




Office of the City Manager

CONSENT CALENDAR
February 19, 2013

To: Honorable Mayor and Members of the City Council
From:  Christine Daniel, City Manager
Submitted by: Jane Micallef, Director, Health, Housing & Community Services
Subject: Lease: Women's Daytime Drop-In Center at 2218 Acton Street

RECOMMENDATION

Adopt first reading of an Ordinance authorizing the City Manager to execute a five-year lease agreement of 2218 Acton Street to the Women's Daytime Drop-In Center (WDDC) for use as a drop-in center and social service site for homeless women and families.

FISCAL IMPACTS OF RECOMMENDATION

WDDC will pay rent of \$1 per year to the City for the five-year period of the lease. (Funds will be deposited into budget code 010-7902-363-9999). The lease requires WDDC to maintain the property and also to complete certain repairs to the property from 2013 to 2015, which are outlined in Exhibit B of the attached lease (Attachment 1). Generally, the repairs will make structural and building systems improvements, increase energy efficiency, and improve building safety and accessibility. These needed repairs would be the responsibility of the City if not included in the lease.

CURRENT SITUATION AND ITS EFFECTS

WDDC has occupied 2218 Acton Street since March 1988. First established as a volunteer organization in 1988, WDDC was invited by Commonarts, Inc. a local non-profit arts group which was the tenant of the property, to provide daytime programs for women and children at that location. WDDC has effectively been the master tenant since 1997. The last written lease the City was executed in 1991 with Commonarts for a five year initial term then continuing on a month-to-month basis.

BACKGROUND

The small, 1000-square-foot home at 2218 Acton Street was a bequest to the City of Berkeley by the owner, who had no heirs and wished that the building be used to support community enrichment efforts. According to Commonarts records, the property was not in use and boarded up when that organization first leased from the City in 1978. The City's Civic Arts Commission played a role in identifying a tenant and leasing the property.

The building at 2218 Acton Street was used by Commonarts for a variety of programs throughout the years: the CETA cultural workers program of Commonarts, the Children's Jazz Workshop, Works-in-Progress, Playwrights Playreading Workshops, art

shows and other cultural events. A number of 12-step groups used the building in the early evening for their meetings.

The Women's Daytime Drop-In Center, first established as a volunteer organization in 1988, was invited by Commonarts to use the program space during the daytime starting in March 1988 to help meet the need for daytime services for homeless women and children. Since then, WDDC has been responsible for all maintenance and improvements made to the facility.

The Civic Arts Commission approved an amendment to the Commonarts lease in 1990 to include authorization of using the program space for the Women's Daytime Drop-In Center services. During these early years, BOSS (Building Opportunities for Self Sufficiency, then operating as Berkeley Oakland Support Services) acted as fiscal agent for WDDC. WDDC incorporated and received its 501(c)(3) designation in 1993.

The last written lease between Commonarts and the City of Berkeley was the five year lease of July 1991. At the end of this term, continued tenancy was on a month to month basis. In 1997, Ernest Landauer, the chair of Commonarts, proposed to the City that the Women's Daytime Drop-In Center become the master tenant for the property. The City did not take action at that time.

WDDC received permits from the City in 1999 to add 600 square feet of office space, a children's playroom, and an additional bathroom to the building in order to meet the increasing demand for services. WDDC organized a capital campaign which included ESG funds and private funds from foundations and community donations to fund the addition.

Commonarts ceased to operate in 2006 when the last of its officers passed away. WDDC has assumed responsibility for payment of property taxes since 2007.

RATIONALE FOR RECOMMENDATION

WDDC provides services for homeless women and children, and has been a responsible tenant of 2218 Acton Street for 24 years. A new written lease with WDDC clarifies the roles and responsibilities for this continuing relationship.

ALTERNATIVE ACTIONS CONSIDERED

WDDC could continue to operate at 2218 Acton Street without a lease, but that would leave the rights and responsibilities of WDDC and the City unclear and therefore is not recommended. The City could seek another tenant which could pay a higher rent in the property, but that would leave WDDC and the services they provide without an affordable service location.

CONTACT PERSON

Kristen Lee, Community Services Specialist III, Health, Housing & Community Services, 510-981-5427

Attachments:

1: Ordinance

Exhibit A: Lease: City Owned Property at 2218 Acton Street

ORDINANCE NO. -N.S.

LEASE: 2218 ACTON STREET TO THE WOMEN'S DAYTIME DROP IN CENTER

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. FINDINGS:

WHEREAS, the Women's Daytime Drop-In Center provides a center for low income and homeless women and children, where clients can access the center on a drop-in basis to obtain a free meal, participate in group activities and educational events and meet with case management staff; and

WHEREAS, the Women's Daytime Drop-In Center has occupied 2218 Acton Street for this purpose for over 20 years; and

WHEREAS, the Women's Daytime Drop-In Center and the City agree that certain capital improvements are needed and seek to work together for their completion.

Section 2. AUTHORIZATION FOR CITY MANAGER TO ENTER INTO LEASE AT 2218 ACTON STREET.

The City Manager is hereby authorized to enter into a five-year lease agreement with the option for a five-year extension with the Women's Daytime Drop-In Center for real property located at 2218 Acton Street. Such lease shall be on substantially the terms set forth in Exhibit A.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

Exhibit

A: Lease: City Owned Property at 2218 Acton Street