



Kriss Worthington

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ACTION CALENDAR February 28, 2017

To: Honorable Mayor and Members of the City Council
 From: Councilmember Kriss Worthington

Subject: Readopt "Lease Agreement: Friends of DxE for Telegraph of Channing Mall, 2425 Channing Way Suite C" with Minor Amendments

RECOMMENDATION:

Readopt lease agreement for the Friends of DxE International at 2425 Channing Suite C at the premises for the purposes of operating an office with supporting retail activities to include revised amendments.

BACKGROUND:

Previously, the City Council approved the lease for Friends of DxE at 2425 Channing Way Mall. DxE, or Direct Action Everywhere, is an organization concerned with saving animals from horrendous abuses. According to the center's website, the location "is a community center organizing free speech and nonviolence trainings for animal rights and social justice advocates." However, attorneys from Burke, Williams & Sorensen LLP expressed concerns that the Friends of DxE are using their location for more than initially agreed upon. For example, DxE members have expanded their services at their location to provide a "communal work area, meeting location, event space, yoga studio [and] art gallery."

In response, members of DxE request revised amendments to expand the premises of the lease. Several volunteers explain "the yoga sessions, or actually, simple calisthenics and stretching exercises, several of the volunteers said, help morale and health, and are the common practice of many organizations and businesses." Their proposed changes are attached in the following page.

FINANCIAL IMPLICATIONS:

Minimal.

ENVIRONMENTAL SUSTAINABILITY:

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON

Councilmember Kriss Worthington

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PROPOSED CHANGES

LEASE AGREEMENT: FRIENDS OF DXE FOR TELEGRAPH OF CHANNING MALL,
2425 CHANNING WAY SUITE C

Item 7, Page 5

Add section: "Tenant may engage in activities pursuant to the business of a nonprofit animal rights center with supporting retail including but not limited to speaker series, film screenings, volunteer recruitment and appreciation parties, trainings, art exhibits and auctions, demonstrations, team-building activities such as exercise and meditation."

Item 7, Section b, Page 5

Delete: "provided that, to do business after 10:00 p.m. on any day Tenant shall have obtained any permit required by federal, state or local law."

Item 7, Section c, Page 5

Add: "...as they may be amended by the City from time to time, so as long as the City of Berkeley equally enforces "Rules and Regulations for Shopping Mall" and does not single out tenant."

Item 11, Section a, Page 6

Delete and Replace (below): "shall Tenant mark, paint or drill or in any way deface any floors, walls, or ceilings or partitions of the premises without first providing 30 (thirty) days' written notice to the Landlord. If Landlord raises no objections within 20 (twenty) days after the receipt of such notice, Tenant may proceed."

Replacement: "Tenant shall ask the City for authorization to improve interior space and expect the City to give good faith answer within 5 business days, in writing, with an explanation if Tenant is denied the right to make improvements that are permitted to other tenants in mall."

Item 22, Page 11

Delete: "Tenant shall not install or letter any signs on the premises without prior consent of Landlord."