BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING

MONDAY, NOVEMBER 2, 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: 165 334 0535**. 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: October 13, 2026**
2. **Review and Approve Draft Agenda:**
   a. 11/17/2026 – 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

7. **Public Access to Supplemental Materials and Amendments at City Council Meetings, Including the Timing of Presentation of Such Materials by the Mayor or City Council Members, Such That the Public May Comment on Them**
   From: Open Government Commission
   Referred: October 13, 2026
   Due: March 23, 2027
   Recommendation: Adopt a policy requiring that prior to the commencement of public comment on each Agenda Item, councilmembers will be asked to present any material they have prepared that is not already included in the packet.
   Financial Implications: None
   Contact: Sam Harvey, Commission Secretary, (510) 981-6950

Unscheduled Items

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

Items for Future Agendas

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

Adjournment – Next Meeting Monday, November 16, 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, (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, October 29, 2026.



Mark Numainville, City Clerk

Communications

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

BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE SPECIAL MEETING MINUTES

TUESDAY, OCTOBER 13, 2026

2:30 P.M.

2180 Milvia Street, Berkeley, CA 94704
Teleconference Location - 2928 Linden Avenue, Berkeley CA 94705

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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Roll Call: 2:31 p.m. All present.

Public Comment – 23 speakers

Review of Agendas

1. **Approval of Minutes: September 28, 2026**
   Action: M/S/C (Taplin/Humbert) to approve the minutes of 9/28/2026.
   Vote: All Ayes.

2. **Review and Approve Draft Agenda:**
   a. 10/27/2026 – Regular City Council Meeting
   Action: M/S/C (Humbert/Ishii) to approve the agenda of 10/27/2026 with the changes noted below.
   - *Item Added: BOLT Appointment (O'Keefe) – added to Consent Calendar*
   - *Item Added: BOLT Appointment (O'Keefe) – added to Consent Calendar*
   - *Item 1 Deputy City Attorney Positions (City Attorney) – referred to Budget & Finance Committee*
   - *Item 21 Procurement for Services (Kesarwani) – Councilmember Bartlett added as a co-sponsor; revised item submitted*
   - *Item 25a\b Public Right-of-Way – moved to Consent Calendar; revised recommendation for Item 25b*
   - *Item 26 Public Access to Materials (Commission) – referred to Agenda & Rules Committee*
   - *Item 27a\b Special Events – moved to Consent Calendar*
   - *Item 28a\b Berkeley Green Code – moved to Consent Calendar*
   - *Item 29a\b Space Allocation – moved to Consent Calendar*
   - *Item 30 Encampment Policy (Kesarwani) – scheduled for a special meeting on November 17; revised item submitted*

   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 Items

7. **Whistleblower Program Special Report: Evaluation of Workplace Relationship Policies**
   From: Auditor
   Referred: September 15, 2026
   Due: February 23, 2027
   Recommendation: We recommend that City Council receive this report and direct the City Manager to implement Recommendations 1 and 2 consistent with Management's Response. We further recommend that City Council refer Recommendation 3 to the Agenda and Rules Committee for consideration of whether to pursue adoption of nepotism and cronyism provisions in the Berkeley Municipal Code.
   Recommendation 3: To extend relationship conflict safeguards beyond employees, we recommend the City consider adopting both nepotism and cronyism provisions in the Berkeley Municipal Code. These provisions should apply to all City employees, elected officials, charter offices, appointed officials, boards and commissions, ensuring consistent citywide standard.
   Financial Implications: See report
   Contact: Jenny Wong, Auditor, (510) 981-6750

   Action: M/S/C (Ishii/Humbert) to send the item to Council with a positive recommendation on "Recommendation 3" regarding regulations on cronyism and nepotism.
   Vote: All Ayes.

Unscheduled Items

8. **Review Policy Committees Structure**

9. **Review Boards and Commissions Structure**

Items for Future Agendas

- **None**

Adjournment

Action: M/S/C (Taplin/Humbert) to approve the minutes of 9/28/2026.
Vote: All Ayes.

Adjourned at 3:44 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on October 13, 2026.

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Mark Numainville, City Clerk

Communications

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DRAFT AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, November 17, 2026
6:00 PM

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

ADENA ISHII, MAYOR

COUNCILMEMBERS:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB
DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

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

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.

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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

1. Ordinance Vacating and Authorizing Transfer of Property Adjacent to the North Berkeley BART TOD Site
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,036-N.S. (a) declaring four small pieces of land described in Exhibit A and shown in Exhibit B to the report, adjacent to the North Berkeley BART Transit Oriented Development (TOD), to be exempt surplus land; (b) summarily vacating two of the areas that are presently public right of way; and (c) approving the transfer of all four areas to the San Francisco Bay Area Rapid Transit District (BART).
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300, Jordan Klein, Planning and Development, (510) 981-7400

Consent Calendar

2. Companion Report: Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures
From: City Manager
Recommendation: Adopt second reading of Ordinance No. 8,037-N.S. amending Berkeley Municipal Code Chapter 12.32 - Storage, Collection and Disposal of Waste.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

3. Amendment to Berkeley Municipal Code Chapter 7.18 to Explicitly Require Competitive Procurement for Services to Promote Accountability and Transparency and Refer Development of Regulations to City Manager
From: Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Bartlett (Co-Sponsor)
Recommendation: Adopt second reading of Ordinance No. 8,038-N.S. amending Berkeley Municipal Code (BMC) Chapter 7.18, Expenditure Limitations, to require procurement through competitive solicitation for all city contracts for professional services and other services greater than $100,000.
First Reading Vote: All Ayes.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

4. Minutes for Approval
From: City Manager
Recommendation: Approve the minutes for the Council meetings of September 1, 2026 (closed), September 14, 2026 (closed), September 15, 2026 (regular), September 29, 2026 (special and regular), October 5, 2026 (closed), October 13 2026 (regular), October 19, 2026 (closed), and October 27, 2026 (regular).
Financial Implications: None.
Contact: Mark Numainville, City Clerk, (510) 981-6900

5. Authorizing the City Manager to Sign the Telegraph Business Improvement District (TBID) Petition and Ballot on Behalf of the City of Berkeley
From: City Manager
Recommendation: Adopt a Resolution: 1. Authorizing the City Manager to approve and sign the “Preliminary Petition to Re-establish the Telegraph Property-Based Business Improvement District (BID)” on behalf of City-owned properties in the proposed Telegraph BID area; and 2. In the event the petition is successful in generating a ballot process to re-establish a Telegraph BID, authorizing the City Manager to vote YES on any ballots on behalf of City-owned properties in the proposed Telegraph BID area.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

6. Acceptance of Fiscal Year 2027 Donations from Meals on Wheels of Alameda County (MOWAC) for the Berkeley Meals on Wheels Program
From: City Manager
Recommendation: Adopt a Resolution accepting donations for the Berkeley Meals on Wheels Program in a projected amount of $185,000 from the Meals on Wheels of Alameda County (MOWAC) agency, for Fiscal Year 2027 (FY2027).
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

7. Contracts for Behavioral Health Early Intervention Services
From: City Manager
Recommendation: Adopt five Resolutions authorizing the City Manager or designee to execute Behavioral Health Services Act (BHSA) funded contracts and any amendments, with the following vendors outlined below, for behavioral health early intervention services in an amount not to exceed $1,500,000 ($300,000 per each contract) for the term of December 1, 2026, to June 30, 2029:
1. Village Of Love Foundation: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for African Americans;
2. East Bay Sanctuary Covenant: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Latinos/Latinas/Latine;
3. Center for Independent Living: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Older Adults;
4. Pacific Center for Human Growth: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Transition Age Youth in the Lesbian, Gay, Bisexual, Transgender, Queer, Agender, Plus (LGBTQIA+) population;
5. Youth Spirit Artworks: For $100,000 a year for three years, for an amount not to exceed $300,000, for behavioral health early intervention services for Transition Age Youth.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

8. Revenue Contract: 2027 Community Services Block Grant
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or his designee to: 1. Accept the 2027 Community Services Block Grant (CSBG) contract to provide services for low-income people from January 1, 2027, to April 30, 2028; and, 2. Execute any resultant agreements and amendments including amendments that may decrease or increase the contract amount, add discretionary funding, change the contract term, or update contract terms.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Consent Calendar

9. Contract No. 32300198 Amendment: GoGo Technologies, Inc. for Transportation Services for Berkeley Mental Health Clients
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or designee, to execute an amendment to Contract No. 32300198 with GoGo Technologies, Inc. for a 24/7 concierge call center to arrange rides with Uber and Lyft for the City's Mental Health clients. This amendment will add $50,000 in funding for a total contract amount not to exceed $100,000 and extending the term through June 30, 2028.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

10. Replacing the Project Co-Sponsor for the No Place Like Home Program – Supportive Housing in People's Park from Resources for Community Development to Satellite Affordable Housing Associates
From: City Manager
Recommendation: Adopt a Resolution that: 1. Approves replacing the project Co-Sponsor for the No Place Like Home (NPLH) program – Supportive Housing in People's Park (SHIPP) from Resources for Community Development (RCD) to Satellite Affordable Housing Associates (SAHA) or their affiliate. 2. Authorizes the City Manager, or designee, to negotiate a side agreement with SAHA regarding mutual responsibilities. 3. Authorizes the City Manager, or designee, to execute in the name of Sponsor the NPLH Program Application Package and the NPLH Program Documents as required by the State Department of Housing and Community Development (HCD) for participation in the NPLH program.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

11. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 17, 2026
From: City Manager
Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.
Financial Implications: Various Funds - $35,259,550
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

12. Contract Amendment: Contract No. 32000146 Vestis Services, LLC (formerly Aramark Uniform Services) for Uniforms and Laundering
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000146 with Vestis Services, LLC (formerly Aramark Uniform Services) to continue to meet the uniform-related needs of City departments through March 2028, increasing the contract amount by $600,000 for a total not-to-exceed amount of $2,117,000.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

13. Contracts for Recruitment Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with WBCP Inc., Berkeley Search Consultants, Bob Murray & Associates, and Mosaic Public Partners to establish an on-call bench of executive recruitment firms for the period of January 1, 2027, through June 30, 2030. Each contract may have an individual not-to-exceed amount of $250,000; however, cumulative expenditures across all four contracts shall not exceed $250,000 during the contract term, subject to the availability of appropriated funds.
Financial Implications: See report
Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

14. Donation from the Rainin Foundation to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process
From: City Manager
Recommendation: Adopt a Resolution accepting a donation of $20,000 from the Rainin Foundation to the Youthworks Program for the Adeline Area Streetscape and Landscape Project Public Process.
Financial Implications: $10,000 (revenue)
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

15. Grant Application: Statewide Parks Program (SPP) Cycle 5 – West Berkeley Brownfield to Neighborhood Park Project
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager or their designee to: submit a grant application in the amount of up to $8 million to the Statewide Parks Program (SPP) Cycle 5 grant program for the West Berkeley Brownfield to Neighborhood Park Project; accept any grants; execute any resulting grant agreements and any amendments; and that Council authorize the implementation of the project and appropriation of funding for related expenses, subject to securing the grant.
Financial Implications: See report
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Consent Calendar

16. Environmental Review Procedures
From: City Manager
Recommendation: Adopt a Resolution adopting the Land Use Planning Division's Environmental Review Procedures.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

17. Grant Application: Caltrans Sustainable Communities Grant for the University Avenue Multimodal Corridor Study
From: City Manager
Recommendation: Adopt a Resolution approving the City's application submitted by the October 9, 2026 deadline for up to $700,000 under the Fiscal Year 2027–28 Caltrans Sustainable Transportation Planning Grants, Sustainable Communities Competitive category, for the University Avenue Transit Priority and Multimodal Corridor Study; authorizing the City Manager or designee to commit $150,000 in City funding to meet the required local match of a minimum of 11.7% of the total project cost; and, if awarded, accept the grant and execute the grant agreement and related amendments, subject to the approved project budget and applicable City requirements.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

18. Contract No. 32300214 Amendment: Belfor USA Group for On-Call Emergency Restoration, Mitigation and Remediation Services
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32300214 with Belfor USA Group for on-call emergency restoration, mitigation and remediation services for the Berkeley Animal Care Services facility, increasing the contract amount by $400,000 for a new not-to-exceed amount of $950,000 and to transfer $400,000 from the Catastrophic Reserve Fund to Public Works for this contract.
Financial Implications: See report
Contact: Jamie Parks, Public Works, (510) 981-6300

19. Final Map of Tract 8713: 1750 Sacramento Street
From: City Manager
Recommendation: Adopt a Resolution approving the final map of Tract Map 8713 for a parcel merger, re-subdivision and land dedication at the San Francisco Bay Area Rapid Transit (BART) North Berkeley station located at 1750 Sacramento Street.
Financial Implications: None
Contact: Jamie Parks, Public Works, (510) 981-6300

Consent Calendar

20. Renewal of the Elmwood BID for Calendar Year 2027
From: Elmwood Advisory Board
Recommendation: Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council 1) approve the 2026 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2027; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2027 and 3) direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for December 1, 2026.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

21. Officially Naming the Public Plaza at Adeline and Fairview Streets as Delores Cooper Plaza
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution officially naming the public plaza at Adeline and Fairview Streets as Delores Cooper Plaza.
Financial Implications: None
Contact: Roger Miller, Commission Secretary, (510) 981-6700

22. Officially Naming the Gymnasium at the Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton
From: Parks, Recreation and Waterfront Commission
Recommendation: Adopt a Resolution officially naming the gymnasium at the Martin Luther King, Jr. Youth Services Center (MLK Center) in honor of Philip Harper-Cotton.
Financial Implications: None
Contact: Roger Miller, Commission Secretary, (510) 981-6700

23. Renewal of the Solano Avenue BID for Calendar Year 2027
From: Solano Avenue BID Advisory Board
Recommendation: Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2026 Annual Report and preliminary budget for the District for calendar year 2027; 2) declare its intent to levy an assessment for calendar year 2027; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 1, 2026.
Financial Implications: See report
Contact: Vincent McCoy, Commission Secretary, (510) 981-7530

Council Consent Items

24. Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund
From: Mayor Ishii (Author), Councilmember Blackaby (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Recommendation: Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Ishii, $500 from Councilmember Blackaby and $500 from Councilmember Humbert to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.
Financial Implications: See report
Contact: Adena Ishii, Mayor, (510) 981-7100

Action Calendar

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

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

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

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

Action Calendar – Public Hearings

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

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

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

Action Calendar – Public Hearings

25. Berkeley Water Transportation Pier-Ferry Project Environmental Impact Report, Project Approval and Use Permit
From: City Manager
Recommendation: Conduct a public hearing and upon its conclusion:
1. Adopt a Resolution certifying the Berkeley Water Transportation Pier Ferry Project Environmental Impact Report (EIR) (SCH #2025040995) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program, and
2. Adopt a Resolution Approving the Berkeley Water Transportation Pier-Ferry Project and affirming, as modified to incorporate the CEQA findings and mitigation measures, the decision of the Zoning Adjustments Board to approve Use Permit #ZP2026-0014 to establish transportation via public ferry service as an allowable use at the Berkeley Pier, with certain clarifying modifications.
Financial Implications: None
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

26. Ashby BART West Lot Transit Oriented Development Objective Design Standards
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt a Resolution approving the Ashby West Lot Transit Oriented Development Objective Design Standards.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – New Business

27. Pursuant to Chapter 2.99 of the Berkeley Municipal Code - Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers
From: City Manager
Recommendation: Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Action Calendar – New Business

28. Allocation of $2,294,774 Million Over 2 Years, FY2028 and FY2029, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)
From: Sugar Sweetened Beverage Product Panel of Experts
Recommendation: Adopt a Resolution allocating $2,294,774 from the General Fund in Fiscal Year 2028 (July 1, 2027 through June 30, 2028) and Fiscal Year 2029 (July 1, 2028 through June 30, 2029) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of $2,294,774 million will be distributed in two installments of $1,147,387 for FY2028 and $1,147,387 for FY2029. In each of these years, the funds will be distributed as follows:
a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of SSBs through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for community-based organizations and shall be guided by the SSBPPE Commission's Criteria for the BUSD Funding Proposal (Exhibit A to the report).
b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community- based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The RFP process for community-based organizations is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Selection Criteria for Community Agency Grants (Exhibit B to the report).
c. Direct the City Manager to allocate up to 15% of the funds to support HHCS/PHD and Finance Department to coordinate and monitor the SSB grant process, develop and maintain a website for SSB grantees, and the public and employees involved in the city's SSB procurement policy, collect organize and synthesize performance measures or evaluation as appropriate, provide technical assistance and learning opportunities for grantees, and report annually to the SSBPPE Commission and the public highlights from the SSB-funded programs.
d. Allocate the carryover of any SSB tax revenue received in excess of $2,294,774 million during FY2028 and FY2029 to be awarded for related services in FY2029-FY2031.
e. If the voters approve Ballot Initiative AA in November 2026, increasing Berkeley's SSB sugar sweetened beverage excise tax revenue to 2 cents per ounce, the Commission recommends that the City Council authorize a second allocation of funds for FY2029, commensurate with additional distributor tax revenue collected. These additional revenues generated as a result of Measure AA will supplement the FY 2028 and FY 2029 two-year allocations.
Financial Implications: See report
Contact: Roberto Terrones, Commission Secretary, (510) 981-5100

Action Calendar – Policy Committee Track Items

29. Referral to Strengthen Berkeley's Tobacco Retail Ordinance: Berkeley Municipal Code Chapter 9.80, and Related Zoning Provisions to Promote Neighborhood Safety and Strengthen Public Health Standards
From: Councilmember Kesarwani (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Referral to the City Manager to amend Berkeley Municipal Code (BMC) Chapter 9.80, Tobacco Retailers, and the definition of "Smoke Shop," found in BMC Title 23, Zoning, (Division 5, Glossary) to strengthen the City's business license application procedures to more clearly identify businesses selling tobacco as Tobacco Retailers, and to address the overconcentration of tobacco retailers in South and West Berkeley. Ordinance and licensing program changes should include: -Amending the definition of "Smoke Shop" found in BMC Chapter 23, Zoning (23.502.020 section S, 22) to specify that any business under 2,500 square feet selling any amount of tobacco, nicotine, or tobacco-related products is subject to Tobacco Retail License (TRL) requirements found in BMC Chapter 9.80, and clarifying the definitions of "tobacco-related products" and cigar-weight classifications; and -Developing a density cap of no more than six Tobacco Retail Licenses for each Berkeley City Council district, establishing a ban on new licenses in council districts with more than six Tobacco Retail Licenses, restrictions on transfers into those areas; and -Updating administrative processes related to Tobacco Retail Licenses, including business license disclosures, license application requirements, coordination with State licensing data, and internal review and enforcement procedures; and -Evaluating and proposing updates to the Tobacco Retail License fee structure to better align fees with the costs of inspection, enforcement, and program administration.
Financial Implications: Staff time
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

Information Reports

30. Staff Shortages: City Services Constrained by Staff Retention Challenges and Delayed Hiring Audit Status Report
From: City Manager
Contact: David White, City Manager's Office, (510) 981-7000

31. City Contracts Audit Status Report
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

32. Expiration of Temporary Cannabis Business Tax Exemption
From: City Manager
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Information Reports

33. Landmark Preservation Ordinance Notice of Decision: 2845 Woolsey Street (Norton Family House) / #LMSAP2026-0003
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

34. Landmark Preservation Ordinance Notice of Decision: Daley's Scenic Park Tract / #LMSAP2026-0006
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

35. Landmark Preservation Ordinance Notice of Decision: Rose Walk / #LMSAP2026-0005
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

36. Audit Status Reports: Fleet Replacement Fund Short Millions
From: City Manager
Contact: Jamie Parks, Public Works, (510) 981-6300

37. Housing Advisory Commission Fiscal Year 2026 – 2027 Work Plan
From: Housing Advisory Commission
Contact: Snow Zhu, Commission Secretary, (510) 981-5100

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

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on

the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: https://records.cityofberkeley.info/.

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

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

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

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

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

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

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during the meeting.

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

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Elmwood BID Advisory Board

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Elmwood Business Improvement District (BID) Advisory Board

Submitted by: Andrew Han, Chair, Elmwood BID Advisory Board

Subject: Renewal of the Elmwood BID for Calendar Year 2027

RECOMMENDATION

Adopt a Resolution approving the Elmwood Business Improvement District Advisory Board's (hereafter "Elmwood BID Advisory Board" or "the Advisory Board") recommendation that Council 1) approve the 2026 Annual Report and preliminary budget for proposed improvements in the District for calendar year 2027; 2) declare its intent to levy an assessment to finance improvements in the District for calendar year 2027 and 3) direct the City Clerk to schedule a public hearing on the renewal of the Elmwood BID for December 1, 2026.

FISCAL IMPACTS OF RECOMMENDATION

Projected BID revenue of approximately $30,000 will be deposited into the Elmwood BID Fund and expensed from budget code 782-21-208-251-0000-000-446-636110. The Elmwood BID not-to-exceed contract amount will be set at $50,000, in the event that BID revenues come in higher than the anticipated amount (the city is obligated to "pass through" all BID funding collected on behalf of the Elmwood BID). The BID constitutes an independent funding source that must be targeted to commercial revitalization efforts that are recommended by the Advisory Board. The City of Berkeley operates a parking lot within the district and will thus be assessed $2,000 for 2027, paid through the Parking Meter Fund 631 (Budget code 631-54-622-665-3009-000-474-639990-). To the extent that the work of the Elmwood BID enhances the development of the Elmwood commercial district and its business climate over the long term, the BID contributes towards improving City revenues through increased sales and property taxes.

CURRENT SITUATION AND ITS EFFECTS

Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et. seq.) the City Council must approve an Annual Report prepared by the BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, on October 2, 2026, the Elmwood BID Advisory Board recommended that the City Council approve the Annual Report of 2026 and budget for 2027 and adopt a Resolution of Intention to renew the Elmwood BID (M/S/A: Han/Chavez, passed unanimously, Ayes: Han,

Chavez, Berne, Hammond, Abstain: none). The Resolution of Intention also sets a public hearing date for December 1, 2026 where affected Elmwood businesses can express support or opposition to renewal of the BID for 2027. If written and/or oral protests are received from businesses proposed to pay a majority of the assessment prior to or at the public hearing, Council cannot vote to levy assessments for 2027. If no majority protest is received, the Council may renew the assessment.

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

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

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission’s Report.

CONTACT PERSON

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

Attachments:

1: Resolution
- Exhibit A: Elmwood BID Annual Report 2026 and Proposed Budget for 2027
- Exhibit A1: Map of the Elmwood BID 2027
- Exhibit A2: Assessment Rates 2027

RESOLUTION NO. -N.S.

APPROVING THE 2026 ANNUAL REPORT AND PROPOSED BUDGET OF THE ELMWOOD BUSINESS IMPROVEMENT DISTRICT FOR 2027; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2027; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 1, 2026 REGARDING LEVYING OF A RENEWED ASSESSMENT FOR 2027

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

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

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

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2027 as required by the California Streets and Highways Code Section 36533; and

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

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

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

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

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

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

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

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

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

Section 6. A public hearing shall be held before the City Council on December 1, 2026. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Elmwood Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

All formal written and oral protests against the levying of the District assessment should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Elmwood Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 1, 2026 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscripting the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

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

Exhibit
A: Annual Report for the Elmwood Business Improvement District for ‘26 & Budget ‘27
A1: Map of the Elmwood BID 2027
A2: Assessment Rates 2027

EXHIBIT A

Annual Report for the Elmwood Business Improvement District for 2026

October 16, 2026

To: Members of the Berkeley City Council
From: The Elmwood Business Improvement District Advisory Board
Re: 2027 Elmwood BID Renewal

We respectfully request that the Elmwood Business Improvement District be renewed for the 2027 calendar year, with the same boundary as the prior year (Exhibit A1). The assessment method and basis remain the same.

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

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

- Engaging the merchants in the expanded BID to envision how EBA can assist in supporting their businesses
- Successfully put on the Third Elmwood Music Festival on three stages, partnering with the Berkeley Public Library – Claremont Branch, local food truck vendors, and local craft artists, bringing together the community on May 3, 2026.
- Hosted The Elmwood Beer Crawl on July 18, 2026.
- Hosting the Wine Walk on September 19, 2026
- Secured a funding commitment for the Music in the Elmwood event for two years, 2027 & 2028.
- Represented the interests Elmwood merchants on important issues such as Corridors Upzoning, marketing, and parking management.
- Maintenance of year-round lighting installation on district buildings
- Website: www.shoptheelmwood.com serves as one of the district's main marketing tools – District Events, Introducing New Businesses, and ongoing marketing updates
- Continued maintenance of Welcome to Elmwood banners as well as seasonal banners on light posts and ongoing maintenance
- Quarterly weeding and cleaning of Russell St. parking lot partnering with UC Berkeley
- Maintenance of security camera at Russell St. parking lot
- Maintaining a part-time Administrative Assistant to:

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

Below is a summary of our current financial position and our proposed budget for 2027 for your review.

2026-2027 Actual and Projected Expenditures

Elmwood Business Association

INCOME	2026 Budget	2027 Budget
Operating Income		
BID Membership dues	$ 35,000	$ 33,000
Other Revenue		$ 5,500
Special Allocation Fund (2026 Music in the Elmwood) – From Berk. City Council	$7,000	
Sponsorship for Wine Walk	$2,000	
Wine Walk + Vendor Fees	$15,000	
November Craft Faire	$1,300	
Other (Russell Lot Revenue)	$2,000	
Total Operating Income	**$ 62,300**	**$ 38,500**
Non-Operating Income		
Fees Collected from Vendors		$ 1,000
Total Non-Operating Income		**$ 1,000**
Total INCOME	**$ 62,300**	**$ 39,500**

EXPENSES		
Advertising & Marketing		
Various Holiday/Seasonal Marketing	$13,000	
Web Hosting and marketing	$3,000	
Banner Maintenance		$ 1,800
Building Light Maintenance		$ 250
Spring event production		$ 500
Merchant Social - Summer		$ 1,300

	Artisan Craft Event		$ 300
	Web Hosting and marketing		$ 1,000
	Halloween event production		$ 600
	Holiday season event production (incl. tree lights)		$ 2,500
Events (including Music in the Elmwood)		$10,000	
	Music Festival Expenses		$ 7,000
Consulting & Accounting		$300	
	Square Payment System		$ 120
	Accounting S/W (Xero)/Tax Filing		$ 200
Dues and Subscriptions		$350	
	Chamber of Commerce		$ 350
Insurance		$1,500	
	Liability for EBA		$ 650
	Liability for Board members		$ 900
License & Permits			
	Taxes & Licenses	$ 250	$ 200
Other: Office Supplies/Annual Mtg.			
	Office Expense	$1,000	
	Printing/copy	$ 700	$ 1,200
	Postage & Delivery (PO Box)	$ 250	$ 250
	Annual Mtg. Food/Beverage/Merchant Social	$ 2,500	$ 1,300
Repairs and Maintenance			

	Gardening (Tree wells)	$ 400	$ 400
Professional Fees			
	Legal and Professional Fees	$ 100	$ 100
Bank Fees			
	Wells Fargo Bank	$ 160	$ 150
Security			
	Holiday Private Security	$ 7,000	$ 10,000
Admin Support			
	Wages	$ 12,000	$ 12,500
	Total Operating Expenses	**$ 52,510**	**$ 43,570**

Retained Earnings		**$ 9,760**	**$ (4,070)**

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

Elmwood BID Boundaries



City of Berkeley



Exhibit A2: Elmwood Business Improvement District, Assessment Rates

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

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

02a.21

Parks, Recreation and Waterfront Commission

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Parks, Recreation, and Waterfront Commission

Submitted by: Allan Abshez, Chair

Subject: Officially Naming the Public Plaza at Adeline and Fairview Streets as Delores Cooper Plaza

RECOMMENDATION
Adopt a Resolution officially naming the public plaza at Adeline and Fairview Streets as Delores Cooper Plaza.

FINANCIAL IMPLICATIONS
None

CURRENT SITUATION AND ITS EFFECTS
In the Council agenda for April 14, 2026, Councilmember Bartlett made a referral to the Parks, Recreation, and Waterfront Commission as follows: Refer to the Parks, Recreation, and Waterfront Commission to explore naming of the public plaza located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley as Delores Cooper Plaza; including process and directive of coordinating implementation, historical preservation, such as signage, universal design, and public engagement with community partners to document Delores Cooper's historic contributions to the City of Berkeley (see Attachment 2).

In response to the referral, per the Council Naming Policy procedures, on July 8, 2026, the Parks, Recreation, and Waterfront Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the plaza as Delores Cooper Plaza. (M/S/C: Philip/ Rybczynski/U) Ayes: Abshez; Granzella; Nash; Philip; Rybczynski ; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

BACKGROUND
The City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride.

Delores Cooper's legacy as an educator, advocate, and cultural leader spans decades of service to Berkeley residents, particularly Black youth and families. The naming has received unanimous support from the Lorin Business Association of South Berkeley and strong support from numerous members of the broader Berkeley community. A full biography of Delores Cooper and her contributions to Berkeley is provided in Attachment 2 of this report.

CITY MANAGER

Based on the significant contribution Delores Cooper has made to the South Berkeley community, the City Manager concurs with the recommendation contained in this report.

ENVIRONMENTAL SUSTAINABILITY

No negative environmental impacts were identified as a result of this recommendation.

RATIONAL FOR RECOMMENDATION

See body of report.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Allan Abshez, Chair, Parks, Recreation and Waterfront Commission, 510-922-7573
Roger Miller, Secretary, Parks, Recreation and Waterfront Commission, 510-981-6704

RESOLUTION NO. _____ -N.S.

OFFICIALLY NAMING THE PUBLIC PLAZA AT ADELINE AND FAIRVIEW STREETS AS DELORES COOPER PLAZA

WHEREAS, in the Council agenda for April 14, 2026, Councilmember Bartlett made a referral to the Parks, Recreation, and Waterfront Commission as follows: Refer to the Parks, Recreation, and Waterfront Commission to explore naming of the public plaza located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley as Delores Cooper Plaza; including process and directive of coordinating implementation, historical preservation, such as signage, universal design, and public engagement with community partners to document Delores Cooper's historic contributions to the City of Berkeley; and

WHEREAS, the City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride; and

WHEREAS, Delores Cooper's legacy as an educator, advocate, and cultural leader spans decades of service to Berkeley residents, particularly Black youth and families; and

WHEREAS, the naming has received unanimous support from the Lorin Business Association of South Berkeley and strong support from numerous members of the broader Berkeley community; and

WHEREAS, in response to the referral, per the Council Naming Policy procedures, on July 8, 2026, the Parks, Recreation, and Waterfront Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the plaza as Delores Cooper Plaza. (M/S/C: Philip/ Rybczynski/U) Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the public plaza at Adeline and Fairview Streets is officially named as Delores Cooper Plaza.

BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR

April 14, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett

Subject: Recommendation to Parks and Waterfront Commission to Explore the Naming of a Public Plaza in South Berkeley as Delores Cooper Plaza

RECOMMENDATION

Refer to the Parks, Recreation, and Waterfront Commission to explore naming of the public plaza located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley as Delores Cooper Plaza; including process and directive of coordinating implementation, historical preservation, such as signage, universal design, and public engagement with community partners to document Delores Cooper's historic contributions to the City of Berkeley.

CURRENT SITUATION

The City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride.

Delores Nochi Cooper is a founding board member and Executive Manager of Berkeley Juneteenth Cultural Celebrations, a 35-year-old non-profit organization located in Berkeley, California. A retired peace officer with 25 years of experience, Ms. Cooper's professional background includes legal compliance monitoring, investigations, needs assessments, report writing, and drug intervention education. Ms. Cooper's five years as a departmental training manager provided her with experience in strategic planning, policy development, contract negotiation, and production management. Ms. Cooper holds an MA in Legal Analysis and a BA in History from Lone Mountain College in San Francisco.

Ms. Cooper has used her professional expertise to empower and strengthen the community through events such as Juneteenth and Black History Month. Since taking over the helm of Berkeley Juneteenth as its Production Manager ten years ago, the festival has grown in its scope and influence and is hailed as the longest-running Juneteenth event in California. Ms. Cooper's portfolio includes serving as a historical exhibits curator, Vision magazine editor, and graphic designer in charge of web and social media content,

event images, marketing materials, fundraising and proposal writing, budget management, and as the single point of contact for the City, press, and service providers.

Ms. Cooper played a central role in the successful effort to rename Grove Street as Martin Luther King Jr. Way, serving as a member of the Martin Luther King Ad Hoc Committee. She is an active participant in her community and has volunteered her services as a writing coach at Berkeley and Richmond schools through Writer Coach Connection; as a program consultant with the South Berkeley Legacy Project; and as a Police Review Commissioner with the City of Berkeley. In 2021, Ms. Cooper was appointed to serve on the City of Berkeley's Independent Redistricting Commission. In 2024, she published a collection of poetry, "A Sweating Body That is Cooled By A Sometimey Breeze."

South Berkeley, and specifically the Lorin District corridor, is widely recognized as the historic and contemporary epicenter of culture in Berkeley. As displacement pressures continue, it is increasingly important for the City to preserve and affirm Berkeley's legacy through intentional placemaking and cultural recognition.

The proposed Delores Cooper Plaza, located at the intersection of Adeline Street and Fairview Street within the Lorin District corridor in South Berkeley, reflects Ms. Cooper's deep connection to Berkeley and its ongoing cultural and historical significance. The naming has received unanimous support from the Lorin Business Association of South Berkeley and strong support from numerous members of the broader Berkeley community.

BACKGROUND

Delores Cooper's legacy as an educator, advocate, and cultural leader spans decades of service to Berkeley residents, particularly Black youth and families. Born in Oakland, nurtured in Compton, and raised in Berkeley, she believes art, music, and history can serve as vehicles for channeling creative expression and building self-esteem, ultimately addressing the generational emotional trauma of slavery and systemic racism. Her passion is event programming with a community-healing component that builds community, with "ME and WE" as essential participants in a healthy, diverse community.

Cooper's leadership and her continued involvement in cultural institutions, such as the Berkeley Juneteenth Festival, demonstrate her enduring commitment to building the Berkeley community.

This proposal is further supported by Inter-City Services Inc. (ICS), a Bay Area organization that has served marginalized and underserved communities since 1984, which has formally expressed its support for establishing Delores Cooper Plaza and highlighted the appropriateness of the proposed location.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES, AND LAWS

This action is consistent with the Adeline Corridor Specific Plan's placemaking goals, which emphasize improvements to the public realm, corridor identity, and pedestrian-oriented retail and cultural activity.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

COMMUNITY OUTREACH

Community outreach for this proposal included engagement with the Lorin Business Association, community organizations, and South Berkeley residents. The proposal received unanimous support from the Lorin Business Association and broad endorsement from members of the Berkeley community.

In addition, outreach and consultation were conducted with Kieron Slaughter, former City of Berkeley Office of Economic Development staff member and former Liaison to the Lorin Business Association of South Berkeley. Mr. Slaughter brings extensive experience in public-space renaming and placemaking in Berkeley, as well as several other successful renaming efforts and placemaking installations in Oakland and Richmond. His expertise helped inform the proposed process and community-centered approach for this initiative.

The Commission is asked to review this proposal and, if appropriate, recommend a plan and approval to the City Council.

FISCAL IMPLICATIONS

Costs associated with the fabrication and installation of plaza signage and interpretive elements are anticipated to be modest and may be covered by existing departmental budgets or through partnerships and donations.

CONTACT PERSON

Councilmember Ben Bartlett bbartlett@berkeleyca.gov
James Chang jchang@berkeleyca.gov

Artemisia Spencer Mace aspencermace@berkeleyca.gov

ATTACHMENTS AND MATERIALS

1. Delores Cooper Plaza Proposed Location Map
2. Inter-City Services Inc. Letter of Support
3. The Lorin Business Association Letter of Support
4. Delores Nochi Cooper Biography

Attachment 1:



Attachment 2:

s Fun

YOU CAN MAKE A DIFFERENCE

Date: December 04, 2025

Kamau A. Edwards, Attorney
The Edwards Firm
ROW DTLA
777 S. Alameda Street, 2nd Floor
Los Angeles, California 90021

Re: Endorsement — Delores Cooper Honoring Project

Dear Mr. Edwards,

This letter confirms that Inter-City Services Inc. (ICS) fully endorses the proposal to honor Ms. Delores Cooper through the establishment of the Proposed Delores Cooper Plaza, located near Alcatraz Avenue and Adeline Street within the Lorin District corridor in the South Berkeley area of the City of Berkeley.

As a longstanding organization dedicated to serving and elevating marginalized and underserved communities in the Bay Area since 1984, ICS expresses its full support for this meaningful project recognizing Ms. Cooper's enduring legacy and contributions to the Berkeley community. The proposed location reflects her deep connection to South Berkeley and its ongoing cultural and historical significance.

Please accept this letter as formal documentation of ICS's endorsement. We look forward to continued collaboration on the next steps in bringing this project to fruition.

Sincerely,

Mansour Id-Deen
Founder and Executive Director

3282 Adeline Street
Berkeley, CA 94703 (510)
655-3552 www.icsworks.com

Attachment 3:

Date: 11/3/25

Kamau A. Edwards, Attorney
The Edwards Firm
ROW DTLA
777 S. Alameda Street, 2nd Floor
Los Angeles, California 90021

Re: Board Approval — Delores Cooper Honoring Project

Dear Mr. Edwards,

This letter confirms that the **Lorin Business Association** met on **October 17, 2025**, and voted to **approve the proposal to honor Ms. Delores Cooper** through the establishment of the **Proposed Delores Cooper Plaza**, located near **Alcatraz Avenue and Adeline Street** within the Lorin District corridor.

The Lorin Business Association expresses its full support for this meaningful project, recognizing Ms. Cooper's enduring legacy and contributions to the Berkeley community. The proposed location reflects her deep connection to the Lorin District and its ongoing cultural and historical significance.

Please accept this letter as formal documentation of the Board's approval. We look forward to continued collaboration on the next steps in bringing this project to fruition.

Sincerely,
Liz Lisle, Co-Chair
Yavette Holts, Co-Chair

Attachment 4:

DELORES NOCHI COOPER



Delores Nochi Cooper is a founding board member and Executive Manager of the day-to-day operation of Berkeley Juneteenth Cultural Celebrations, a 35-year-old non-profit organization located in Berkeley, California.

Her background as a retired peace officer for 25 years, honed her skills in legal compliance monitoring, investigation, needs assessment, report writing, and as a drug intervention educator; her five years as the departmental training manager provided her with experience in strategic planning, policy development, contract negotiation, and production management. Delores has transitioned her professional expertise in pursuit of her overarching commitment to the emotional well-being of her community through events such as Juneteenth and Black History Month that celebrate the African American experience. Probation work taught her the importance of family, community connectedness, and that change is always possible.

Delores believes merely celebrating Juneteenth is not enough. Her passion is event programming with a community healing component that builds community with "ME and WE" as essential participants in a healthy, diverse community. Delores believes art, music and history can be used as a vehicle to channel creative juices and build self-esteem, that can change norms and behaviors, and ultimately address the generational emotional trauma of slavery and systemic racism.

Since taking over the helm of Berkeley Juneteenth as its Production Manager ten years ago, the festival has grown in its scope and influence and is hailed as the longest running Juneteenth event in California. Delores' portfolio includes historical exhibits curator, Vision magazine editor, graphic designer in charge of web and social media content, event images, and marketing materials. To that portfolio, add fundraising and proposal writing, budget management, and the single point of contact for the City, press, and service providers.

Delores is an active participant in her community and has volunteered her services as a writing coach at Berkeley and Richmond schools with Writer Coach Connection; as a program consultant with the South Berkeley Legacy Project; as a member of the Martin Luther King Ad Hoc Committee which successfully renamed a major Berkeley thoroughfare in honor of Martin Luther King, Jr.; and with the City of Berkeley as a Police Review Commissioner. In 2021, Delores was appointed to serve on the City of Berkeley's Independent Redistricting Commission.

In 2024, Delores published a collection of poetry, "A Sweating Body That is Cooled By A Sometimey Breeze." She is currently working on her memoir.

Born in Oakland, nurtured in Compton, and raised in Berkeley, CA, Delores is a daughter, sister, mother, grandmother, aunt, cousin, devoted friend, and a team player with a strong work ethic instilled in her at an early age. She believes in cultivating dreams and ideas to fruition. In her down time, she enjoys, reading, writing, water aerobics, finding treasures at estate sales, sitting in her sacred spot just being and observing, and above all, spending time with loved ones.

Delores received her MA in Legal Analysis and BA in History from Lone Mountain College in San Francisco.

02a.22

Parks, Recreation and Waterfront Commission

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Parks, Recreation, and Waterfront Commission

Submitted by: Allan Abshez, Chair

Subject: Officially Naming the Gymnasium at the Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton

RECOMMENDATION
Adopt a Resolution officially naming the gymnasium at the Martin Luther King, Jr. Youth Services Center (MLK Center) in honor of Philip Harper-Cotton.

FINANCIAL IMPLICATIONS
None

CURRENT SITUATION AND ITS EFFECTS
On September 1, 2017, Philip Harper-Cotton retired after 49 years with the Recreation Department, his final 11 years as a recreation program supervisor. His work helped shape Berkeley's youth and family recreation offerings, from sports leagues to youth mentoring to special events, for over three generations of Berkeley residents in South and West Berkeley.

Per the Council Naming Policy procedures, on July 8, 2026, the Parks, Recreation, and Waterfront Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the gymnasium at Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton (M/S/C: Nash/Stewart/U). Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

BACKGROUND
The City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride. Philip Harper-Cotton's impact on the City's Recreation Division is without parallel.

Mr. Harper-Cotton grew up in Berkeley, spending much of his youth playing ball at Grove Park. This early connection to the city's parks led him into youth sports and

recreation, eventually earning him a bachelor's degree in recreation from Cal State Hayward (now California State University East Bay).

He joined city staff in 1968 as a playground leader and became a full-time recreation programmer in 1975, initially assigned to San Pablo Park. Over his career, he played many roles at the City, including developing the programming at the Young Adult Project, which was part of the national Model Cities program that was implemented in Berkeley by Maudelle Shirek, Ron Dellums, and many other local civic leaders; coached youth baseball, basketball, and football teams; created numerous mentoring programs for young adults; founded the Greg Brown Memorial Basketball Tournament in 1975 that honored a Berkeley High basketball player who died while playing in a game; launched and expanded numerous community programs in response to local needs, many of which still exist today; and led the Recreation Division through challenging periods, such as the budget cuts after Proposition 13 in 1978. Mr. Harper-Cotton retired in 2017, after almost five decades of dedicated service working with primarily under-served youth in South Berkeley. By the time he retired, he had been working with the grandchildren of the youth he worked with at the start of his career.

CITY MANAGER

Based on the significant contribution Philip Harper-Cotton has made to the South Berkeley community as a dedicated City employee over 49 years, the City Manager concurs with the recommendation contained in this report.

ENVIRONMENTAL SUSTAINABILITY

There are no negative environmental impacts were identified as a result of this recommendation.

RATIONAL FOR RECOMMENDATION

See body of report.

ALTERNATIVE ACTIONS CONSIDERED

None

CONTACT PERSON

Allan Abshez, Chair, Parks, Recreation and Waterfront Commission, 510-922-7573
Roger Miller, Secretary, Parks, Recreation and Waterfront Commission, 510-981-6704

RESOLUTION NO. _____ -N.S.

OFFICIALLY NAMING THE GYMNASIUM AT THE MARTIN LUTHER KING, JR. YOUTH SERVICES CENTER IN HONOR OF PHILIP HARPER-COTTON

WHEREAS, the City of Berkeley has continuously recognized individuals whose leadership and service have shaped the City's cultural and civic identity. Public space naming is an important tool that honors community legacy by strengthening neighborhood identity and civic pride; and

WHEREAS, on September 1, 2017, Philip Harper-Cotton retired after 49 years with the Recreation Department, his final 11 years as a recreation program supervisor. His work helped shape Berkeley's youth and family recreation offerings, from sports leagues to youth mentoring to special events, for over three generations of Berkeley residents in South and West Berkeley; and

WHEREAS, Philip Harper-Cotton's impact on the City's Recreation Division is without parallel; and

WHEREAS, per the Council Naming Policy procedures, on July 8, 2026, the PRW Commission conducted a public hearing, and on September 9, 2026, the commission took action to recommend that Council name the gymnasium at Martin Luther King, Jr. Youth Services Center in honor of Philip Harper-Cotton (M/S/C: Nash/Stewart/U). Ayes: Abshez; Granzella; Nash; Philip; Rybczynski; Samelson; Stewart; Noes: none; Absent: Muszynski; Yeo.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the gymnasium at the Martin Luther King, Jr. Youth Services Center is officially named in honor of Philip Harper-Cotton.

Office of the City Manager

CONSENT CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Solano Business Improvement District (BID) Advisory Board

Submitted by: Fern Solomon, Chair, Solano Avenue BID Advisory Board

Subject: Renewal of the Solano Avenue BID for Calendar Year 2027

RECOMMENDATION

Adopt a Resolution approving the Solano Avenue Business Improvement District Advisory Board's (hereafter "Solano BID Advisory Board" or "the Advisory Board") recommendation that Council: 1) approve the 2026 Annual Report and preliminary budget for the District for calendar year 2027; 2) declare its intent to levy an assessment for calendar year 2027; and 3) direct the City Clerk to schedule a public hearing on the renewal of the assessment for December 1, 2026.

FISCAL IMPACTS OF RECOMMENDATION

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

CURRENT SITUATION AND ITS EFFECTS

Renewal of the Solano BID is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy. Under the State of California Parking and Business Improvement Area law of 1989 (California Streets and Highways Code section 36500 et.seq.) the City Council must approve an Annual Report prepared by the Solano BID Advisory Board with a proposed budget for the next year as a requirement to levy new assessments. Accordingly, at its meeting of September 15, 2026, the Solano BID Advisory Board voted to recommend that the City Council approve the Report for the Solano Avenue Business Improvement District for 2026 and adopt a Resolution of Intention to renew the assessment 2027 (M/S/A; Devany/Solomon/Unanimous, Ayes: Devany, Solomon, Noes: None, Abstentions: None). The Resolution of Intention also sets a public hearing date for December 1, 2026 where affected Solano businesses can express support or opposition to renewal of the BID for calendar year 2027. If written and/or oral protests are received from businesses

proposed to pay a majority of the assessment, Council cannot vote to levy assessments for 2027. If no majority protest is received the Council may renew the assessment.

BACKGROUND

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

ENVIRONMENTAL SUSTAINABILITY

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

RATIONALE FOR RECOMMENDATION

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

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission’s Report.

CONTACT PERSON

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

Attachments:

1: Resolution
- Exhibit A: Report for the Solano Avenue Business Improvement District 2026 and Budget for 2027
- Exhibit A1: Map of the Solano BID
- Exhibit A2: Assessment Rates

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

APPROVING THE ANNUAL REPORT AND PROPOSED BUDGET OF THE SOLANO AVENUE BUSINESS IMPROVEMENT DISTRICT FOR 2026-2027; DECLARING COUNCIL'S INTENTION TO LEVY AN ASSESSMENT IN THE DISTRICT FOR 2027; AND DIRECTING THE CITY CLERK TO SCHEDULE A PUBLIC HEARING FOR DECEMBER 1, 2026 TO CONSIDER LEVYING A RENEWED ASSESSMENT FOR 2027.

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

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

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

WHEREAS, the Advisory Board has submitted an Annual Report to the Berkeley City Council that outlines the activities of the District proposed for 2027 as required by the California Streets and Highways Code Section 36533; and

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

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

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

Section 1. The City Council hereby approves the Solano Avenue Business Improvement District Annual Report 2026 and Budget for the year 2027 (Exhibit A) as submitted to the City Clerk by the Solano Avenue Business Improvement District Advisory Board.

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

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

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

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

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

Section 6. A public hearing shall be held before the City Council on December 1, 2026. Following the hearing the Council will consider adoption of a resolution levying an assessment as recommended by the Solano Avenue Business Improvement Advisory Board. At this hearing the Council will hear all interested persons for or against the levying of such an assessment.

Formal protests against the levying of the District assessment must be made in writing. All written and oral protests should contain the following certification: "I certify that I am the owner of the business listed below, and that the business is located or operates within the boundaries of the Solano Avenue Business Improvement District." Protests should also contain the following information: business name (printed), business address (printed), City Business License Tax Registration number, name of protester (printed), signature of protester, date of protest and the reason(s) the protester is against the levying of the District assessment. Protests will not be considered valid unless signed and submitted by the owner of a business located within the boundaries of the proposed District. Written protests shall be filed with the City Clerk, First Floor, City Hall, at 2180 Milvia Street, Berkeley, California, 94704, at or before 3 pm on December 1, 2026 and shall contain a description of the business sufficient to identify the business, and if the person so protesting is not listed on City records as the owner of the business, the protest shall be accompanied by written evidence that the person subscripting the protest is the owner of the business. Any protest pertaining to the regularity or sufficiency of the proceedings shall be in writing and shall clearly set forth the irregularity or defect to which the objection is made. If written protests are received from the owners of businesses in the District which will pay fifty percent (50%) or more of the assessment proposed to be levied, no further proceedings to levy the assessment shall be taken for a period of one year from the date of the finding of a majority protest by the City Council. If the majority protest is only against the furnishing of a specified type or types of improvements or activities within the District, those types of improvements or activities shall be eliminated.

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

Exhibits
A: Report for the Solano Avenue Business Improvement District 2026 & Budget 2027
A1: Map of the Solano BID
A2: Assessment Rates

Exhibit A

Report for the Solano Avenue Business Improvement District for 2026 and Budget for 2027

Background

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

Landscape Program

In 2013, the Solano BID financed a tree watering program for young street trees along upper Solano Avenue. In 2016, per the City of Berkeley arborist, the trees were mature enough to not require additional water services. In early 2016, the board voted to enhance Solano's landscape by installing 41 hanging planter baskets on light poles distributed throughout the district, utilizing the Downtown Berkeley Association's (DBA) services. The DBA watered and maintained the baskets though the end of calendar year 2018. From 2019 to 2021, rainwater alone supported the baskets, and in 2022 the Solano BID entered into a contract with The Peralta Services Corporation to supplement other efforts to clean, weed, and level the tree wells through the district, and to develop an ongoing watering and maintenance system for the hanging flower baskets. Peralta's services began in July of 2022 and, per Peralta, the latest contract is renewed on a quarterly basis with regularly scheduled landscaping in tree wells, including cleaning of porous pavement on a weekly basis. Additional services have been considered and further options and changes will be discussed in the context of the 2027 Work Plan.

Marketing and Promotion of Solano

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

The details of the 2027 Work Plan, are to be developed over the remainder of the year and include engaging with the City of Berkeley regarding traffic safety improvements, increased marketing of the Berkeley portion of Solano Avenue, and improvement programs to deploy merchant fees effectively and equitably.

Commissioner Recruitment

The board is challenged by having two (out of 9 possible) members. The current members have expressed that they are both ready to leave their positions. Ongoing recruitment is a focus for the remainder of 2026 and 2027. Merchant owners are often busy operating, and sometimes expanding, their businesses. The Advisory Board reminds merchants that they can assign a proxy, from inside or outside their organization, to represent them on the Board. City of Berkeley residence is not required for Board membership. To date, there are no candidates for seats on the board.

Solano BID Administration

The Solano BID has contracted with a fiscal agent, the Telegraph Property and Business Management Corporation (Telegraph PBMC), which charges a 5% fiscal agent fee on new BID revenue annually. For example, the anticipated new Solano BID revenue for 2027 is $30,000 so the fiscal agent fee is estimated to be $1,500.

FINANCIAL STATUS OF THE SOLANO BID, AUGUST 2026	
Solano BID Balance, as of 8/31/2026	$35,455
Accounts Receivable - Remaining Carryover	$25,400
Less fall and winter payments remaining for Solano Ave Assn Contract, for 2026-27 holiday-related events	-$10,000
Less payments for holiday decor installation, removal and storage, Nov. 2026 to Jan 2027	-$5,471
Allocated Expenditures	-$15,400
Unallocated as of 8/31/2026	**$29,984**

BUDGET FOR THE SOLANO BID FOR 2027 (Calendar Year)	
Estimated new revenue 2027	$29,984
Carryover from 2026 (estimated)	$6,000
Estimated SAA Events Payments	-$15,000
Estimated Holiday Decorations Payments	-$5,600
Estimated Peralta Svcs Corp sidewalk Cleaning/tree well maintenance	-$6,200
Less fiscal agent fee to Telegraph PBMC (5%) - of estimated new revenue	-$1,500
Total additional available for expenditure in 2027	**$7,684**

RECOMMENDATIONS

The Advisory Board recommends that Council:

- Approve the 2026 Annual Report and 2027 Budget.
- Make no changes in the boundaries of the Solano Business Improvement District in the two Benefit Zones, A & B, as shown in Exhibit A1.
- Make no changes in the method and basis for merchant assessments, as shown in Exhibit A2.
- Carry over to 2027 the estimated surplus revenues from 2026, as stated in the 2027 Budget.

Exhibit A1

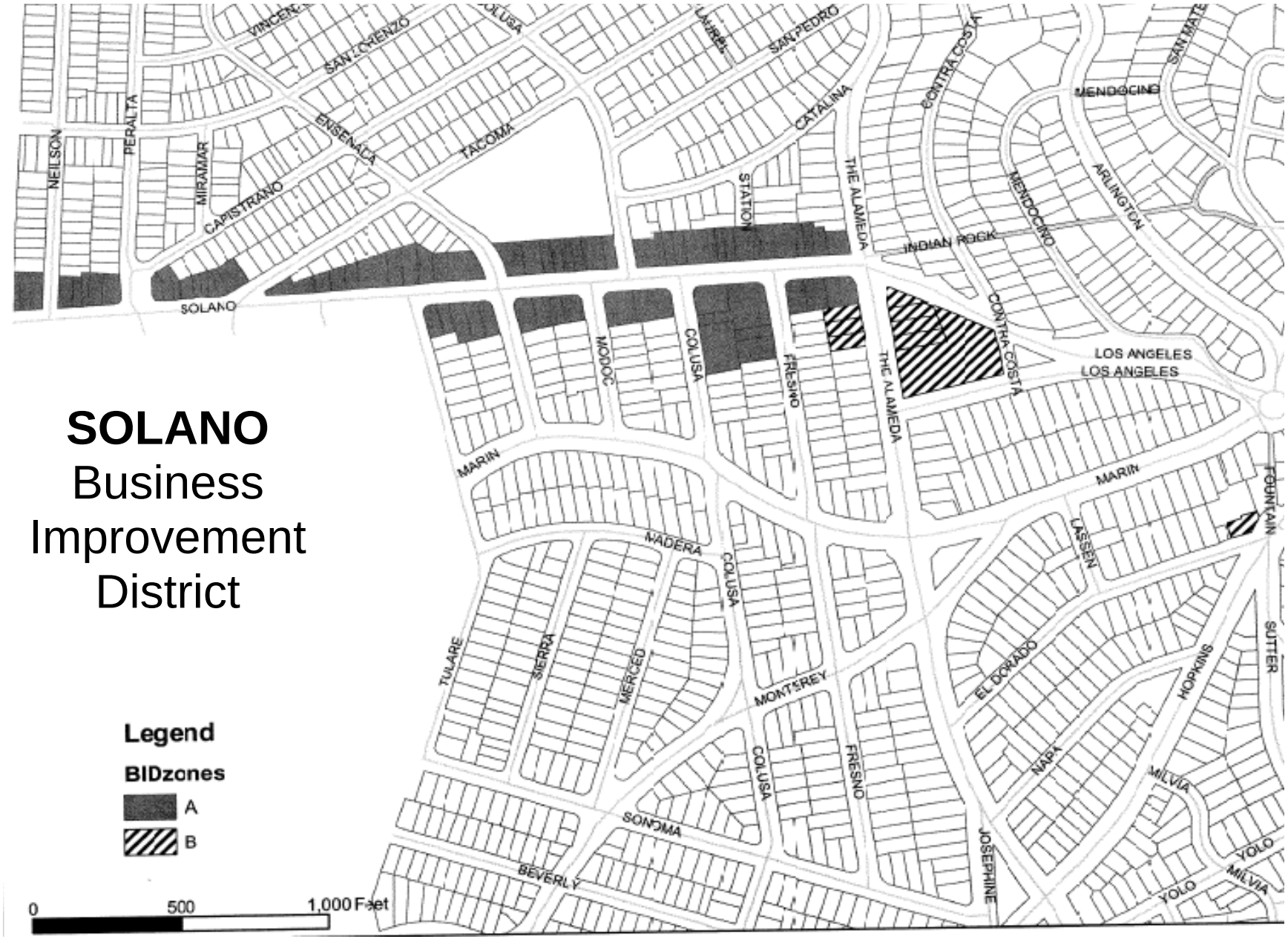

SOLANO
Business
Improvement
District
Legend
BIDzones
A
B
0
500
1,000 Feet
SOLANO
CAPISTRANO
ENSENADA
TACOMA
PERALTA
NEILSON
MIRAMAR
SAN LORENZO
SAN PEDRO
CATALINA
THE ALAMEDA
STATION
CONTRA COSTA
MENDOCINO
ARLINGTON
INDIAN ROCK
SAN MATEO
LOS ANGELES
MODOC
COLUSA
FRESNO
MARIN
MADERA
TULARE
SIERRA
MERCED
MONTEREY
SONOMA
BEVERLY
JOSEPHINE
LASSEN
FOUNTAIN
EL DORADO
HOPKINS
SUTTER
NAPA
MILVIA
YOLO

Exhibit A2

Berkeley Solano Avenue Business Improvement District Annual Assessment Formula

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

02a.24

ADENA ISHII
MAYOR OF BERKELEY

CONSENT CALENDAR
November 17, 2026

To: Honorable Members of the City Council

From: Mayor Adena Ishii (Author), Councilmember Brent Blackaby (Co-Sponsor), Councilmember Mark Humbert (Co-Sponsor)

Subject: Annual Berkeley Holiday Fund: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed $500 per Councilmember including $500 from Mayor Ishii, $500 from Councilmember Blackaby and $500 from Councilmember Humbert to the Berkeley Holiday Fund with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

Founded over a hundred years ago, in 1912, the Berkeley Holiday Fund, embodies the "the Berkeley Spirit" by providing aid to residents in Berkeley during the holiday season. Sending cash cards to almost 1,111 individuals and families in 2025, totalling over $132,000. The Holiday Fund is completely donation based and volunteer staffed.

For 113 years, the Fund has solicited donations from the Berkeley community and now 26 local service agencies to identify Berkeley residents in need of help during the holidays. This list of partner agencies include Berkeley Youth Alternatives, East Bay Community Law Center, LifeLong Medical Care, Multicultural Institute, and more.

While the Berkeley Holiday Fund addresses every request it receives, the number of requests from agencies varies year-to-year. The organization can only send one cash card to individuals and families recommended by multiple agencies.

From the outset the Berkeley Holiday Fund has traditionally been supported by the Berkeley Mayor and members of the Berkeley City Council. With the Berkeley Mayor

often serving as the Honorary Chair and for more than thirty years the Mayor's office has provided a small grant to support the mailing of cash cards to the people referred by the Holiday Fund.

FINANCIAL IMPLICATIONS

No General Fund impact; $500 is available from Mayor Ishii's, Councilmember Blackaby's and Councilmember Humbert's budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

Mayor Adena Ishii
510-981-7100

Attachments: 1: Resolution for Council Expenditures

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

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

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

WHEREAS, a California non-profit tax-exempt corporation, the Berkeley Holiday Fund, seeks funds in the amount of $500 to provide the following service of offering aid to residents in need in Berkeley during the holiday season; and

WHEREAS, the Berkeley Holiday Fund, founded in 1912, is completely donation-based & volunteer-staffed and sent cash cards to almost 1,111 individuals and families in 2025, totaling over $132,000; and

WHEREAS, the Berkeley Holiday Fund embodies the “the Berkeley Spirit” by providing aid to residents in Berkeley during the holiday season; and

WHEREAS, historically the Berkeley City Council has generously supported and contributed small grants to the Berkeley Holiday Fund.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to $500 per office shall be granted to the Berkeley Holiday Fund to fund the following service of offering aid to residents in need in Berkeley during the holiday season.

02a.28

Sugar-Sweetened Beverage
Product Panel of Experts Commission

ACTION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Sugar-Sweetened Beverage Product Panel of Experts Commission

Submitted by: Peace Esonwune, Chairperson, SSBPPE Commission

Subject: Allocation of $2,294,774 Million Over 2 Years, FY2028 and FY2029, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs).

RECOMMENDATION
Adopt a Resolution allocating $2,294,774 from the General Fund in Fiscal Year 2028 (July 1, 2027 through June 30, 2028) and Fiscal Year 2029 (July 1, 2028 through June 30, 2029) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of $2,294,774 million will be distributed in two installments of $1,147,387 for FY2028 and $1,147,387 for FY2029. In each of these years, the funds will be distributed as follows:

a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of SSBs through the implementation and enhancement of the BUSD cooking and gardening programs. The BUSD funding process is separate from the RFP process for community-based organizations and shall be guided by the SSBPPE Commission's Criteria for the BUSD Funding Proposal (Exhibit A).
b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community- based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The RFP process for community-based organizations is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Selection Criteria for Community Agency Grants (Exhibit B).
c. Direct the City Manager to allocate up to 15% of the funds to support HHCS/PHD and Finance Department to coordinate and monitor the SSB grant process, develop and maintain a website for SSB grantees, and the public and employees involved in the city's SSB procurement policy, collect organize and synthesize

performance measures or evaluation as appropriate, provide technical assistance and learning opportunities for grantees, and report annually to the SSBPPE Commission and the public highlights from the SSB-funded programs.

d. Allocate the carryover of any SSB tax revenue received in excess of $2,294,774 million during FY2028 and FY2029 to be awarded for related services in FY2029-FY2031.
e. If the voters approve Ballot Initiative AA in November 2026, increasing Berkeley's SSB sugar sweetened beverage excise tax revenue to 2 cents per ounce, the Commission recommends that the City Council authorize a second allocation of funds for FY2029, commensurate with additional distributor tax revenue collected. These additional revenues generated as a result of Measure AA will supplement the FY 2028 and FY 2029 two-year allocations.

SUMMARY

In November 2014, Berkeley voters passed a measure to require the collection of a 1 cent per ounce tax on the distribution of sugary drinks in the City of Berkeley and the convening of a Panel of Experts (the Sugar-Sweetened Beverage Products Panel of Experts--SSBPPE) to recommend investments to reduce the consumption and health consequences of sugary drinks. There has been overwhelming support for this tax. Voters renewed this measure in November 2024 and in 2026, gathered enough signatures to add a new 2 cent per ounce tax to the ballot in November 2026.

The SSBPPE recommends that Berkeley City Council adopt a resolution allocating a total of $2,294,774 million from the General Fund ($1,147,387 for FY2028 and $1,147,387 for FY2029), to invest in grant programs that serve Berkeley residents most impacted by sugary drink consequences. The resolution shall direct the City Manager to:

1) Award up to 42.5% of the allocated funds to BUSD through a grant proposal.
2) Award at least 42.5% of the allocated funds through an RFP process managed by the HHCS/PHD for grants to community-based organizations.
3) Allocate up to 15% of the funds to HHCS/PHD and the Finance Department for administrative activities related to the implementation of the SSB grants program.
4) Allocate the carryover of any SSB tax revenue received in excess of $2,294,774 million during FY2028 and FY2029 to be awarded for related services in FY2029-FY2031.
5) If voters approve Ballot Initiative AA in November 2026, increasing Berkeley's sugar-sweetened beverage excise tax to 2 cents per ounce, authorize an additional allocation of funds for FY2029, commensurate with the additional distributor tax revenues collected. These additional revenues, generated as a result of Measure AA, would supplement the existing FY2028 and FY2029 two-year allocation.

These two-year grants support comprehensive strategies to: 1) reduce access to SSBs, 2) improve access to water, 3) limit marketing of SSBs to children, and 4) implement education and awareness campaigns. The grant awards indicate the City of Berkeley's commitment to reducing the consumption of SSBs and improving the health of Berkeley residents, particularly those most impacted by obesity, diabetes, tooth decay, and heart disease.

FISCAL IMPACTS OF RECOMMENDATION

Measure D, passed in November of 2014, and renewed through the passage of Measure Z in November of 2024, established two provisions, namely: a) a 1 cent per ounce tax on sugary drinks distributed in Berkeley and b) creation of a Panel of Experts Commission. The collection of this tax commenced in May of 2015 and is being deposited into the City's General Fund. The SSBPPE Commission's recommendation to Council for allocation of $2,294,774 for FY2028 and FY2029 is independent of the amount of tax revenue collected from the distribution of SSB in Berkeley. This request will create a total liability of $2,294,774 for the City's General Fund in FY2028 and FY2029.

CURRENT SITUATION AND ITS EFFECTS

On August 20, 2026, the SSBPPE Commission approved the recommendation to the Berkeley City Council for allocation of $2,294,774 million for the period FY2028 and FY2029, to be made available to invest in grant programs to reduce the consumption of sugar sweetened beverages (SSBs), address the health consequences of the SSB consumption, and moved to adopt their recommendation to Council as follows:

Key elements of the resolution include:

1) Direct the City Manager to award up to 42.5% of the allocated funds to BUSD through a grant proposal to reduce the consumption of SSBs.
2) Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by the HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals.
3) Direct the City Manager to allocate up to 15% of the funds to support HHCS/PHD and Finance Department to:
    a. Coordinate and monitor the SSB grant process;
    b. Develop and maintain an interactive website for SSB grantees, the public, and employees involved in the city's SSB procurement policy;
    c. Collect, organize and synthesize performance measures or evaluation as appropriate;
    d. Provide technical assistance and learning opportunities for grantees;
    e. Report annually to the SSBPPE Commission.
4) Direct the City Manager to authorize an additional allocation of funds for FY2029, commensurate with the additional distributor tax revenues collected, if Ballot Initiative AA is approved by voters in November 2026.

Action: M/S/C (Commissioner Morales/Commissioner Kao) to update the SSBPPE Commission City Council recommendation from November 21st, 2024: 1) dates, 2) background as needed, 3) recommendations, and 4) recommending the City Manager allocate up to 15% of the funds to support the HHCS/PHD and Finance Department for activities related to the SSB Tax.

Votes: Ayes – Morales, Rodriguez, Scheider, Kao, Lopez, Crawford, Esonwune, Hecht; Noes – None; Abstain – None; Absent – None.

In November of 2026, Berkeley voters will vote on Measure AA, which would increase the current sugary beverage tax from 1 cent per ounce to 2 cents per ounce. If approved, Measure AA would result in additional tax revenues.

BACKGROUND

In November of 2014, the Berkeley voters passed Measure D, which requires both the collection of a 1 cent per ounce tax on the distribution of sugary drinks in the City of Berkeley AND the convening of a Panel of Experts (the Sugar Sweetened Beverage Products Panel of Experts--SSBPPE) to recommend investments to both reduce the consumption of sugary drinks as well as to address the health consequences of the consumption of sugary drinks. Voters have since renewed this measure, through the passage of Measure Z in November of 2024.

Our nation, our state, and our community face a major public health crisis. Diabetes, obesity, and tooth decay have been on the rise for decades. Although no group has escaped these epidemics, children, as well as low-income communities and communities of color have been and continue to be disproportionately affected. While there is no single cause for the rise in diabetes, obesity, and tooth decay, there is overwhelming evidence of the link between the consumption of sugary drinks and the incidence of diabetes, obesity, heart disease, and tooth decay.

Sugary drinks such as soft drinks, energy drinks, sweetened teas, and sport drinks offer little or no nutritional value, but contribute massive quantities of added sugar. A single 20-ounce bottle of soda, for instance, typically contains the equivalent of approximately 16 teaspoons of sugar. Before the 1950s, the standard soft-drink bottle was 6.5 ounces. In the 1950s, larger size containers were introduced, including the 12-ounce can, which became widely available in 1960. By the early 1990s, 20-ounce plastic bottles had become the norm. At the same time, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color. In 2006 alone, nearly $600 million was spent in advertising to children under 18. African American and Latinx children are also aggressively targeted with advertisements to promote sugar-laden drinks.

The resulting impact on consumption should not be surprising. The average American now drinks nearly 40 gallons of sugary drinks a year. In the past 20 years, the prevalence of obesity in adults increased from 30.5% to 42.4%, and the prevalence of

severe obesity increased from 4.7% to 9.2%. During this time, the prevalence of obesity among youth (aged 2–19 years) increased from 13.9% to 19.3%, and the prevalence of severe obesity increased from 3.6% to 6.1%. The problem is especially acute with children in California. From 1989 to 2008, the percentage of children consuming sugary drinks increased from 79% to 91% and the percentage of total calories obtained from sugary drinks increased by 60% in children ages 6 to 11. This level of consumption has had tragic impacts on community health. Type 2 Diabetes –previously only seen among adults –is now increasing among children. If the current obesity trends are not reversed, it is predicted that one in three children and nearly one-half of Latinx and African American children born in the year 2000 will develop type 2 diabetes in their lifetimes.

Our community has not been immune to the challenge of unhealthy weight gain and obesity. According to the 2018 City of Berkeley Health Status Report, over a quarter of Berkeley's 5th and 7th grade students (all race/ethnicities) are overweight or obese. Berkeley has a lower proportion of 5th and 7th grade children who are overweight or obese (29.4%) compared to children in Alameda County (35.3%) but has a higher proportion compared to California (26.8%). However, a higher proportion of African-American children are overweight or obese in Berkeley compared to Alameda County or California.

Tooth decay has meaningful impact on health, especially for children. In fact, tooth decay is the most common childhood disease, experienced by over 70% of California's 3rd graders. Children who frequently or excessively consume beverages high in sugar are at increased risk for dental cavities. Dental problems are a major cause of missed school days and poor school performance as well as pain, infection, and tooth loss in California.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

When sugary drink consumption decreases due to the direct investments in programs and activities, the SSBPPE Commission expects that there will be a reduction to the City's waste stream.

RATIONALE FOR RECOMMENDATION

This two-year grant period supports comprehensive strategies to: 1) reduce access to SSBs, 2) improve access to water, 3) limit marketing of SSBs to children, and 4) implement education and awareness campaigns with specific populations. The two-year grant period will also indicate the City of Berkeley's commitment to reducing the consumption of SSBs and improving the health of Berkeley residents, particularly those most impacted by obesity, diabetes, tooth decay, and heart disease. The funding will allow grantees to develop interventions that include education, policy, systems and environmental changes with measurable outcome data and evaluation to show the rise in public awareness about the harmful impacts of SSBs, reduce consumption of SSBs over time, and decrease the health risks among residents of Berkeley.

To have the greatest impact, the SSBPPE Commission recommends that the following populations be prioritized:

a. Children and their families with a particular emphasis on young children who are in the process of forming lifelong habits,
b. Children and young adults living in households with limited resources,
c. Groups exhibiting higher than average population levels of type 2 diabetes, obesity, heart disease, and tooth decay rates,
d. Groups that are disproportionately targeted by the beverage industry marketing,
e. Pregnant women,
f. Berkeley-based organizations that serve any or all of the above populations.

ALTERNATIVE ACTIONS CONSIDERED

The Commission did not identify an alternative action.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Roberto Terrones, Commission Secretary, HHCS, (510) 510-981-5324.

Attachments:

1: Resolution
    Exhibit A: SSBPPE Commission's Criteria for BUSD Funding Proposal
    Exhibit B: SSBPPE Commission's Selection Criteria for Community Agency Funding

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

ALLOCATION: $2,294,774 MILLION TOTAL FOR SUGAR-SWEETENED BEVERAGE CONSUMPTION AND REDUCTION GRANT PROGRAM IN FY2028 AND FY2029

WHEREAS, the consumption of sugar-sweetened beverages (“SSB”) in Berkeley is impacting the health of the people in Berkeley; and

WHEREAS, in FY2026 and FY2027, the City Council awarded a total of $2,294,774 million upon the recommendation of the SSBPPE Commission to demonstrate the City’s long-term commitment to decreasing the consumption of SSB and mitigate the harmful impacts of SSB on the population of Berkeley; and

WHEREAS, many studies demonstrate that high intake of SSB is associated with risk of Type 2 Diabetes, obesity, tooth decay, and coronary heart disease; and

WHEREAS, the above conditions are all demonstrated to increase both the severity of COVID19 related illness and risk of death; and

WHEREAS Latinx and Black communities are disproportionately affected by COVID-19; and

WHEREAS, hundreds of millions of dollars have been spent in an ongoing massive marketing campaign, which particularly targets children and people of color; and

WHEREAS, an African American resident of Berkeley is 14 times more likely than a White resident to be hospitalized for diabetes; and

WHEREAS, 40% of 9th graders in Berkeley High School are either overweight or obese; and

WHEREAS, tooth decay is the most common childhood disease, experienced by over 70% of California’s 3rd graders; and

WHEREAS, in 2012, a U.S. national research team estimated levying a penny-per-ounce tax on sweetened beverages would prevent nearly 100,000 cases of heart disease, 8,000 strokes, and 26,000 deaths over the next decade and 240,000 cases of diabetes per year nationwide.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is hereby authorized to allocate $2,294,774 million from the General Fund to be disbursed in two (2) installments of $1,147,387 for FY2028 and $1,147,387 for FY2029 and distributed as follows:

1. Award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant proposal to reduce the consumption of sugar-sweetened beverages (SSBs) through the implementation and enhancement of the BUSD cooking and gardening programs.

2. Award at least 42.5% of the allocated funds through a RFP process managed by the Health, Housing, and Community Services/Public Health Division (HHCS/PHD) for grants to community- based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption.

3. Allocate up to 15% of the allocated funds to support the HHCS/PHD and Finance Department to coordinate and monitor the SSB grant process, develop and maintain an interactive website for SSB grantees and the public and employees involved in the city's SSB procurement policy, collect organize and synthesize performance measures or evaluation as appropriate, provide technical assistance and learning opportunities for grantees, and report annually to the SSBPPE Commission and the public highlights from the SSB-funded programs.

4. Allocate the carryover of any sugary drink tax revenue received in excess of $2,294,774 million during FY2028 and FY2029 to be awarded for related services in FY2029 – FY2031.

5. If voters approve Ballot Initiative AA in November 2026, increasing Berkeley's sugar-sweetened beverage excise tax to 2 cents per ounce, authorize an additional allocation of funds for FY2029, commensurate with the additional distributor tax revenues collected. These additional revenues, generated as a result of Measure AA, would supplement the existing FY2028 and FY2029 two-year allocation.

A records signature copy of the said agreement and any amendments shall be on file in the Office of the City Clerk.

Exhibits
A: SSBPPE Commission's Criteria for the BUSD Funding Proposal
B: SSBPPE Commission's Selection Criteria for Community Agency Funding

SSBPPE Commission's Criteria for the BUSD Funding Proposal

Required components for BUSD proposal:

List specific activities for how the BUSD proposed project will meet the following:

1. Decrease access to SSBs and/or improve access to drinking water.
2. Increase or strengthen SSB policies in school and outside of school.
3. Support the annual administration of the Berkeley adapted Youth Risk Behavior Survey (YRBS) or California Healthy Kids Survey (CHKS) to evaluate student's SSB knowledge, consumption, access, and policy perceptions.
4. Increase and strengthen the garden program through nutrition education curriculum, the ways the curriculum addresses SSB consumption, and communication of SSB education and policy efforts to parents
5. If there is a plan to work with partners, who are they and how do you anticipate they will collaborate with BUSD staff? Identify which grade levels will be associated with each partnership.

Anticipated obstacles: What obstacles do you anticipate? How will you try to address them?

Project Measures: Describe the ways in which you will measure outcomes, including the way you will administer the YRBS or CHKS survey and for which students, measures for the garden and cooking program, and other measures to understand if your program is working.

Sustainability Plan: Please describe how your organization will sustain the proposed project/ program activities beyond the funding period.

Communications Plan: Describe how you will meet communication requirements. Include what type of communication product(s) will be produced and what information will be shared.

Agreement to participate in the three meetings per year (1-2 sentence statement of agreement): Grantees are expected to do a presentation at one commission meeting, host one site visit for commissioners, and will attend one resource sharing meeting with other grantees.

Additional Requirements for BUSD:

Please confirm with a yes to each of the following requirements:

1. Proposal reflects approval from the BUSD School Board: Yes/No
2. BUSD will not sell or serve sugar-sweetened beverages (as defined by the SSB tax) at any BUSD schools or campuses: Yes/No
3. Awarded funding will not supplant BUSD FY26 and FY27 General Fund allocations: Yes/No

4. Funded projects will publicly reflect support from Healthy Berkeley Program: Yes/No
5. Funded projects and programs will include evaluation of their process and outcomes: Yes/No

Exhibit B

SSBPPE Commission's Selection Criteria for Community Agency Funding

Required components of project proposals from community-based organizations:

Proposed Project and Activities:

1. Briefly describe the goal of the program or project you would like to see funded.
2. Identify which strategies you intend to use in your program.
3. Identify the kinds of activities you will use in your program.
4. How many people do you expect to reach with your project?
5. Do you plan to work with partners? If so, who are they?

Applicants who have previously received funding should describe how they will build on past accomplishments, reach new participants, and whether there is deeper engagement with the same community members in new ways that reinforce and build upon previous funding.

Anticipated obstacles: What obstacles do you anticipate? How will you try to address them?

Project Measures: Describe all the things that you will measure to know if your program is working.

Sustainability Plan: Please describe how your organization will sustain the proposed project/program activities beyond the funding period.

Communications Plan: Include what type of communication product(s) will be produced and what information will be shared.

Agreement to participate in the three meetings per year (1-2 sentence statement of agreement): Grantees are expected to do a presentation at one commission meeting, host one site visit for commissioners, and will attend one resource sharing meeting with other grantees. (See Section II.D. above.)

Scoring criteria:

1. The proposed project aims to decrease consumption of sugary drinks, increase access to drinking water, and/or address health effects from consumption of sugary drinks. (25%)
2. The proposed project indicates how people and communities in the priority populations will be reached. (20%)
3. Describes both strategies and activities that will be used to reach their goals (30%)
4. The proposal includes a plan for sustaining their efforts and communicating activities, and successes to the larger Berkeley community. (15%)
5. Proposal budget matches the work plan and is appropriate. (10%)

Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
November 17, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author), Councilmember Ben Bartlett (Co-sponsor), Councilmember Terry Taplin (Co-sponsor), Councilmember Igor Tregub (Co-sponsor)

SUBJECT: Referral to Strengthen Berkeley's Tobacco Retail Ordinance: Berkeley Municipal Code Chapter 9.80, and Related Zoning Provisions to Promote Neighborhood Safety and Strengthen Public Health Standards

RECOMMENDATION

Referral to the City Manager to amend Berkeley Municipal Code (BMC) Chapter 9.80, Tobacco Retailers, and the definition of "Smoke Shop," found in BMC Title 23, Zoning, (Division 5, Glossary) to strengthen the City's business license application procedures to more clearly identify businesses selling tobacco as Tobacco Retailers, and to address the overconcentration of tobacco retailers in South and West Berkeley. Ordinance and licensing program changes should include:

- Amending the definition of "Smoke Shop" found in BMC Chapter 23, Zoning (23.502.020 section S, 22) to specify that any business under 2,500 square feet selling any amount of tobacco, nicotine, or tobacco-related products is subject to Tobacco Retail License (TRL) requirements found in BMC Chapter 9.80, and clarifying the definitions of "tobacco-related products" and cigar-weight classifications; and

- Developing a density cap of no more than six Tobacco Retail Licenses for each Berkeley City Council district, establishing a ban on new licenses in council districts with more than six Tobacco Retail Licenses, restrictions on transfers into those areas[1]; and

- Updating administrative processes related to Tobacco Retail Licenses, including business license disclosures, license application requirements,

[1] It is important to note that this item is not recommending pro-actively closing any business to minimize the over-saturation of tobacco retail outlets in any given council district. Rather, staff could consider allowing the numbers to decrease through attrition. If new businesses are interested in opening within the City, they could be granted licenses to do so in council districts not already at maximum capacity with tobacco retail outlets.

coordination with State licensing data, and internal review and enforcement procedures; and

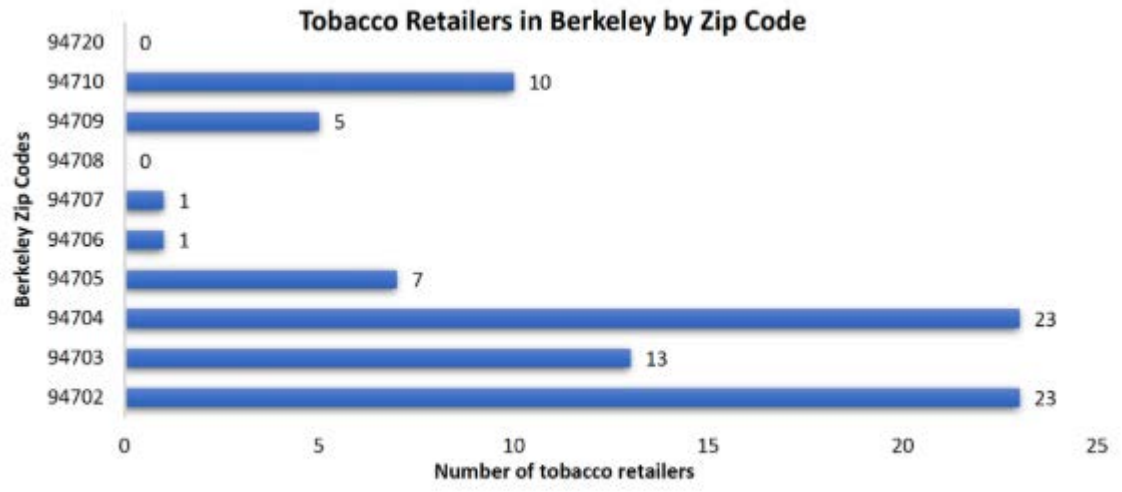
- Evaluating and proposing updates to the Tobacco Retail License fee structure to better align fees with the costs of inspection, enforcement, and program administration.

CURRENT SITUATION AND ITS EFFECTS

Berkeley's Over-concentration of Tobacco Retail Stores Creates a Significant Public Health Risk. According to the City of Berkeley's Health, Housing and Community Services Department (HHCS), Berkeley currently has more than 80 tobacco retailers, approximately 70 percent higher than the recommended density of one retailer per 2,500 residents.[2] This over-saturation has created both public health and equity concerns, particularly given the City's relatively small geographic size and progressive health policy history.

The Over-concentration of Tobacco Retailers in South and West Berkeley Disproportionately Burdens Low-Income Communities and Communities of Color. The concentration of tobacco retailers is unevenly distributed across the city with nearly half of all the outlets located in zip Codes 94702 (southwest Berkeley) and 94704 (downtown/south-central Berkeley), each containing 23 percent of the total number, as Exhibit 1 below illustrates.

Exhibit 1: High Concentration of Tobacco Retailers in South and West Berkeley Zip Codes

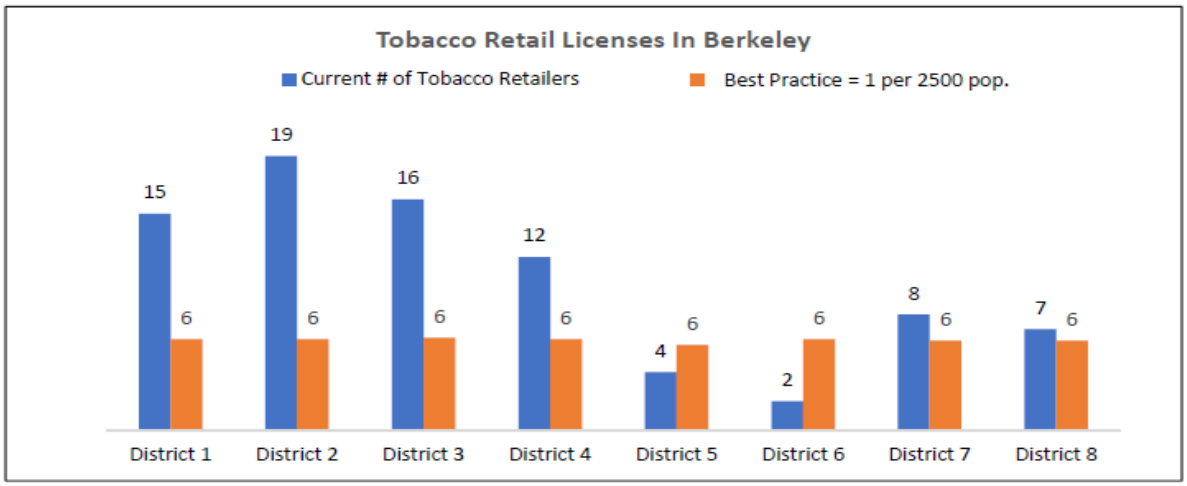


Source: Challenges with Tobacco Retail in Berkeley, HHCS staff report/infosheet

[2] This recommendation is found in the Public Health Law Center's Comprehensive Tobacco Retailer Licensing Ordinance developed jointly with the American Lung Institute, December, 2020: https://www.publichealthlawcenter.org/sites/default/files/resources/Comp-Tobacco-Retailer-License.pdf

Exhibit 2 shows the overconcentration of tobacco retail outlets by City Council district.

Exhibit 2: Tobacco Retail Licenses in Berkeley by Council District



Source: Challenges with Tobacco Retail in Berkeley, HHCS staff report/infosheet (attached)

These neighborhoods have higher proportions of low-income households and communities of color, revealing the overlap between this type of retail clustering and existing health inequities.

This Spatial Clustering of Tobacco Retail Outlets Mirrors Historic Patterns of Housing Discrimination and Disinvestment that Continue to Shape Health Inequities Today. Higher tobacco retailer density is associated with lower median income, higher percentages of Black and Latino residents, and contributes to inequities in smoking.[3] Research shows that adults who live in close proximity to tobacco stores are significantly less likely to successfully quit smoking. Smokers living within 250 to 500 meters of a tobacco outlet have lower chances of long-term abstinence compared to those living farther away.[4] Because living close to tobacco retail outlets makes tobacco product purchasing easier and exposes people to constant cues and marketing, it increases the risk of relapse even during periods of abstinence. This shows that tobacco retail clustering directly undermines smoking cessation and supports the case for limiting the number of tobacco outlets near residential areas.

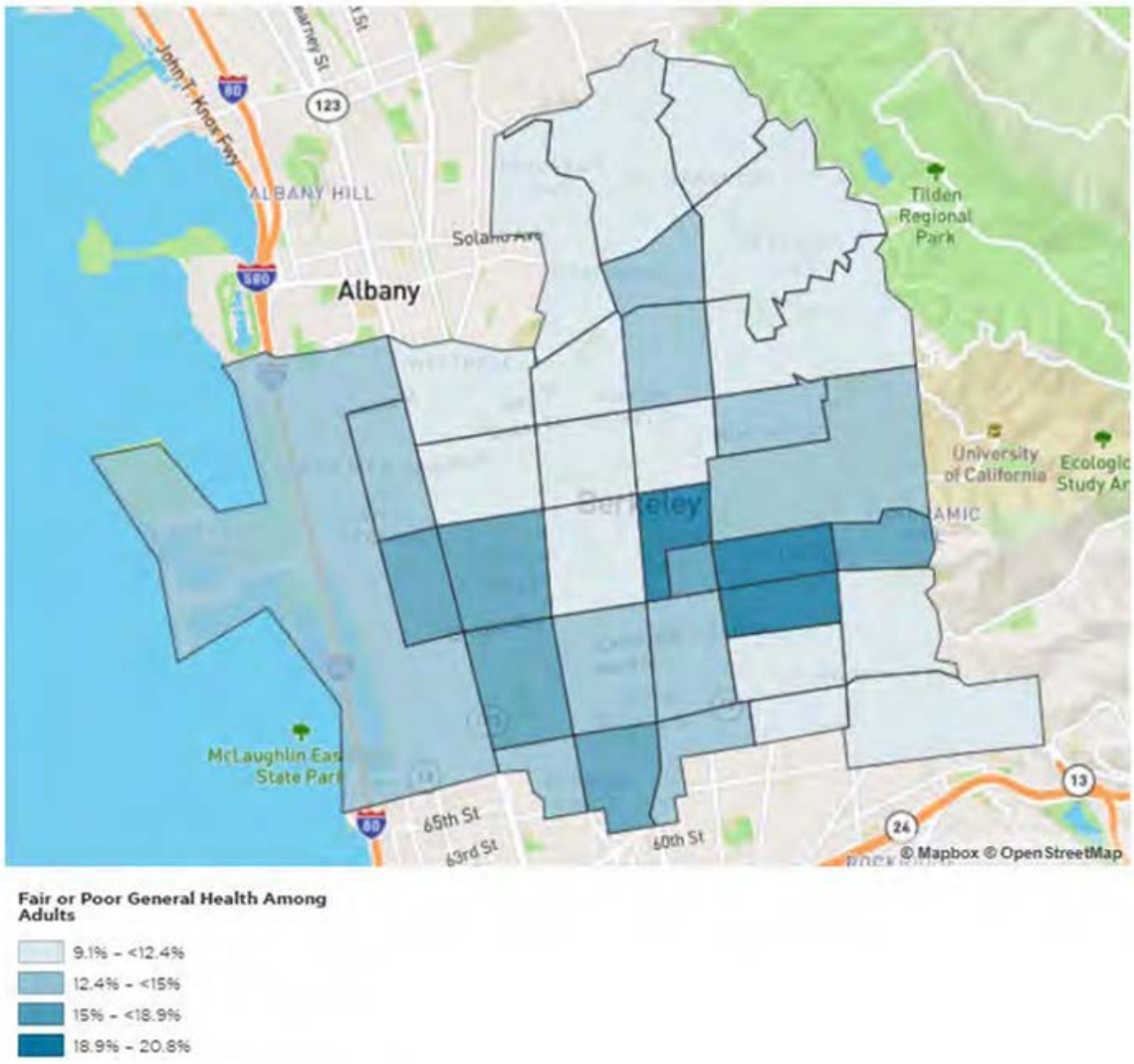
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[3] Mills S.D., Golden S.D., Queen T.L., Kong A.Y., Ribisl K.M. “Sociodemographic Disparities in Tobacco Retailer Density in the United States, 2000-2017.” Nicotine & Tobacco Research. 2022. https://berkeleyca.gov/sites/default/files/documents/2025-06-24%20Item%2030%20State%20of%20Public%20Health%20in%20Berkeley%20Summary%20Report.pdf

[4] Reitzel LR, Cromley EK, Li Y, Cao Y, Dela Mater R, Mazas CA, Cofta-Woerpel L, Cinciripini PM, Wetter DW. The effect of tobacco outlet density and proximity on smoking cessation. Am J Public Health. 2011 Feb;101(2):315-20. doi: 10.2105/AJPH.2010.191676 https://pubmed.ncbi.nlm.nih.gov/21164089/

The Proliferation of Tobacco Retailers, Especially in Areas Already Experiencing Social and Economic Disadvantages, Has Significant Public Health Consequences. Studies consistently link higher tobacco retail density with increased youth access, greater overall tobacco consumption, lower quit rates, and worse health outcomes.[5] In Berkeley, this pattern means that the most vulnerable neighborhoods face disproportionate exposure and risk. This aligns with the City's 2025 Annual Update: State of Berkeley's Population Health Report revealing the higher percentage of adults in fair or poor general health in West and South Berkeley, as illustrated in Exhibit 3.

Exhibit 3: Greater Percentage of Fair or Poor Health Status in West and South Berkeley



[5] ChangeLabSolutions, Jan. 31, 2019 Tobacco Retailer Density: Placed-based Strategies to Advance Health and Equity: https://www.changelabsolutions.org/sites/default/files/CLS-BG214-Tobacco_Retail_Density-Factsheet_FINAL_20190131.pdf

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Source: State of Public Health in Berkeley Summary Report, June 24, 2025[6]
The situation is worsened by the sale of illegal or unlicensed products not uncommonly found in outlets selling tobacco products. Recently, California Attorney General Rob Bonta declared: "Illegal e-cigarette sales remain widespread, posing a serious public health concern and requiring a more robust response."[7] Berkeley's Tobacco Prevention Program's recently published Retail Observation Survey Report on 75 licensed tobacco retailers in Berkeley similarly notes that despite the City's ban on the sale of all flavored tobacco products in 2020 that was followed by a statewide ban in 2022, 53 percent of tobacco retailers are still selling menthol cigarettes and 58 percent of stores are selling explicitly flavored (such as mint, fruit, alcohol) non-cigarette tobacco products.[8]

Regulatory Gaps, Licensing Structure, and Vague Definitions Allow Tobacco Retailers to Evade Regulation. City enforcement staff report multiple compliance violations, including unlicensed tobacco sales, illegal flavored products, and evasion of licensing through ownership transfers or name changes. Since Tobacco Retail Licenses (TRLs) are site and person-specific under the BMC 9.80,[9] staff face recurring challenges when the same businesses reopen under new ownership or a slightly modified name - a "revolving door" effect that undermines Berkeley's public health objectives.

The City's zoning code definition of "Smoke Shop" is also overly vague, making it even easier to evade regulatory oversight. According to the definition found in our zoning code, a "Smoke Shop" is "An establishment engaged primarily in the sale of tobacco and/or tobacco-related products."[10] Retailers that dedicate just over half of their floor space or sales to non-tobacco goods, such as snacks, gifts, or convenience items, can avoid that classification.[11] As a result, many outlets that function as de facto smoke shops operate under business licenses labeled as "gift shops" or "convenience stores." This allows these retailers to slip under the regulatory radar, especially in lower-income neighborhoods where these businesses proliferate and enforcement resources are already constrained.

Many businesses selling tobacco do not appear in City records as tobacco retailers because they do not self-report tobacco sales on their business-license applications and

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[6] State of Public Health in Berkeley Summary Report, presented at the June 24, 2025 council meeting, item #30: https://berkeleyca.gov/sites/default/files/documents/2025-06-24%20Item%2030%20State%20of%20Public%20Health%20in%20Berkeley%20Summary%20Report.pdf

[7] Tuesday, April 28, 2026 Attorney General's Press Release: Attorney General Bonta Co-Leads Bipartisan Effort Urging Credit Card and Payment Processing Companies to Combat Illegal Sales of Tobacco and Nicotine Products: https://oag.ca.gov/news/press-releases/attorney-general-bonta-co-leads-bipartisan-effort-urging-credit-card-and-payment

[8] City of Berkeley Tobacco Prevention Program 2026 End Commercial Tobacco Campaign Retail Observation Survey Report, July 3, 2026, attached

[9] Berkeley Municipal Code Chapter 9.80 - Tobacco Retailers: https://berkeley.municipal.codes/BMC/9.80.020

[10] Berkeley Municipal Code Chapter 23.502.020 (Division5. Glossary): https://berkeley.municipal.codes/BMC/23.502.020

[11] Berkeley Municipal Code 9.80.040 - Application Procedure: https://berkeley.municipal.codes/BMC/9.80.040

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the city has no separate tobacco business license category. Staff have noted that while all businesses are required to list what they sell, tobacco retailers often avoid identification unless discovered through inspections, complaints, or cross-checking with the state tobacco license database.

BACKGROUND

The City of Berkeley Has Long Been Recognized as a Pioneer in Public Health Policy, Particularly Regarding Tobacco Control and Youth Protection. In the late 1970s, Berkeley was the first community to limit smoking in restaurants and other public places.[12] In December 2002, Berkeley adopted its Tobacco Retail License Ordinance, codified in BMC Chapter 9.80, establishing a licensing framework to regulate the sale of tobacco products, limit youth access, and monitor compliance with state and federal health laws. The TRL program required all retailers selling tobacco or nicotine products to obtain a city license, ensuring oversight of sales practices and providing mechanisms for enforcement. At that time, the ordinance positioned Berkeley among the strictest municipalities in California to use business licensing as a local tobacco control tool as merchants would be asked to pay the entire cost of the program via the steep licensing fees.[13]

Over the past two decades, Berkeley has built upon this foundation through complementary laws such as BMC Chapter 9.80.31, which restricts smoking in public areas and prohibits flavored tobacco products.[14] Together these ordinances reflect the City's longstanding commitment to reducing youth nicotine initiation, preventing exposure to second-hand smoke, and promoting health equity - particularly in communities disproportionately targeted by tobacco marketing.

In addition to licensing requirements, the City adopted buffer-zone measures to prevent tobacco retailers from locating near schools. Under Ordinance 7673-NS, codified in BMC Section 9.80.035, the City prohibits issuing or renewing TRLs for businesses located within 1,000 feet of any school; this radius was later amended to 600 feet to balance community protection with business viability.[15] The intent of these restrictions is to reduce youth exposure to tobacco retail environments and advertising - factors that have been shown to increase the likelihood of smoking or vaping initiation among minors. The City's tobacco retail information page emphasizes that this buffer-zone ordinance is "intended to protect the health of the community, in particular youth, by reducing their access to tobacco products and exposure to tobacco marketing."[16]

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[12] National Library of Medicine, "The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General," 2006, Table 10.1: https://www.ncbi.nlm.nih.gov/sites/books/NBK44326/table/rpt-smokeexp.ch10.t1/

[13] Convenience Store News: Berkeley to up Retailer Fees, November 22, 2002: https://csnews.com/berkeley-retailer-fees

[14] Berkeley Municipal Code 9.80.31: https://berkeley.municipal.codes/BMC/9.80.031

[15] Ordinance 7673-NS (2019) - Amending BMC 9.80.035 Buffer Zones (https://berkeleyca.gov/sites/default/files/documents/2019-09-10%20Item%2002%20Ordinance%207673.pdf)

[16] City of Berkeley Webpage - Tobacco Retail Information (https://berkeleyca.gov/doing-business/operating-berkeley/tobacco-retail)

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While the buffer-zone rules represent an important preventive measure, enforcement has revealed practical limitations. Existing licensees operating within the buffer zones may continue and some retailers circumvent location restrictions by operating under non-tobacco business classifications.

Despite Comprehensive Tobacco Related Definitions in the BMC, the "Smoke Shop" Definition Creates an Enforcement Loophole. Berkeley's code defines "Tobacco Product" broadly to capture both traditional and emerging nicotine products. Under BMC 9.80.020, a tobacco product includes: (1) any product containing, made of, or derived from tobacco or nicotine that is intended for human consumption; (2) any electronic smoking device or substances used therein, whether or not they contain nicotine; and (3) any component, part, or accessory of such products - including filters, rolling papers, blunt wraps, hookahs, mouthpieces, and pipes.[17] The definition excludes FDA-approved cessation products regulated under the Federal Food, Drug, and Cosmetic Act, ensuring that legitimate therapeutic devices are not captured by the ordinance. Similarly, in that same BMC section, a "Tobacco Retailer" is defined as "any person or business that operates a store, stand, booth concession or other place at which the sales of tobacco products are made to purchasers for personal consumption or use."

However, Berkeley's *Zoning Code* definition of a "Smoke Shop" - limited to establishments "engaged primarily in the sale of tobacco and/or tobacco-related products" - has created an enforcement loophole. Berkeley does not have a separate business-license category for tobacco retailers; instead, all businesses use the standard Business License Application and are required to list the products they will sell. If tobacco is disclosed, the application is routed to Health, Housing and Community Services, Environmental Health Division (HHCS/EH) for a supplemental TRL application and review. However, staff confirmed this system depends entirely on accurate self-reporting, resulting in many tobacco-selling businesses not being flagged or routed through the TRL process. Retailers can evade classification by ensuring that more than half their sales or floor space are devoted to non-tobacco merchandise such as snacks, apparel, or accessories. In practice, many de facto tobacco and vape retailers operate under business licenses labeled "gift shop" or "convenience store," even though tobacco and vape sales may dominate their revenue.

The City's Relatively Low TRL Fee Does Not Reflect the Administrative and Enforcement Burden on Staff and Should be Increased, Consistent with Neighboring Cities. The TRL program requires every tobacco retailer to apply for and renew a license annually. This process involves staff review of the application, verification of the business location relative to the buffer-zone requirements, collection of fees, inspection for compliance, and enforcement of penalties for violations. Despite these intensive administrative activities, Berkeley's annual TRL fee of $533 remains low compared with neighboring cities.

[17] BMC 9.80.020 - Definitions (https://berkeley.municipal.codes/BMC/9.80.020)

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The California Department of Public Health's Policy Evaluation Tracking System (PETS) comparing California Municipalities with a Tobacco Retailer License & Fees found that nearby major jurisdictions charge significantly higher annual fees, reflecting the actual costs of enforcement: Oakland charges $1,500 plus a $50 application fee, while Richmond's fee is $1,602.44.[18]

Berkeley's relatively low fee constrains staffing for compliance checks, inspections, and youth-access enforcement. City staff might be required to dedicate substantial time to processing license applications, responding to complaints, and conducting field inspections - time that is not adequately funded by the existing fee structure. When a business applies for a new business license and discloses tobacco sales, Finance routes the application to HHCS/EH. The business must then complete the Environmental Health application and a supplemental TRL application, and Environmental Health must conduct both pre-opening and follow-up inspections. Currently, only one Environmental Health staff member is authorized to conduct tobacco inspections, limiting the City's ability to meet ordinance requirements.

***Berkeley's Tobacco Policies Should be Modernized to Address Market Evolutions and Retail Density Concerns*.** While Berkeley's ordinance has served as a strong foundation, it has not fully kept pace with rapid changes in the tobacco and nicotine marketplace. The proliferation of electronic nicotine delivery systems (ENDS), synthetic nicotine, hemp-derived nicotine products, and nicotine pouches has created new regulatory challenges.[19] While buffer-zone protections limit where new retailers can open, they do not restrict overall retailer density or address license transfers. Other jurisdictions, notably San Francisco, have implemented reforms to redefine "tobacco retailer," impose district level caps, and prohibit license transfers, resulting in a roughly 30 percent reduction in retailer density citywide.[20] These structural mechanisms have proven effective in reducing youth exposure and improving enforcement efficiency. Berkeley's current ordinance lacks these density-control measures, leading to clustering of tobacco outlets in vulnerable communities and inconsistent enforcement outcomes.

RATIONALE FOR RECOMMENDATION:

The recommendations in this item strengthen Berkeley's ability to accurately identify and regulate all businesses selling tobacco products, close longstanding loopholes such as the zoning code's "primarily engaged" threshold and address the documented over-concentration of tobacco retailers in vulnerable neighborhoods. District level caps that

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[18] California Department of Public Health (October 2024), PETS Report: California Municipalities with a Tobacco Retailer License & Fees: https://pets.tcspartners.org/files/List%20of%20TRL%20Fees_October%202024.pdf

[19] California Department of Public Health, California Tobacco Control Program, *State Health Officer's Report on E-Cigarettes: A Community Health Threat*, Sacramento, CA, 2015: https://www.cdph.ca.gov/Programs/CCDPHP/DCDIC/CTCB/CDPH%20Document%20Library/Policy/ElectronicSmokingDevices/StateHealthEcigReport.pdf

[20] Public Health Law Center (2022), San Francisco's Tobacco Retail Density Regulation: An E-Cigarette Policy Case Study: https://www.publichealthlawcenter.org/sites/default/files/resources/ecigarette-policy-case-san-francisco.pdf

would reduce the number of tobacco retailers through attrition, and updated definitions will curb clustering over time and improve equitable enforcement while modernizing administrative workflows; and cross-checking with state license data will ensure that retailers cannot avoid oversight through non-disclosure or ownership changes.[21] Finally, updating the TRL fee structure is essential to supporting adequate staffing and funding the level of inspections and compliance monitoring needed to protect youth and communities disproportionately impacted by tobacco-related harms.

FISCAL IMPACTS

The fiscal impacts of this referral would be limited to staff time to draft the ordinance changes.

ENVIRONMENTAL SUSTAINABILITY

Capping the number of retailers selling tobacco products and strengthening tobacco and nicotine regulations has the potential to decrease overall usage of such products. This in turn could increase health outcomes for all residents throughout the city, particularly in those areas where there is a nexus of poorer health outcomes and an over-saturation of tobacco retail outlets.

Curbing the number of stores selling tobacco products could also increase air quality and decrease litter in commercial areas near where these products are sold and elsewhere. According to the HUB, a Johns Hopkins news center for showcasing current research, roughly 4.5 trillion cigarette butts are littered annually, making them the most littered item on the planet. Cigarette butts contain nonbiodegradable plastics in their filters and toxic chemicals that leach into soil and water.[22]

CONTACT PERSON

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

ATTACHMENTS

1) Challenges with Tobacco Retail in Berkeley, HHCS staff report/infosheet, June 2024
2) City of Berkeley Tobacco Prevention Program 2026 End Commercial Tobacco Campaign Retail Observation Survey Report, July 3, 2026

[21] As noted earlier, this item is not recommending pro-actively closing any business to minimize the over-saturation of tobacco retail outlets in any given Council district. Rather, staff could consider allowing the numbers to decrease through attrition. If new businesses are interested in opening within the City, licenses could be granted in council districts not already at maximum capacity with tobacco retail outlets.

[22] HUB, April 22, 2024: “No Ifs, and, or Butts” Sarah Kuta, Johns Hopkins University: https://hub.jhu.edu/2024/04/22/cigarette-butt-filter-litter/

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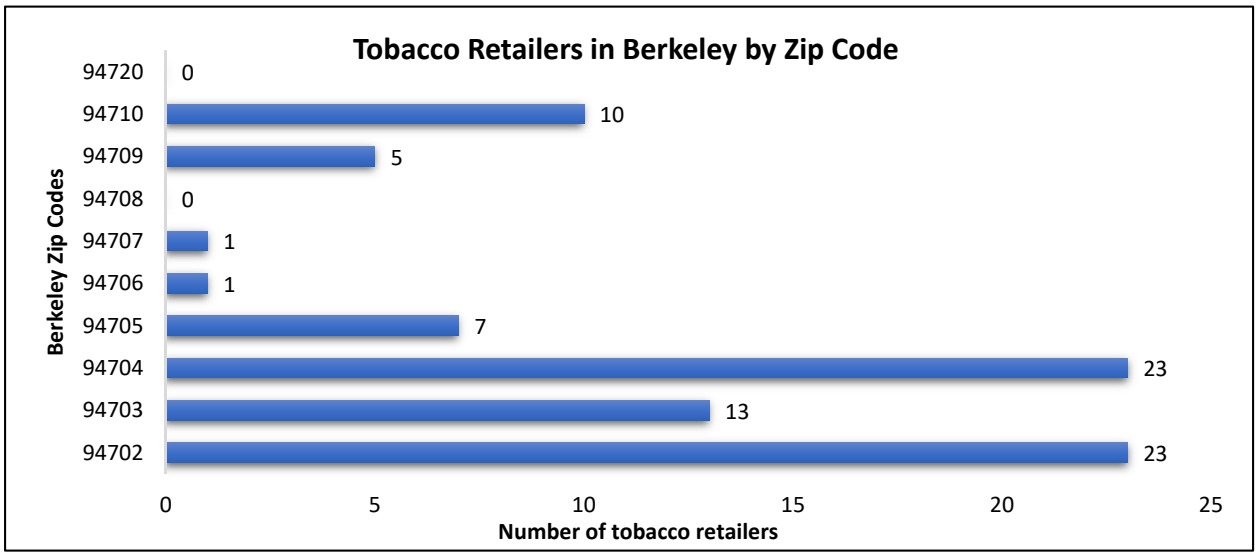
Challenges with Tobacco Retail in Berkeley

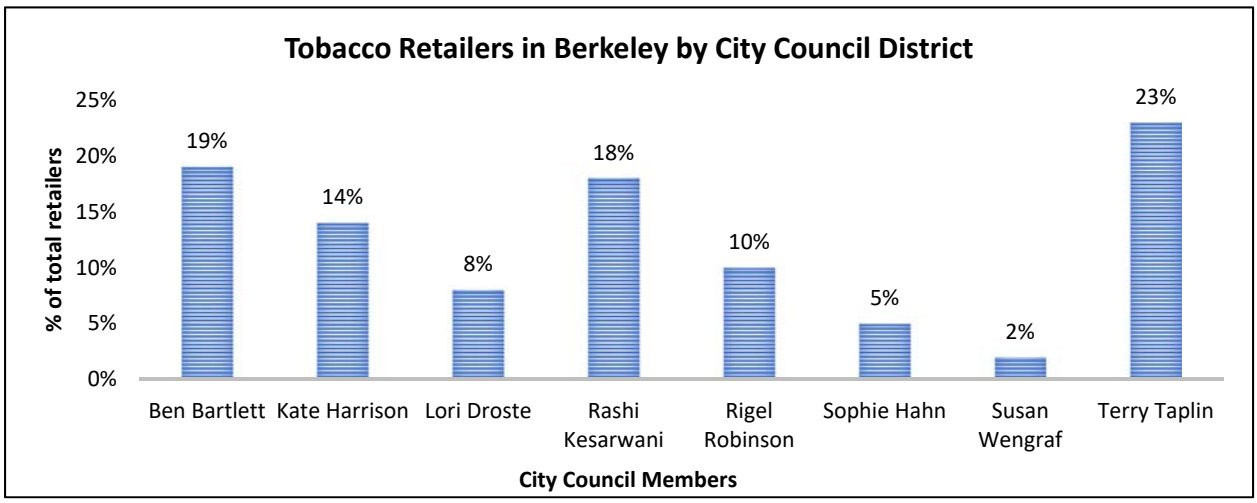
Berkeley is currently experiencing an explosion in tobacco retailers. With a constant stream of new tobacco, cannabis, and hemp products hitting the market, enforcing compliance with local and state laws has become extremely difficult.

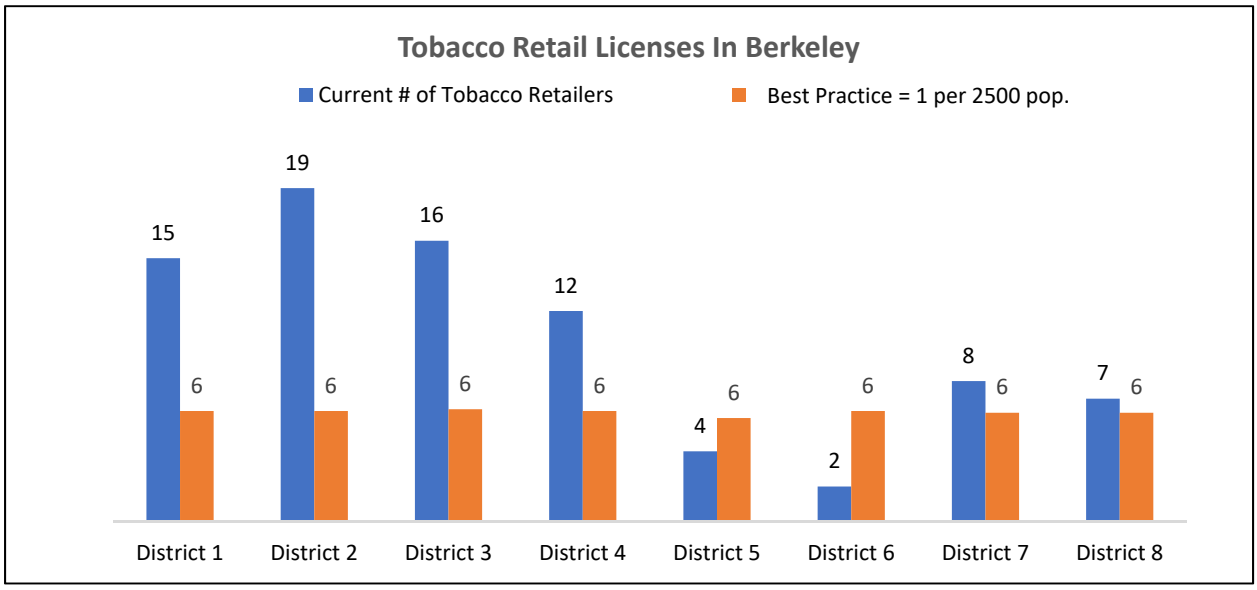
- Berkeley currently has over 80 tobacco retailers. This is almost **70% higher** than the recommended density ratio of **1 tobacco retailer per 2500 residents.**
- Tobacco retailers are highly concentrated in Berkeley in **low-income communities and communities of color** thus increasing tobacco-related heath **disparities**. More than a quarter of tobacco retailers are located in 94702 (West Berkeley, Sacramento to San Pablo, Gilman to Alcatraz) and another quarter are in 94704 (Downtown and UC Berkeley Campus areas, MLK eastward, Hearst to Derby).
- City of Berkeley enforcement staff are reporting additional **gross violations** such as unlicensed retailers and sale of out of state products, leading to the need for **additional law enforcement**.
- Policies that govern the sale of tobacco in Berkeley contain **loopholes** that other jurisdictions have closed such as difficult to enforce definitions of "tobacco-only" retailers. These loopholes allow a **"revolving door"** for retailers who have been cited for violations to simply transfer license holders and continue violating local and state laws.

Policy Suggestions

1. **Impose a cap on Tobacco Retail Licenses:** To be in compliance with the recommended density ratio, Berkeley needs to reduce current tobacco retailers from over 80 to 50. Neighboring jurisdictions such as San Francisco have capped the allowable number of tobacco retail licenses including ensuring equitable distribution. Such policies **do not revoke current licenses, only restrict new licenses**. Although full impact is expected to take many years, San Francisco saw a 10% reduction in the overall number of tobacco retailers within 1 year and reductions were greater in neighborhoods with disproportionately high numbers of tobacco retailers thus reducing inequities.
2. **Update the definition of "tobacco only" retailers:** If this definition is updated in the Berkeley zoning code, it would also provide an opportunity to revise restrictions on the sale of vapes and e-cigarettes and locations near schools which currently only apply to tobacco-only retailers. Such restrictions could be applied to all tobacco retailers.
3. **Strengthen consequences for violations** by adding a **general condition to zoning permits** that violations could result not only in revocation of a tobacco retail license but also in revocation of a zoning permit. This would **prevent the "revolving door"** where permit violators apply for new permits under different names and continue to violate laws.


Tobacco Retailers in Berkeley by Zip Code
Berkeley Zip Codes
94720
94710
94709
94708
94707
94706
94705
94704
94703
94702
0
10
5
0
1
1
7
23
13
23
0
5
10
15
20
25
Number of tobacco retailers


Tobacco Retailers in Berkeley by City Council District
% of total retailers
25%
20%
15%
10%
5%
0%
19%
14%
8%
18%
10%
5%
2%
23%
Ben Bartlett
Kate Harrison
Lori Droste
Rashi Kesarwani
Rigel Robinson
Sophie Hahn
Susan Wengraf
Terry Taplin
City Council Members


Tobacco Retail Licenses In Berkeley
Current # of Tobacco Retailers
Best Practice = 1 per 2500 pop.
15
6
19
6
16
6
12
6
4
6
2
6
8
6
7
6
District 1
District 2
District 3
District 4
District 5
District 6
District 7
District 8

City of Berkeley Tobacco Prevention Program
2026 End Commercial Tobacco Campaign

Retail Observation Survey Report

Executive Summary: Between April and June of 2026, observations were completed for 75 licensed tobacco retailers in Berkeley as part of statewide data collection efforts (64 were currently selling tobacco products). The following report details what was observed in terms of products sold (tobacco, cannabis, food and other products), tobacco product placement, tobacco advertising, pricing, and pack size.

In order to support effective education and enforcement work with tobacco retailers in Berkeley, the following is a summary of compliance and non-compliance with key Berkeley tobacco retail policies:

Sale of Flavored Tobacco Products: Berkeley banned the sale of all flavored tobacco products in 2020, followed by a statewide ban in 2022.

- 53% of tobacco retailers are still selling menthol cigarettes [34 out of 64 stores, confidence interval (CI) 40.0% to 65.7%[1]], an increase from 43% seen in 2024 and 32% seen in 2022.
- 58% of stores are selling explicitly flavored (e.g., mint, fruit, alcohol) non-cigarette tobacco products [37 stores out of 64, CI 44.8% to 70.1%], an increase from 41% seen in 2024 and 32% seen in 2022.
- 44% of stores are selling ambiguously labelled (e.g., chill, fusion, green, etc.) non-cigarette tobacco products which may be flavored [28 stores out of 64, CI 31.4% to 56.7%], a decrease from 53% seen in 2024, but an increase from 10% seen in 2022.
- 20% of stores had flavored tobacco product ads either inside or outside the store [13 stores out of 64, CI 11.3% to 32.2%]. This is a decrease from 30% seen in 2024.

Minimum Pack Size: Minimum pack size for cigarettes and little cigars/cigarillos is 20. Minimum pack size for premium cigars is 6.

- 100% of stores selling little cigars/cigarillos (41 out of 41, CI 91.4% to 100%) sold them in packs of less than five. By weight, some products labelled as cigarillos actually fall in the premium cigar category. Even if counted as premium cigars, these are non-compliant with current policy. This is an increase from 73% seen in 2024.

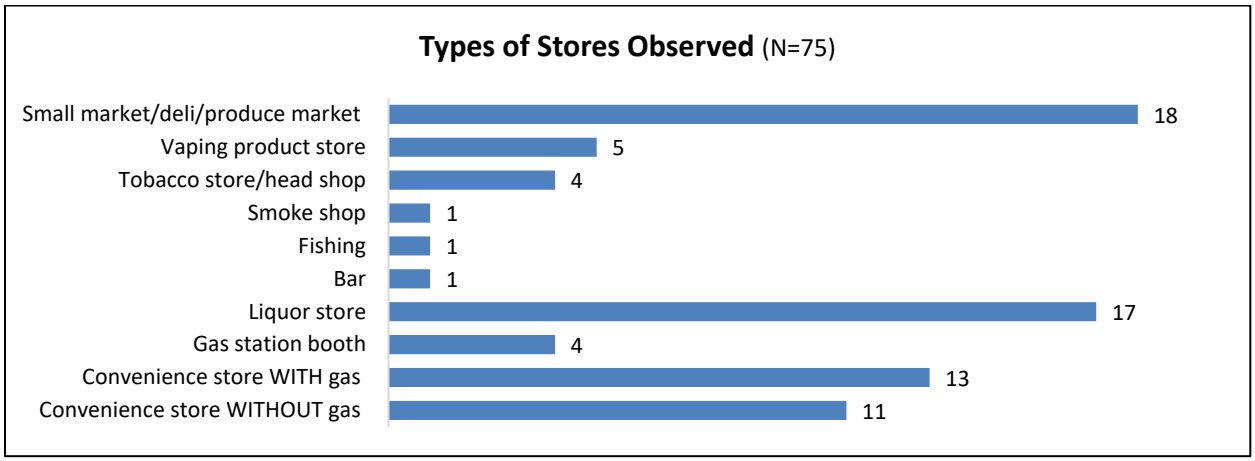
Pricing: Minimum price for cigarettes and little cigars/cigarillos is $8 per pack of 20. Minimum price for premium cigars is $5 each or $30 per pack of 6. Retailers are not allowed to offer discounts on tobacco products.

- 100% of stores selling little cigars/cigarillos (41 out of 41 stores, CI 91.4% to 100%) were selling them at a price of less than $5 per pack. This is an increase from 72% seen in 2024.
- 1 retailer (out of 58 for whom pricing data was available, 1.7%, CI 0% to 9.2%) was selling a pack of 20 cigarettes for less than $8 before taxes. This is a decrease from 16% seen in 2024.
- The vast majority of retailers (60 out of 64) had no tobacco price promotions outside the store (94%, CI 84.8% to 98.3%), however 63% (40 out of 64, CI 49.5% to 74.3%) had price promotions inside the store. Of those who had promotions, the most commonly discounted items were regular cigarettes.

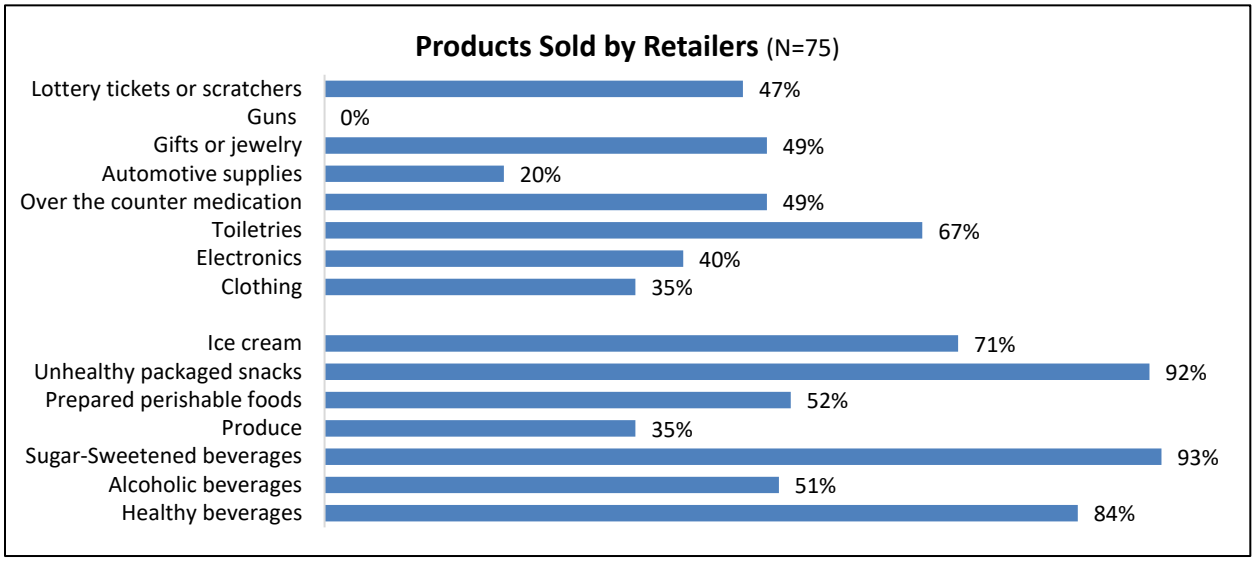
[1] All confidence intervals in this report were calculated using a 95% confidence level and confidence interval calculators available at: https://sample-size.net/

Berkeley Retail Observations: Between April and June 2026, the City of Berkeley Tobacco Prevention Program (COBTPP) attempted to complete observations of 86 licensed tobacco retailers in Berkeley to assess the retail environment and inform future program activities and policy strategies to reduce the impact of tobacco in Berkeley. The retail observations were conducted as part of a statewide initiative coordinated by the California Tobacco Control Program (CTCP) and the Tobacco Control Evaluation Center (TCEC). The retail observation survey tool was standardized across the state and CTCP drew the minimum required sample of stores to be surveyed for each jurisdiction. Data collectors were instructed not to survey retailers that had active smoking (e.g., hookah bars, cigar bars), retailers with substantial cost-consideration and membership fees (e.g., airport retailers, wholesale clubs), or retailers located in areas with restricted access (e.g., military base). Eleven of the 86 stores in Berkeley were unable to be observed due to accessibility (not open, not at listed address) or safety (including observers being asked to leave), thus 75 retail observations were completed.

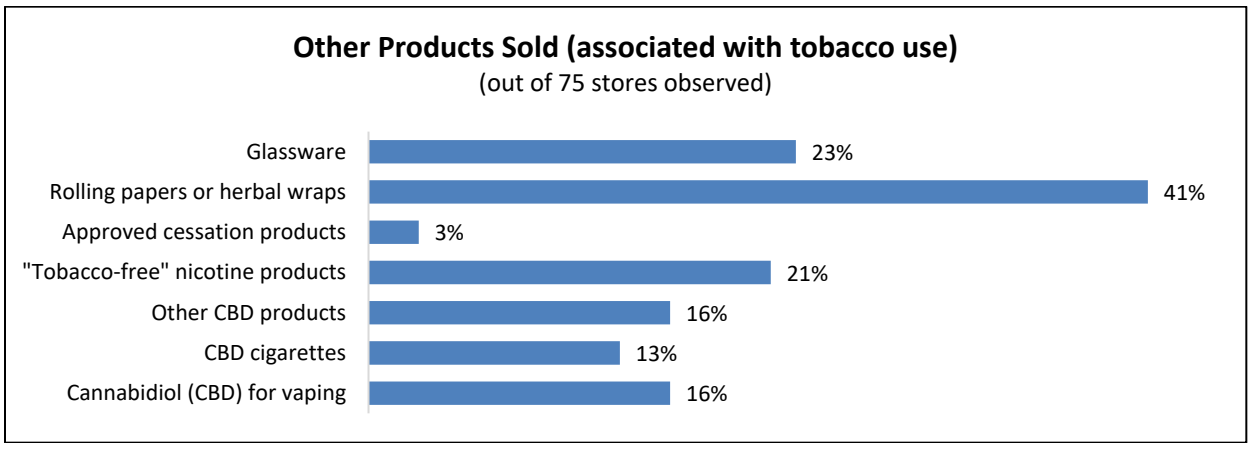
Data Collection: Retail observations were conducted by COBTPP staff, all of whom completed retail observation training. Observation data was entered directly into an electronic survey using handheld devices. Of the stores where observations were completed, 28% were in Central Berkeley (94702), 51% in South Berkeley (94703-5), 9% in North Berkeley (94706/7/9), and 12% in West Berkeley/94710). The types of stores can be seen in the chart below.



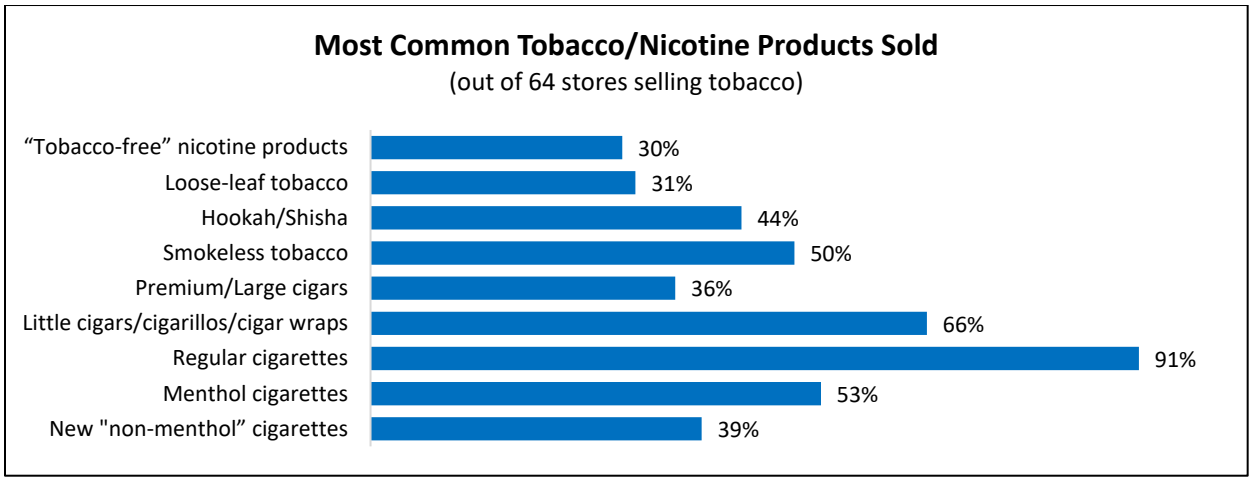
Products Sold: In addition to assessing tobacco sales, observers noted the presence or absence of a wide variety of non-tobacco products. The most commonly sold items included sugar-sweetened beverages, unhealthy packaged snacks, and healthy beverages.



A range of products associated with tobacco use were also observed, the most common of which were rolling papers/herbal wraps, glassware, and “Tobacco-free” nicotine products.

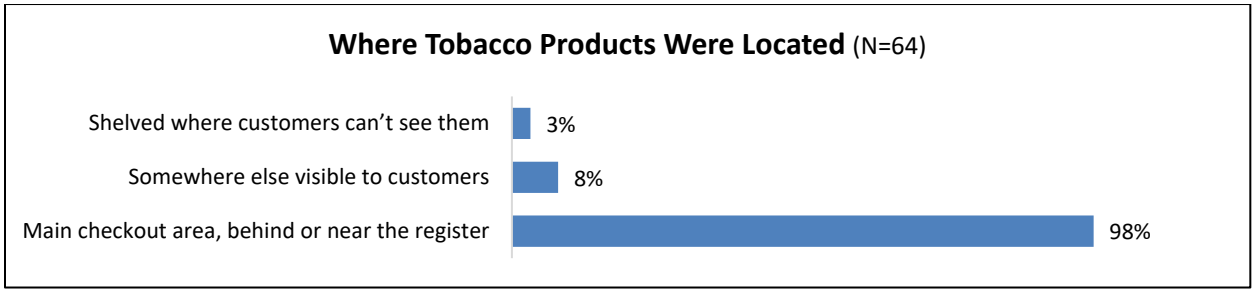


Tobacco Products Sold: Sixty-four of the 75 observed retailers sold some type of tobacco product. The most commonly sold tobacco products were regular cigarettes (91%, CI 80.7% to 96.5%) followed by little cigars/cigarillos/cigar wraps (66%, CI 52.7% to 77.1%) and menthol cigarettes (53%, CI 40.2% to 65.7%). Despite the ban on the sale of all flavored products (in effect since 2020), 53% of stores were still selling menthol cigarettes (CI 40.0% to 65.7%). Twenty-five stores were observed selling vaping products.

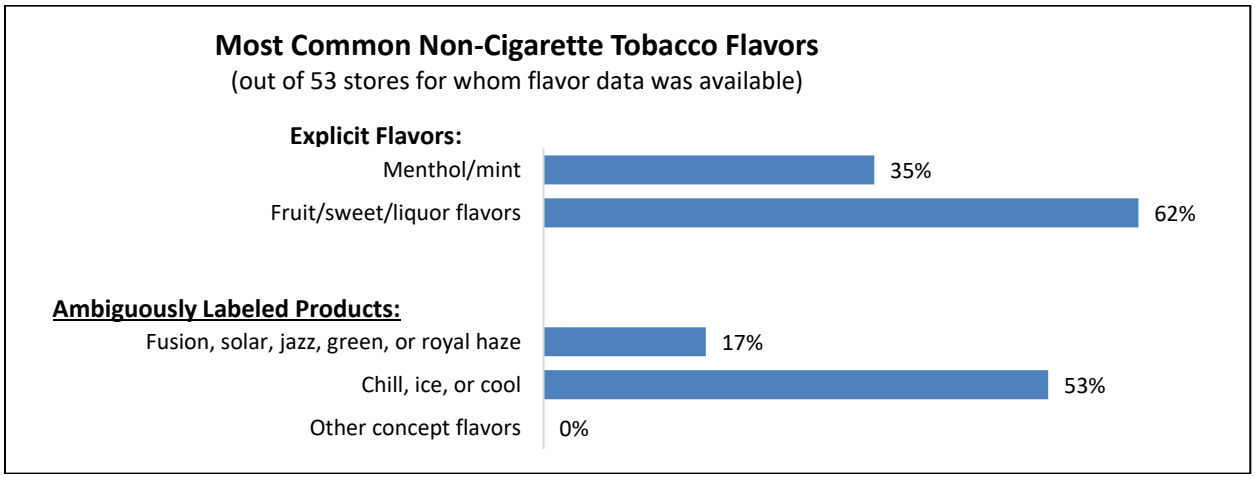


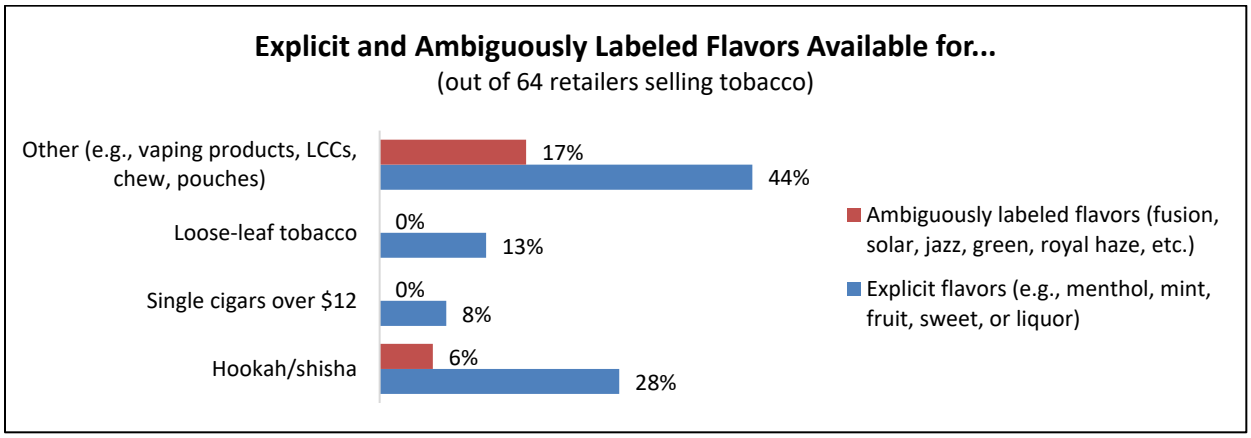


Tobacco products were most commonly located near the check-out area.

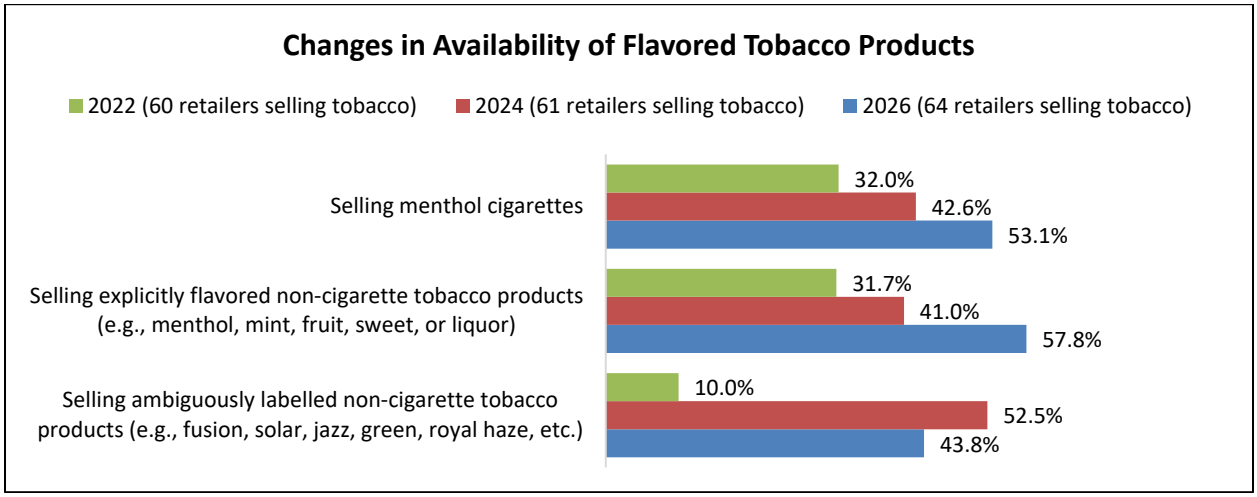


Flavored Tobacco Products Sold: Explicit and concept flavor data was collected for 53 stores selling tobacco products other than cigarettes and can be seen in the charts below. These flavors were primarily available for other tobacco products such as vape, chew, and pouches and sometimes available for hookah/shisha, loose-leaf tobacco, and single cigars.

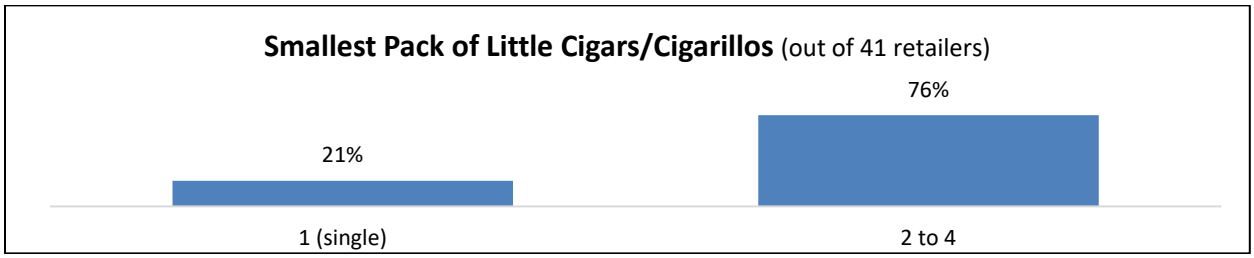


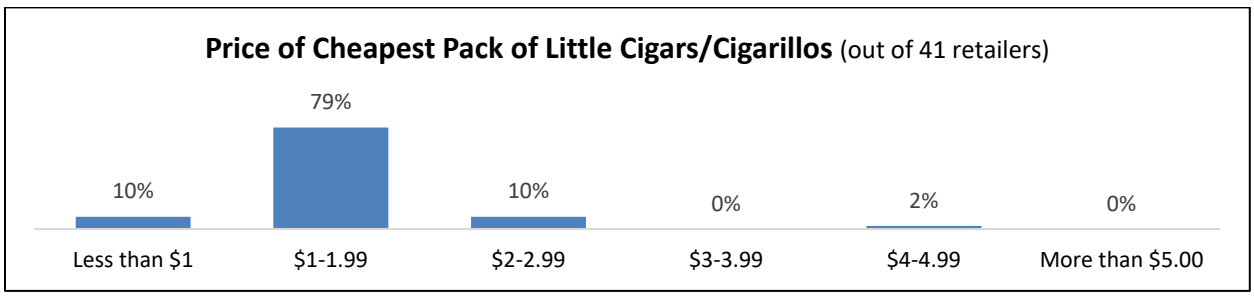


Across all tobacco products, there have been significant increases since both 2022 and 2024 data in the availability of menthol cigarettes and explicitly flavored non-cigarette tobacco products (e.g., menthol, mint, fruit, sweet, or liquor). A large increase was seen between 2022 and 2024 in the availability of ambiguously labeled non-cigarette tobacco products (e.g., fusion, solar, jazz, green, royal haze, etc.), however availability fell slightly between 2024 and 2026. Complete data can be seen in the following chart.



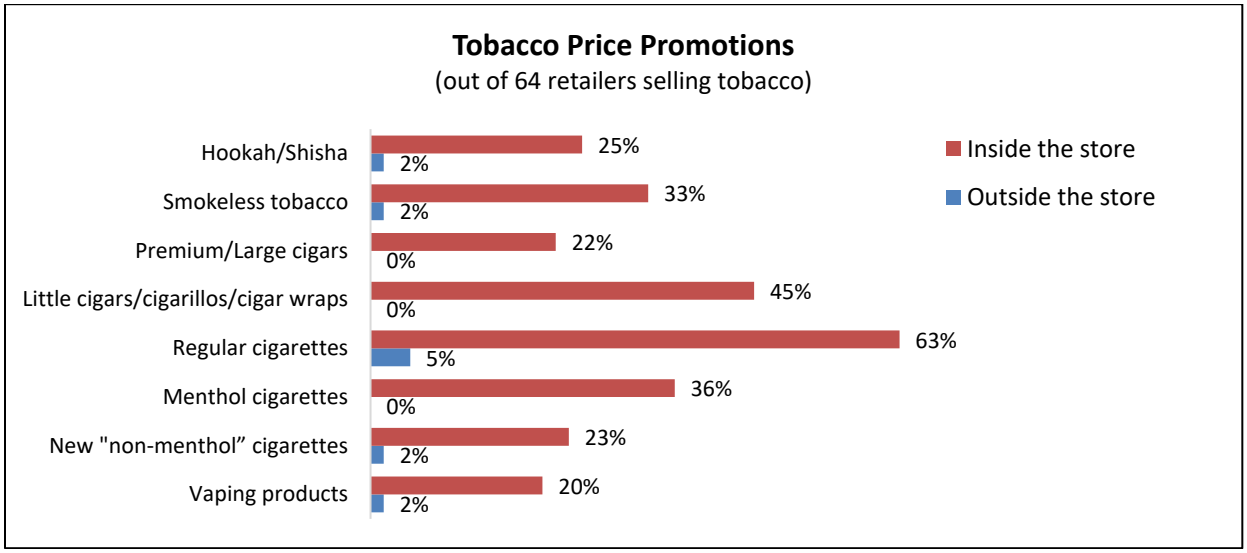
Tobacco Product Pricing and Pack Sizes: Among retailers who sold little cigars/cigarillos, 100% (CI 91.4% to 100%) sold them in packs of less than five and at a price of less than $5 per pack, well below the required minimum of $8 per pack of 20 little cigars/cigarillos. Even if counted as premium cigars, these are non-compliant with current policy (minimum pack size six, minimum pricing $5 each or $30 per pack). These rates are significant increases from those seen in 2024 when 73% were selling in packs of less than five and 72% were selling for less than $5.





The average cheapest price per single pack of cigarettes (including taxes) was $10.44 (95% CI, $9.94, $10.94), with the lowest price $7.22 and the highest price $16.50. (Forty-six percent of documented minimum prices were provided by clerks, while 49% were identified based on listed prices.) Only 1 store (1.7%, CI 0% to 9.2%) was selling a pack of 20 cigarettes for less than $8, the current minimum price mandated by Berkeley's tobacco retail policy.

Advertising: Retail observations also included assessments of advertising and price promotions both inside and outside of stores for both tobacco and non-tobacco products. Fifteen retailers had tobacco price promotions inside the store, however only 7 had tobacco price promotions posted outside stores. Of listed price promotions, the most commonly discounted items were regular cigarettes, little cigars/cigarillos/cigar wraps, and menthol cigarettes.


Tobacco Price Promotions
(out of 64 retailers selling tobacco)
Hookah/Shisha
25%
2%
Smokeless tobacco
33%
2%
Premium/Large cigars
22%
0%
Little cigars/cigarillos/cigar wraps
45%
0%
Regular cigarettes
63%
5%
Menthol cigarettes
36%
0%
New "non-menthol" cigarettes
23%
2%
Vaping products
20%
2%
Inside the store
Outside the store

02a.37

Housing Advisory Commission

INFORMATION CALENDAR
November 17, 2026

To: Honorable Mayor and Members of the City Council

From: Housing Advisory Commission

Submitted by: Sarah Bell, Chairperson, Housing Advisory Commission

Subject: Housing Advisory Commission Fiscal Year 2026 – 2027 Work Plan

INTRODUCTION

This report transmits the Housing Advisory Commission's (HAC) work plan for Fiscal Year 2026 – 2027 (FY 2026 – 2027), as required by the City Council's July 2016 direction for all commissions to submit annual work plans detailing goals and objectives

CURRENT SITUATION AND ITS EFFECTS

In July 2016, the City Council directed all commissions (with certain exceptions) to submit work plans detailing goals and objectives for the year. Plans should be submitted at the start of each fiscal year.

At its June 2, 2026, meeting, the HAC approved its FY 2026 – 2027 work plan with the following vote:

Action: M/S/C (Twu/Vaughn Scott) to adopt the FY 2026 – 2027 work plan, as amended.

Vote: Ayes: Bell, Haycox, Shere, Simon-Weisberg, Twu, and Vaughn Scott. Noes: None. Abstain: None. Absent: Micael (excused) and Mirvish (excused).

BACKGROUND

The Housing Advisory Commission advises the City Council on housing matters, including affordable housing programs and policies and Community Development Blog Grant and Emergency Solutions Grants programs and their funding allocations. The Commission also recommends HTF allocations, serves as the oversight body for Measure O (the $135 million General Obligation bond for affordable housing development), and reviews items referred by the City Council, HAC members, or other commissions. When necessary, the HAC hears matters regarding abatement of substandard buildings and serves as the appeals board for relocation and correction of code violations pursuant to Chapter 19.40.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The work plan supports environmental sustainability and climate goals by promoting affordable housing development and preservation, which can reduce displacement and associated transportation emissions. Affordable housing projects funded through Housing Trust Fund allocations and CDBG programs often incorporate energy-efficient design and sustainable building practices.

POSSIBLE FUTURE ACTION

The Commission will implement the approved work plan activities throughout FY 2026 – 2027 and report back to City Council as appropriate on policy recommendations, funding allocations, and other matters within the Commission's purview.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no direct fiscal impacts from acceptance of this work plan. Future recommendations from the Commission regarding Housing Trust Fund allocations, Community Development Block Grant funding, and other housing programs will be presented to City Council with fiscal impact analyses as appropriate.

CONTACT PERSON

Snow Zhu, Commission Secretary, HHCS, 510-981-7774

Attachments:
1: Housing Advisory Commission Work Plan (FY 2026 – 2027)

Attachment 1: Housing Advisory Commission Work Plan (FY 2026 – 2027)

Mission Statement:

The Housing Advisory Commission:

- Advises the City Council on housing matters, including affordable housing programs and policies and Community Development Block Grant (CDBG) and Emergency Services Grant (ESG) programs and their funding allocations;
- Recommends to the City Council Housing Trust Fund (HTF) allocations;
- Serves as the oversight body for Measure O, the $135 million General Obligation bond to fund development of affordable housing; and
- Reviews and makes recommendations on items referred by the City Council, HAC members, or other commissions.

In addition, as necessary, the HAC:

- Hears matters regarding abatement of substandard buildings pursuant to Chapter 19.40; and
- Serves as the appeals board for relocation and correction of code violations as provided in Chapter 19.40.

When advising the City Council, the HAC is committed to addressing past and present racial and social inequities in housing and other community-development service delivery, approaching its recommendations through a social justice and tenant-centered lens and seeking to further the four P's of affordable housing: Production, Preservation, Protection, and Partnership.

Goal:

Recommend affordable housing and community development programs and policies that further social justice and address systemic racism, classism, and inequity in the city of Berkeley as outlined in HAC's FY 2026-27 work plan.

FY 2026-27 Work Plan Activities:

- Convene year-round subcommittees to work with staff on proposed HTF allocations and CDBG-funded public facilities improvements and make funding recommendations to the full HAC.
- Continue working with the Civic Arts Commission, via a joint subcommittee, regarding proposed artist housing initiatives and advocate for approval and implementation by City Council.
- Continue to be informed about CDBG-funded agencies and programs.
- Remain informed of and take action on any fiscal or budgetary impacts resulting from federal funding changes to funding streams that are the jurisdiction of the commission.

- Review and make recommendations to City Council regarding various affordable housing policies including updates on passed policy changes such as the Housing Preference Program implementation.

- Seek information via presentations, subcommittee work, etc. about Citywide initiatives that impact affordable housing preservation and development and make recommendations to City Council as appropriate. Initiatives include proposed and passed amendments to the demolition ordinance, the San Pablo Avenue Specific Plan, Middle Housing Ordinance and other policies that have been passed or are being considered by council.
- Continue to study, develop and support the recommendations from the Social Housing Report.
- Get data on unmet need for extremely low-income housing and identify ways to meet it.
- Stay informed on upcoming housing bond initiatives.

Outcomes:

- Social housing recommendations implemented.
- HTF monies pledged to affordable housing projects serving families and housing-insecure households.
- CDBG-funded public facilities in support of non-profits maintained and rehabilitated.
- Proposed initiatives to promote affordable artist housing to retain and build the city's cultural infrastructure passed.
- A more efficient and effective CDBG-funded affordable housing preservation strategy that maximizes services that allow people to stay in their homes and thrive.
- Outcomes that are reflective of the community's actual needs and concerns through increased consideration and inclusion of community voices.
- The city of Berkeley increases its supply of affordable housing and preserves present affordable housing stock.

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
November 12 (6pm)	Land Use Appeals: 2700 Shattuck (ZAB) & Elmwood District (LPC)
November 17 (4pm)	Encampment Policy

Unscheduled Presentations and Special Meetings

1. None

Future Information Reports

1. Affordable Housing Fee Feasibility Study
2. Berkeley Fire Department Annual Report

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
1.	**22a. Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events** *(Referred to the Agenda & Rules Committee for scheduling on October 27, 2026)* **From: Zero Waste Commission** **Recommendation:** Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events). **Financial Implications:** See report Contact: Julia Heath, Commission Secretary, (510) 981-6300

CITY CLERK DEPARTMENT
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL

Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
Elmwood Commercial Historic District	LPC		11/12/2026
2700 Shattuck Avenue (construct mixed-use residential development)	ZAB		11/12/2026
2955 Shattuck Avenue (construct 8-story mixed-use building)	ZAB		TBD
2900-20 Shattuck Avenue (construct 11-story mixed-use building)	ZAB		TBD
Remanded to ZAB or LPC			
Notes			
ZAB: Zoning Adjustments Board			
LPC: Landmarks Preservation Commission			

10/28/2026

07

Open Government Commission

ACTION CALENDAR
October 27, 2026

To: Honorable Mayor and Members of the City Council

From: Open Government Commission

Subject: Public access to supplemental materials and amendments at City Council meetings, including the timing of presentation of such materials by the Mayor or City Council members, such that the public may comment on them

RECOMMENDATION

Adopt a policy requiring that prior to the commencement of public comment on each Agenda Item, councilmembers will be asked to present any material they have prepared that is not already included in the packet.

RATIONALE FOR RECOMMENDATION

Pursuant to the Open Government Ordinance, the Open Government Commission may "propose additional legislation or procedures that it deems advisable to ensure the City's compliance with this Ordinance, the Brown Act, the Public Records Act, and the Lobbyist Registration Act, and advise the City Council as to any other action or policy that it deems advisable to enhance open and effective government in Berkeley." (BMC § 2.06.190.A.2.)

FINANCIAL IMPLICATIONS

None.

CURRENT SITUATION AND ITS EFFECTS

The current Berkeley City Council Rules of Procedure and Order do not address additional materials that are submitted at the time of a City Council meeting. However, BMC 2.06.010.A states, "Democracy in our representative form of government requires that the public have an opportunity to understand the government's activities and to communicate its concerns to its elected and appointed representatives, and that those representatives have an adequate opportunity to consider those concerns and then act effectively and in a timely manner."

Requiring councilmembers to present their prepared materials before public comment upholds the public's opportunity to communicate concerns to its elected officials prior to elected officials taking action on a given item.

The Open Government Commission approved submission of this recommendation to the City Council at its May 21, 2026 regular meeting.

Action: M/S/C (Saginor/Lee) to approve draft agenda item and submit to City Council.
Vote: Ayes: Lee, Ching, Saginor, Sudharsan, Lazarus, Haugh; Noes: None; Absent: Shere.

BACKGROUND

On January 20, 2026, prior to public comment on Item 24, a councilmember reported having "small amendments" to that item which the Mayor invited them to share. Their response was, *"I think we should close the public hearing and then I can discuss my proposed amendments."*

This did not constitute a violation of the Brown Act because the material was shared with the public at the same time it was shared with City Council. However, because these materials were not shared before public comment, the public lost their opportunity to communicate possible concerns with the materials, and our representatives lost their opportunity to act on these concerns.

ALTERNATIVE ACTIONS CONSIDERED

Leaving the current rules in place allows elected officials to withhold prepared materials until after public comment is closed. This weakens the value of public comment and erodes the public trust.

CITY MANAGER

The City Manager takes no position on the content and recommendations of this report.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Kyle Haugh, Chair, Open Government Commission, (510) 981-6998
Sam Harvey, Secretary, Open Government Commission, (510) 981-6998



There is no material for this item.

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

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There is no material for this item.

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