TDM strategies recommended in the study build on the 2022 Nelson\Nygaard framework: demand-based paid parking implemented waterfront-wide, a Parking Benefit District to manage and reinvest revenue, valet parking on high-demand days, improved bicycle and pedestrian access via University Avenue, expanded transit, and Waterfront-wide wayfinding with dynamic signage. *Nottate bene*: the aforementioned TDM strategy recommendations are present in the Nelson/Nygaard framework however, this council item makes no recommendations regarding TDM measures.

The completed study satisfies the November 2024 Council directive and provides the transportation demand management analysis for the Final WSP (Section 2.5.3). The City already charges \$1/hour and \$6/day for Waterfront parking, establishing an operational precedent for the demand-based pricing strategies the study recommends.

#### ***César E. Chávez Park: Administrative Hold***

The City Manager's [June 5, 2025 Off-Agenda Memorandum](#) reported that the standalone conceptual plan for César Chávez Park is on hold pending resolution of ongoing environmental compliance obligations at the former landfill underlying the park. In 2025, the San Francisco Bay Regional Water Quality Control Board issued a regulatory compliance letter requiring the City to initiate a comprehensive work plan of environmental testing and reporting; for any excavation work of one foot or deeper below the surface, worker safety protocols and equipment requirements have raised project costs beyond existing funding. For further context, see the [César Chávez Park Closed Landfill Improvement Project page](#). This referral formalizes the administrative hold and incorporates park improvement priorities into the WP zone provisions of the Waterfront Specific Plan through the EIR scoping process.

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

**Berkeley General Plan (Open Space and Recreation Element):** Supports preservation of public access and recreational uses while ensuring fiscal responsibility for public infrastructure.

**Marina Enterprise Fund:** City financial policy requires the Marina Fund to operate on a cost-recovery basis. The [January 2026 fee increases](#) (+\$247,500/year) and the Parks Tax cost-shift (\$1.5M+) are stabilizing measures; the WSP is the long-term structural solution.

**Vision 2050 (Climate Action Plan):** Revenue generated under the WSP funds sea-level rise adaptation, habitat restoration, and green infrastructure investment across the 100-acre plan area.

**Public Trust Doctrine / California Tidelands Law:** All uses must be consistent with public trust purposes. The WSP Allowable Land Use matrix was developed in consultation with BCDC and State Lands Commission staff.

**California Environmental Quality Act (CEQA):** The WSP will be subject to a Program EIR per CEQA Guidelines Section 15168. Studying Scenario 1 provides a legally defensible maximum-impact ceiling for environmental analysis while preserving the full range of plan-adoption options.

**Berkeley Municipal Code / Zoning Ordinance:** Adoption of the WSP and companion zoning amendments will replace the “Unclassified” designation with a Waterfront District, streamlining revenue-generating project approvals.

### **ACTIONS / ALTERNATIVES CONSIDERED**

1. Maintain all November 2024 direction without modification: Rejected in part. The parking study is complete; its directive has been fulfilled. The César Chávez Park standalone plan is already on administrative hold due to former landfill compliance; formalizing this hold removes resource ambiguity. EIR authorization and Scenario 1 direction are reaffirmed.
2. Substitute Scenario 2 as the EIR study basis: Rejected. Staff explicitly noted in November 2024 that studying Scenario 1 first costs nothing extra and preserves the City Council’s options. Studying a lower scenario and later revising upward would incur additional cost and delay.
3. Discontinue the Waterfront Specific Plan: Rejected. The Marina Fund’s structural deficit demands a revenue solution, and the WSP is five years and \$1.1 million in the making. Abandonment would leave the Waterfront in “Unclassified” zoning indefinitely.
4. Pause for additional community engagement on César Chávez Park: Rejected. Extensive community engagement has already occurred over four years. Park priorities will be carried through the EIR scoping process at no additional delay or cost.

### **RATIONALE**

#### ***Why Scenario 1 for the EIR***

The November 18, 2024 Council direction was clear: proceed with the EIR using the highest development scenario. That direction was correct, and this referral reaffirms it. As staff stated in the [November 2024 Worksession Report](#), if the maximum scenario is analyzed and found to have manageable impacts, Council retains full authority to scale the final plan to Scenario 2 or Scenario 3 at the time of adoption. The reverse is not true: if a lower scenario were studied and the Council later wished to pursue higher density, a supplemental environmental review would be required, adding cost and delay. Studying Scenario 1 now is not a commitment to Scenario 1. It is the fiscally responsible and legally sound way to keep options open.

The [February 2026 unfunded capital report](#) confirms that the capital backlog is not shrinking, but has grown. The total unfunded Waterfront infrastructure need now stands at \$168,984,000, including \$15.7M in unfunded streets (Seawall Drive alone), \$17.3M in unfunded parking lots, \$14.8M in unfunded dock work (J, L, M), and \$21M in South Cove dredging and seawall work. The F&G re-decking was recently completed, and the D&E dock replacement is nearing completion, but these were funded through grants and one-time capital appropriations that are not recurring. The [targeted fee increases adopted in January 2026](#) are necessary and appropriate interim measures, but at \$247,500 per year, they represent a fraction of what is needed. Scenario 1 represents the full revenue-generating potential of the Waterfront. Council should have that complete picture before making a final plan decision.

#### ***Parking Study: The Concern Has Been Answered***

The most frequently raised objection to the Waterfront Specific Plan has been parking. The completed [Kittelson study](#), supplemented by the [May 2025 addendum](#), answers that objection with data. Even at peak Saturday demand ( the busiest day in three years of monitoring), the Waterfront’s 1,541 public

spaces were 75% occupied with 306 spaces remaining. Weekday utilization at peak is 36%. The study's TDM modeling, run against Scenario 1, projects that demand-based pricing, overflow lot designation at Marina Blvd and Skates/N Lot, and multimodal access improvements can absorb ferry rider demand without impacting existing recreational users.

### ***César Chávez Park***

The administrative hold on the standalone park conceptual plan is the right outcome, and not only because of the [former landfill compliance obligations](#). As the [February 2026 unfunded capital report](#) makes clear, César Chávez Park's pathway improvement program alone, two phases, \$7.45M combined, is entirely unfunded. That funding will not materialize without a financially healthy Marina Fund. The park is not being abandoned; it is being secured by the same revenue-generating plan that makes every other Waterfront capital investment possible.

## **ENVIRONMENTAL SUSTAINABILITY**

The Waterfront Specific Plan is, at its core, an environmental investment. The revenues generated by commercial development in the Waterfront Commercial (WC) subareas will fund sea-level rise adaptation infrastructure, habitat restoration in the Waterfront Park (WP) zone, upgrades to Shorebird Nature Center, Bay Trail improvements, and implementation of the multimodal access and TDM improvements identified in the Kittelson study.

The Program EIR will subject all development scenarios to full CEQA analysis, including biological resources, sea-level rise vulnerability, water quality (BCDC/USACE), air quality, greenhouse gas emissions, and traffic. The transportation demand management analysis, calibrated to Scenario 1, will inform EIR mitigation measures, which will become binding conditions of project approval for any future lease or entitlement.

The Berkeley Waterfront is public tidelands. Its ecological health and its fiscal health are not competing values. Both depend on the same outcome: a well-funded, well-managed Waterfront with the resources to invest in the habitat, infrastructure, and public amenities that make this one of the great urban waterfronts in the Bay Area.

## **FISCAL IMPACTS**

| <b>Financial Element</b>             | <b>Impact / Status</b>                                                                                                                                                                                                                                                                                                                                                                                                                        |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>EIR Preparation</b>               | Covered by existing WSP budget appropriation (\$1.101M, 2019). Potential scope amendment to project consultant contract; no new General Fund appropriation anticipated at this time.                                                                                                                                                                                                                                                          |
| <b>Marina Fund — Current Deficit</b> | Structural operating deficit requiring annual General Fund transfers for several years. Partially offset by: (1) 2024 Parks Tax shifting \$1.5M+ in costs off the Marina Fund; and (2) <a href="#">January 2026 Marina fee increases</a> generating an estimated additional \$247,500/year. Doubletree Hotel post-COVID recovery remains uncertain. See <a href="#">Marina Fund B&amp;F Policy Committee presentation, October 28, 2025</a> . |

|                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|--------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Capital Infrastructure Backlog</b>      | Per the <a href="#">February 2026 PRW Unfunded Capital Report</a> : Total unfunded Waterfront needs, \$168,984,000. Key components: docks (J, L, M) \$14.82M; South Cove dredging and seawall \$21.01M; parking lots \$17.29M; streets/Seawall Drive \$15.7M; Bay Trail and shoreline improvements \$15.23M; César Chávez Park pathways (two phases) \$7.45M. Note: F&G dock re-decking was completed March 2026; D&E dock replacement nearing completion. |
| <b>Marina Fund — WSP Revenue Potential</b> | Scenario 1 at full buildout represents the maximum revenue-generating capacity of the Waterfront. Scenario 2 alone was projected to generate \$3.5M/year in additional lease and TOT revenue. Scenario 1 represents a higher ceiling that Council can evaluate through the EIR process before making a final plan decision.                                                                                                                                |
| <b>Parking &amp; TDM</b>                   | <a href="#">Kittelson study</a> complete; no additional appropriation required. TDM implementation costs to be identified in the WSP implementation plan. Existing paid parking (\$1/hour, \$6/day) provides a revenue foundation for TDM program self-funding.                                                                                                                                                                                            |
| <b>César Chávez Park</b>                   | Standalone conceptual plan deferred per <a href="#">June 5, 2025 Off-Agenda Memorandum</a> . Pathway improvements (Phase 1: \$4.25M; Phase 2: \$3.2M) fully unfunded per <a href="#">February 2026 PRW Unfunded Capital Report</a> . Park improvements incorporated into WP zone provisions of the adopted WSP.                                                                                                                                            |

CONTACT

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CONSENT CALENDAR

July 7, 2026

To: Members of the Berkeley City Council

From: Councilmember Mark Humbert (Author)  
Mayor Adena Ishii (Co-Author)  
Councilmember Igor Tregub (Co-Author)

Subject: Referral to the City Attorney and the City Manager to pursue appropriate legal remedies regarding the killing of and fraudulent misrepresentation with respect to Berkeley shelter dogs transferred to Miranda's Rescue

RECOMMENDATION

Refer to the City Attorney and the City Manager, jointly and within their respective legal and administrative authorities, and in coordination with other entities, to take all legally appropriate steps to protect animal welfare, preserve evidence, recover public funds, track and document City costs, and support full accountability for the alleged killing, mistreatment, and fraudulent disposition reporting of dogs transferred from Berkeley Animal Care Services (BACS) to Miranda's Rescue in Fortuna, California.

This referral is intended to facilitate the City acting promptly and comprehensively. It does not make final factual determinations and all allegations should be evaluated by the prosecuting authorities and investigating agencies based on the evidence developed in the pending and future investigations.

SUMMARY

Refer to the City Attorney and the City Manager, to coordinate with BACS, affected animal-service agencies, the Humboldt County Sheriff's Office, the Humboldt County District Attorney, the Alameda County District Attorney, the California Attorney General, and any other appropriate authority to jointly transmit relevant records, support investigations, and request evaluation of all applicable criminal, civil, consumer-protection, false claims, charitable trusts, and animal welfare remedies. The City Attorney should lead the legal work for the City of Berkeley, with the City Manager assisting as needed to collect, organize, and transmit operational, fiscal, animal transfer, and cost records needed to support the work.

As part of the referral the City Attorney may explore civil recovery options and where legally authorized and, in the City, interest, after receiving formal direction from Council, pursue claims against responsible entities.

CURRENT SITUATION AND ITS EFFECTS

On April 22, 2026, the Humboldt County Sheriff's Office received information regarding allegations of felony animal abuse, animal cruelty, fraud, and conspiracy at Miranda's Rescue, a self-described "no-kill" animal sanctuary in Fortuna, California. On May 1, 2026, sheriff's deputies executed a search warrant on the property and recovered the remains of eight dogs—some with apparent gunshot wounds to the head—buried in what investigators described as a mass grave.

For years, Berkeley Animal Care Services and shelters throughout California—including Oakland, Solano County, Monterey County, Napa County, and others—relied upon Miranda's Rescue to take in dogs that were difficult to place locally, paying transfer fees of approximately \$400 to \$500 per dog (and reportedly up to \$3,500 per dog from private shelters). According to the search warrant affidavit, Miranda's Rescue received more than 600 dogs in the past year alone and an estimated \$510,000 in transfer payments. Microchip data confirmed that at least one of the deceased dogs recovered from the property had been transferred from Berkeley Animal Care Services, and another from Oakland Animal Services—a dog named Zora—had been reported by Miranda as "adopted" just days before her remains were located in the grave.

Oakland Animal Services Director Joe DeVries has reported that, of approximately twelve dogs Oakland sent to Miranda's Rescue in March and April 2026, Shannon Miranda admitted by phone that five had been "put down"—four of which Miranda had previously, in writing, represented as "adopted." Of 445 dogs transferred from Oakland to Miranda's Rescue between 2023 and 2025, only one was located alive on the property during the search. The detective preparing the affidavit stated his belief that Miranda "intentionally killed [the dogs] in order to receive more dogs and the funds that came with the dogs."

These allegations, if substantiated, raise serious concerns about:

- Felony animal cruelty in violation of California Penal Code Section 597 and related statutes;
- Fraud against the City of Berkeley, other municipalities, and the public, in connection with the false representation that transferred animals had been adopted into permanent homes;
- Theft by false pretenses in connection with transfer fees paid by Berkeley and other public agencies under false representations of care and outcome;
- Conspiracy to commit the foregoing offenses; and
- Civil claims for fraud, breach of contract, conversion, and unjust enrichment.

**BACKGROUND**

Berkeley Animal Care Services is responsible for the care, sheltering, and placement of stray, surrendered, and impounded animals within the City. Like many municipal shelters across California, BACS has at times relied on private partner rescues to take in animals it cannot place locally, particularly large dogs and animals with medical or behavioral needs.

Miranda's Rescue presented itself for nearly three decades as a no-kill 50-acre sanctuary near the Eel River. In 2007, it was recognized by the California State Assembly as the "Best Sanctuary For Abused Animals in Northern California." Berkeley, Oakland, Solano, Napa, Monterey, and other jurisdictions transferred animals to the facility in reliance on those representations and on Miranda's specific written and verbal assurances regarding individual animals' welfare and adoption status.

Following review of evidence developed jointly by the Humboldt County Sheriff's Office and private citizens, Berkeley and Oakland animal services have severed ties with Miranda's Rescue, and other agencies—including Fortuna, Ferndale, Rio Dell, Napa County, and Hitchcock Road Animal Services (Monterey County)—have paused or terminated transfers. The Humboldt County Sheriff's Major Crimes Division continues to investigate. As of the date of this referral, no arrests or charges have been publicly announced.

Berkeley has both a moral interest and a financial interest in ensuring full accountability. The City paid transfer fees on the express representation that those dogs would be cared for, rehabilitated, and adopted—not killed and falsely reported as adopted to enable additional intake. To the extent those representations were knowingly false, Berkeley is among the defrauded parties. Coordinated action across affected jurisdictions also increases the likelihood that prosecutors will have access to the full record of conduct, transfers, and payments necessary to support charges of the magnitude these allegations warrant.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

None

**POSSIBLE FUTURE ACTION**

The City Council may, in the future, be called upon to approve specific legal strategies or settlements, if applicable.

**CONTACT PERSON**

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



| Upcoming Worksessions and Special Meetings |                                   |
|--------------------------------------------|-----------------------------------|
| Scheduled Dates                            |                                   |
| June 23 (6pm)                              | FY 2027 – FY 2028 Budget Adoption |
| July 14 (4pm)                              | ODPA Annual Report                |

| Unscheduled Presentations and Special Meetings |
|------------------------------------------------|
| 1. None                                        |


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

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <b>City Council Referrals to the Agenda &amp; Rules Committee and Unfinished Business for Scheduling</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 1. | <p><b>12. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools</b> <i>(Referred to the Agenda &amp; Rules Committee for scheduling on April 21, 2026)</i><br/> <b>From: Peace and Justice Commission</b><br/> <b>Recommendation:</b> Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools: 1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters. 2. Retain the 1997 requirement for public reporting of each use of pepper spray. 3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public.<br/> <b>Financial Implications:</b> None<br/> Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000</p> |

| CITY CLERK DEPARTMENT                                                                                                                          |                      |                       |                   |
|------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----------------------|-------------------|
| WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS<br>BEFORE THE CITY COUNCIL                                                                    |                      |                       |                   |
| Address                                                                                                                                        | Board/<br>Commission | Appeal Period<br>Ends | Public<br>Hearing |
| <b>NOD – Notices of Decision</b>                                                                                                               |                      |                       |                   |
| 2620 Telegraph Ave (add alcohol retail sales to existing general retail store)                                                                 | ZAB                  | 6/29/2026             |                   |
|                                                                                                                                                |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
| <b>Public Hearings Scheduled</b>                                                                                                               |                      |                       |                   |
| 600 Gilman Street (establish a public drive-in vehicle wash, incidental food service with a service window, and allow a 30-foot wide driveway) | ZAB                  |                       | 7/7/2026          |
|                                                                                                                                                |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
| <b>Remanded to ZAB or LPC</b>                                                                                                                  |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
| <b>Notes</b>                                                                                                                                   |                      |                       |                   |
|                                                                                                                                                |                      |                       |                   |
| ZAB: Zoning Adjustments Board                                                                                                                  |                      |                       |                   |
| LPC: Landmarks Preservation Commission                                                                                                         |                      |                       |                   |

6/16/2026






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this Item

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