



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

**Monday, December 2, 2024  
10:00 AM**

2180 Milvia Street, 1st Floor - Cypress Room

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/1612806382> . 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: 161 280 6382**. 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:** 10:04 a.m.

**Present:** Lunaparra, Wengraf, Humbert

**Public Comment on Non-Agenda Matters:** 0 speakers

## Minutes for Approval

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

**1. Minutes - October 22, 2024**

**Action:** M/S/C (Wengraf/Lunaparra) to approve the October 22, 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. 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 Chair may limit the public comment for all speakers to one minute per speaker.*

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

**2. Proposed Amendments to the Building Emissions Saving Ordinance (BESO)**

*(Item contains supplemental material)*

**From:** City Manager

**Referred:** February 13, 2024

**Deadline:** February 4, 2025

**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

**Action:** 3 speakers. M/S/C (Wengraf/Humbert) to forward the item to Council with a Qualified Positive Recommendation that the Council:

1. Remove condominiums and ADUs from the building emissions saving ordinance.
2. The "Building Owner" be given 5% annual interest on the deposit funds held by the City prior to being awarded a BESO Certificate of Compliance.
3. Language indicating protections or a "safety valve" to avoid forfeiture of deposit funds with the City.
4. After a two-year period, the City will reach out to the "Building Owner" and offer a one-year extension to boost compliance.

**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.*

### 3. **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

- None

## Adjournment

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

**Vote:** All Ayes

Adjourned at 11:19 a.m.

I hereby certify that the foregoing is a true and correct record of the Land Use, Housing & Economic Development Committee meeting held on December 2, 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).*