



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

**Tuesday, October 22, 2024  
11:00 AM**

2180 Milvia Street, 1st Floor - Cypress Room

1404 Le Roy Ave, Berkeley, CA 94708 – Teleconference Location

Committee Members:

Councilmembers Susan Wengraf, Cecilia Lunaparra, and Mark Humbert

Alternate: Councilmember Igor Tregub

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded. To access the meeting remotely use this URL - <https://cityofberkeley-info.zoomgov.com/j/1612794676>. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and Enter **Meeting ID: 161 279 4676**. To provide public comment, press \*9 and wait to be recognized by the Chair. To submit a written communication for the Committee’s consideration and inclusion in the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).

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 \$250 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$250 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.

## MINUTES

**Roll Call:** 11:02 a.m.

**Present:** Wengraf, Humbert

**Absent:** Lunaparra

Councilmember Lunaparra present at 11:08 a.m.

**Public Comment on Non-Agenda Matters:** 1 speaker

### Minutes for Approval

*Draft minutes for the Committee's consideration and approval.*

1. **Minutes - July 1, 2024**  
**Action:** M/S/C (Wengraf/Lunaparra) to approve the July 1, 2024 minutes.  
**Vote:** All Ayes.

### Committee Action Items

*The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes.*

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

## Committee Action Items

### 2. **Affordable Housing for Artists: AB-812 Implementation and Cultural District Statutory Standardization**

**From: Councilmember Taplin (Author), Councilmember Hahn (Co-Sponsor)**

**Referred: May 21, 2024**

**Due: October 26, 2024**

**Recommendation:** Pursuant to California Government Code Section 65914.8, refer to the City Manager, City Attorney, and Planning Commission:

1. To study and develop an Ordinance and implementation plan for Assembly Bill 812 (2023) to reserve for artists up to 10 percent of Below Market Rate units under Berkeley Municipal Code 23.328 (Inclusionary Housing) within a half-mile of a state-designated cultural district or within any similar locally designated cultural district, with consideration for consistency with existing Affordable Housing Preference Policy;
2. Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans;
3. Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.

**Financial Implications:** Staff time

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

**Action:** 2 speakers. M/S/C (Wengraf/Lunaparra) to forward the item to Council with a Qualified Positive Recommendation that the Council:

1. Refer to the City Manager and the Civic Arts Commission to:
  - a. Consider common standards for locally designated cultural districts, including but not limited to Overlay Zones, and implementation of cultural district designation within the boundaries of Area Specific Plans, including but not limited to the Adeline Corridor and San Pablo Corridor Specific Plans;
  - b. Pursuant to California Government Code Section 8758, consider solicitation of state designation for cultural districts in the City of Berkeley.
2. Defer referral of the study and development of an ordinance and implementation plan until later in the process when there is more information regarding the applicable standards and definitions.

**Vote:** All Ayes.

## Committee Action Items

3. **Berkeley Green New Deal: Just Transition Framework for the General Plan’s Environmental Justice Element** *(Item contains revised material)*  
**From:** Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Kesarwani (Co-Sponsor)  
**Referred Date:** October 23, 2023  
**Due Date:** October 31, 2024  
**Recommendation:** Refer consideration of the following concepts to the Land Use, Housing, and Economic Development (LUHED) Policy Committee; City Manager; Planning Commission; and Environment and Climate Commission for inclusion in General Plan amendments pursuant to California Government Code Section 65302(h) to advance the city’s environmental justice goals under a Just Transition Framework:
- Just Transition principles adopted by City Council in Resolution No. 70,171–N.S. “Resolution Committing the City of Berkeley to a Just Transition from Fossil Fuels and the Creation of a West Berkeley and South Berkeley Green New Deal”;
  - Transportation Demand Management (TDM) planning to reduce Vehicle Miles Traveled (VMT) per capita by at least 25% by 2030;
  - The development of a workforce development board to increase equitable access to green jobs and accelerate the fossil-free economy.
- Financial Implications:** See report  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120  
**Action:** 1 speaker. M/S/C (Wengraf/Lunaparra) to forward the item to Council with a Qualified Positive Recommendation to refer this item to the budget process and to the Environment and Climate Commission for further consideration.  
**Vote:** All Ayes.

## Unscheduled Items

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

4. **Proposed Amendments to the Building Emissions Saving Ordinance (BESO)** *(Item contains supplemental material)*  
**From:** City Manager  
**Referred:** February 13, 2024  
**Deadline:** December 31, 2024  
**Recommendation:** Adopt first reading of an Ordinance amending the Building Emissions Saving Ordinance (BESO), Chapter 19.81 of the Berkeley Municipal Code, to establish a flexible resilience standard for small residential buildings containing up to four units.  
**Financial Implications:** See report  
Contact: Jordan Klein, Planning and Development, (510) 981-7400

**5. First Year Free - Fill Empty Storefronts Act**

**From: Councilmember Hahn (Author)**

**Date Referred: October 15, 2024**

**Date Due: February 12, 2025**

**Recommendation:** Refer to the City Manager to (1) create and implement a First Year Free Program for Berkeley, modeled after San Francisco's successful program, for an initial period of 5 years and (2) study and report back to Council on other strategies to attract new businesses and fill empty storefronts.

**Financial Implications:** See report.

Contact: Sophie Hahn, Councilmember, District 5, (510) 981-7150

## Items for Future Agendas

- Item 4 and Item 5 scheduled for the December 2, 2024 regular meeting.

## Adjournment

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

**Vote:** All Ayes

Adjourned at 12:47 p.m.

I hereby certify that the foregoing is a true and correct record of the Land Use, Housing & Economic Development Committee meeting held on October 22, 2024.

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Keith Nesbit, Assistant 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](mailto:policycommittee@berkeleyca.gov).*