

**ANNOTATED AGENDA
SPECIAL MEETING OF THE
BERKELEY CITY COUNCIL**

**Tuesday, February 11, 2025
4:00 PM**

SCHOOL DISTRICT BOARD ROOM - 1231 ADDISON STREET, BERKELEY, CA 94702

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI
DISTRICT 2 – TERRY TAPLIN
DISTRICT 3 – BEN BARTLETT
DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE
DISTRICT 6 – BRENT BLACKABY
DISTRICT 7 – CECILIA LUNAPARRA
DISTRICT 8 – MARK HUMBERT

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via internet video stream at http://berkeley.granicus.com/MediaPlayer.php?publish_id=1244. All Council meetings are recorded.

*To access the meeting remotely use this URL: <https://cityofberkeley-info.zoomgov.com/j/1618982548>. 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: 161 898 2548**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email council@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. The City Council may take action related to any subject listed on the Agenda.

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.

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 \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 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.*

Preliminary Matters

Roll Call: 4:08 p.m.

Present: Taplin, Tregub, O’Keefe, Blackaby, Lunaparra, Humbert, Ishii

Absent: Kesarwani, Bartlett

Councilmember Bartlett present at 4:19 p.m.

Councilmember Kesarwani present at 4:20 p.m.

Action Calendar – New Business

1a. **Effective Mitigations for Berkeley’s Ember Resilience (EMBER): Fire Code Amendments**

From: City Manager

Recommendation: Provide feedback and direction on next steps for consideration or implementation of the following three proposals:

Proposal 1: Create a Berkeley Fire Zone 4 within the Fire Code to include – at minimum - the areas between Wildcat Canyon Rd. to the east, Grizzly Peak Blvd to the west, and the Berkeley City Limits to the south and north;

Proposal 2: Repeal the Berkeley Fire Code (BMC Chapter 19.48) and reenact BMC Chapter 19.48 to include an ember resistant “Zone Zero” and other defensible space best practices (Attachment 1) and schedule a Public Hearing for the first reading on March 25, 2025 pursuant to state law; and

Proposal 3: Research the Quantifying the Negative (QTN) approach, a methodology that measures the economic value of fire services by quantifying the losses it prevents and how it may be applied to quantify the value of the EMBER initiative, which staff would bring back to City Council no later than December 2025.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

Action: 40 speakers. M/S/C (Blackaby/Humbert) to:

1. Refer Items 1a, 1b, and 1c to the City Manager for 1) additional public outreach; 2) consideration of feedback from the Council and the public; and 3) to refine the proposals and present them to the Council for adoption in March 2025 or as noted in the item.
2. Refer Item 1d to the City Manager as written in the recommendation.

Vote: All Ayes.

Action Calendar – New Business

1b. Effective Mitigations for Berkeley’s Ember Resilience (EMBER): Building Code Amendments

From: City Manager

Recommendation: Staff will return to Council by the end of 2025 with a resolution for the triannual adoption of the existing Berkeley Building, Historical and Fire Codes that will be applicable to Berkeley Fire Zone 3 and 4. These amendments to the 2025 California Building Standards will strengthen defenses against ignition of structures from embers, radiant heat and direct flame impingement during wildfire. Staff seeks Council’s input on this proposal and plan to return to Council at the end of 2025 with a resolution proposed for adoption that incorporates the Council’s feedback.

The amendments may include but are not limited to requiring Class A roofs during partial replacement of non-compliant roof and roof structures, requiring replacement of combustible siding with California Building Code (CBC) Chapter 7A compliant siding during partial replacements, installation of metal gutters and screens, installation of Chapter 7A compliant vents or vent screens, replacement of combustible decks and fences with Chapter 7A compliant materials and design during partial replacement, and six inches of vertical separation measured from the ground to any combustible siding.

Because of the fiscal impact that some of this work will have for homeowners, staff plans to investigate Federal, State or Municipal programs that would provide incentives and loans for improvements to existing non-compliant homes that focus on the highest priority items, such as roof material, siding, decks, ember resistant vents, and a 6” vertical separation between the siding and the ground at the base of a home near the foundation.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

Action: See action listed under Item 1a.

1c. Effective Mitigations for Berkeley’s Ember Resilience (EMBER): Leave Early and Fire Department Staffing

From: City Manager

Recommendation: Provide insights, feedback and input on two proposals below as well as desired next steps:

1. Proposal 1: Evaluate the thresholds for the City’s Extreme Fire Weather designation and the National Oceanic and Atmospheric Administration’s (NOAA) Particularly Dangerous Situation (PDS) designation, considering how use of each would impact the City’s “Leave Early” concept. Staff propose returning to City Council no later than the 2nd week of May 2025; and

2. Proposal 2: Affirm City Council support for Fire Department staffing recommendations 1, 5, 6, and 10 from the Fire Department Standards of Coverage and Community Risk Assessment (SOC) study.

Financial Implications: See report

Contact: David Sprague, Fire, (510) 981-3473

Action: See action listed under Item 1a.

Action Calendar – New Business

1d. Request Inter-Departmental Collaboration and Implementation of Safe Passages

From: Councilmember Blackaby (Author), Councilmember Humbert (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor)

Recommendation: Refer to the City Manager to direct the Departments of Public Works, Police and Fire to work collaboratively to implement Safe Passages Program – EMBER Initiative Phase 1 and 2 and report back to City Council on progress no later than the 2nd week of May 2025. This program will further facilitate responder ingress and community evacuation during wildfires by developing a plan to create and enforce no-parking zones in addition to existing 24/7/365 red curbs and no-parking zones during extreme fire weather conditions and/or the broader fire season.

Financial Implications: See report

Contact: Brent Blackaby, Councilmember, District 6, (510) 981-7160

Action: See action listed under Item 1a. Councilmember Taplin added as a co-sponsor in Supplemental Communications Packet #2 from Councilmember Blackaby.

Adjournment

Action: M/S/C (Taplin/Tregub) to adjourn the meeting.

Vote: All Ayes.

Adjourned at 6:23 p.m.

Communications

- None

Supplemental Communications and Reports 1

- None

Supplemental Communications and Reports 2

Item #1a: Effective Mitigations for Berkeley's Ember Resilience (EMBER): Fire Code Amendments

1. Yen Trac
2. Gail Machlis
3. Janice Thomas
4. John E. Rosenthal
5. Leah Rosenthal
6. David Lerman
7. Sara Sanderson
8. Alfred Twu
9. Michel G. Thouati

Item #1d: Request Inter-Departmental Collaboration and Implementation of Safe Passages

10. Revised agenda material submitted by Councilmember Brent Blackaby

Supplemental Communications and Reports 3

Item #1a: Effective Mitigations for Berkeley's Ember Resilience (EMBER): Fire Code Amendments

Item #1b: Effective Mitigations for Berkeley's Ember Resilience (EMBER): Building Code Amendments

Item#1c: Effective Mitigations for Berkeley's Ember Resilience (EMBER): Leave Early and Fire Department Staffing

Item #1d: Request Inter-Departmental Collaboration and Implementation of Safe Passages

11. Presentation submitted by the Berkeley Fire Department

12. John S. Robey

13. Patrick Buechner

14. Caroline Winnett (2)

15. Susan and Roy Bogas

16. Frederique Wynberg and Thomas Hutcheson

17. Isabelle Gaston

18. Ruth Ehrenkrantz

19. Katie Johnson

20. Daniel Levine

21. Residents on Berkeley Hills

22. Marcus von Engel

23. David Lerman

24. Robin Kibby