To: Honorable Mayor and Members of the City Council

From: Dee Williams-Ridley, City Manager

Submitted by: Jordan Klein, Economic Development Manager

Subject: Activation of Downtown Berkeley BART Plaza

RECOMMENDATION
Adopt a Resolution authorizing the City Manager implement programs to activate Downtown Berkeley BART Plaza, including: 1) implementing a pilot program to permit two food vendors at Downtown Berkeley BART Plaza for one year, and 2) executing a contract with Downtown Berkeley Association for the production of arts and cultural activities at Downtown Berkeley BART Plaza in an amount not to exceed $5010,000, and authorizing renewal of that contract for up to two years, for a total amount not to exceed $15030,000.

FISCAL IMPACTS OF RECOMMENDATION
Grant funding for arts and cultural activities may cost up to $5010,000 per year for three years, to be funded from non-General Fund sources such as the Public Art Fund, the Private Percent Art Fund, or outside grant funding. The total not-to-exceed amount of the contract is $15030,000 over three years. This contract has been assigned CMS No. N2CAZ.

Vending activities will likely generate a small amount of business license tax and sales tax revenues.

CURRENT SITUATION AND ITS EFFECTS
The Berkeley Municipal Code (BMC) limits food vending in the public right of way to specifically designated areas on Bancroft Way, College and Telegraph Avenues. A Resolution by City Council is therefore required to authorize the City Manager to implement a temporary pilot of food vending at BART Plaza. If the pilot is successful, staff will analyze and recommend amendments to the BMC to allow for food vending at BART Plaza beyond the pilot period.

On October 25, 2017, the Civic Arts Commission allocated $10,000 to Downtown Berkeley Association (DBA) to implement arts and cultural programming at BART Plaza. The City has an existing contract with DBA for approximately $1.3 million per year for implementation of the Downtown Berkeley Property and Business Improvement District.
Council approval is therefore required in order to grant the organization the additional funding for arts and cultural programming.

BACKGROUND
This friendly amendment implements the recommendation of the Civic Arts Commission at this time. Over twenty-thousand people per day travel through Downtown Berkeley BART Plaza (“BART Plaza” or “the Plaza”), the public space at the southwest corner of Center Street and Shattuck Avenue. Other than the four downtown San Francisco stations, Downtown Berkeley is the most heavily used BART station. The heart of our Downtown, the plaza is critical to the economic and social vitality of Downtown Berkeley, and the entire City.

In 2013, the City of Berkeley and BART were awarded a $7.8 million grant from Alameda County Transportation Commission to enhance Downtown Berkeley BART Plaza. The renovation project includes a new main entrance, plaza pavers, lighting, and landscaping. The goals of the project are to improve transit operations; enhance BART riders’ experience by increasing comfort, visibility and safety; and improve the quality of public open space. In coordination with this major public works project, the Civic Arts Commission has invested approximately $325,000 to install sound and light poles that will provide infrastructure for public performances, ambient sound and light installations, and public address. A number of City departments are working closely with BART to ensure the implementation of these critical projects and the successful reopening of BART Plaza in spring 2018.

Over the course of 2017, Downtown Berkeley Association and the Civic Arts Commission, with support from the Office of Economic Development, Public Works, and other community stakeholders, have developed a plan for activation of the soon to be reopened BART Plaza with public art, arts and cultural activities, commerce, and other public space enhancements (Attachment 2). The goal of this activation plan is to ensure that the new BART Plaza is a successful public space that is welcoming and accessible for everyone, with a strongly defined sense of place that emphasizes Berkeley’s rich arts community and cultural fabric. It includes the following elements:

- **Temporary sculpture and sound installations.** The Civic Arts Commission recently conducted a call for artists and selected the sculpture *Home*, by the Berkeley-based artist Michael Christian, for temporary installation at BART Plaza for one year. Another pending call for artists seeks to commission original compositions (music, spoken word, sound experiments, natural sounds, etc.) for playback at the Plaza.

- **Arts and cultural programming.** DBA will produce “Berkeley LIVE!”, a programming series including live music, theater, and other performance art to engage and entertain at the Plaza. Initially funded by DBA and the Civic Arts Commission, staff will work with those entities to attract grant funding and sponsorship to sustain and grow the series.
• **Food vendors.** Staff seeks to conduct a pilot program whereby up to two vendors (e.g., a coffee cart, a ‘farmers market’ table) would provide food services and/or retail at BART Plaza. Staff plans to conduct an open call for vendors, a transparent process that will give preference to nonprofit organizations and social enterprises over traditional for-profit businesses.

• **Plaza tables and seating,** managed by DBA ambassadors and open to all.

• **Kiosks** for wayfinding signage and marketing local cultural events.

**ENVIRONMENTAL SUSTAINABILITY**
Enhancements to Downtown Berkeley BART Plaza are intended to improve transit riders’ experience and encourage greater transit usage. Thus this recommendation is supportive of the City’s environmental sustainability goals.

**RATIONALE FOR RECOMMENDATION**
Downtown Berkeley BART Plaza is an essential place in Berkeley, and directly affects the City’s economic, social and civic wellbeing. Programs to activate BART Plaza will leverage significant other resources that the City and other public, private and nonprofit partners have invested in the space.

**ALTERNATIVE ACTIONS CONSIDERED**
No alternative actions were considered.

**CONTACT PERSON**
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Attachments:
1: Resolution
2: BART Plaza Activation Plan
RESOLUTION NO. ##,###-N.S.

AUTHORIZING THE CITY MANAGER TO IMPLEMENT PROGRAMS TO ACTIVATE
DOWNTOWN BERKELEY BART PLAZA

WHEREAS, Downtown Berkeley BART Plaza is an essential place in Berkeley, and directly affects the City’s economic, social and civic wellbeing; and

WHEREAS, a renovation of Downtown Berkeley BART Plaza is currently underway that will improve the quality of public open space and provide infrastructure for public performances, ambient sound and light installations, and public address; and

WHEREAS, Downtown Berkeley Association and the Civic Arts Commission have developed a plan for activation of the soon to be reopened BART Plaza with public art, arts and cultural activities, commerce, and other public space enhancements; and

WHEREAS, the goal of this activation plan is to ensure that the new BART Plaza is a successful public space that is welcoming and accessible for everyone, with a strongly defined sense of place that emphasizes Berkeley’s rich arts community and cultural fabric; and

WHEREAS, programs to activate BART Plaza will leverage significant other resources that the City and other public, private and nonprofit partners have invested in the space.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a one-year contract for up to $5010,000 with Downtown Berkeley Association to produce arts and cultural programming at Downtown Berkeley BART Plaza, and to renew that contract for up to two additional years, for a total amount not to exceed $15030,000 over three years. This contract has been assigned CMS No. N2CAZ.

BE IT FURTHER RESOLVED that the City Manager is authorized to implement a pilot program whereby permits will be issued to up to two food vendors at Downtown Berkeley BART Plaza for up to one year.