

ANNOTATED AGENDA
BERKELEY CITY COUNCIL MEETING
Tuesday, March 25, 2025
6:00 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/1611397649>. 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: 161 139 7649**. 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: 6:49 p.m.

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

Absent: None

Land Acknowledgement Statement: *The City of Berkeley recognizes that the community we live in was built on the territory of xučyun (Huchiun (Hooch-yoon)), the ancestral and unceded land of the Chochenyo (Cho-chen-yo)-speaking Ohlone (Oh-low-nee) people, the ancestors and descendants of the sovereign Verona Band of Alameda County. This land was and continues to be of great importance to all of the Ohlone Tribes and descendants of the Verona Band. As we begin our meeting tonight, we acknowledge and honor the original inhabitants of Berkeley, the documented 5,000-year history of a vibrant community at the West Berkeley Shellmound, and the Ohlone people who continue to reside in the East Bay. We recognize that Berkeley’s residents have and continue to benefit from the use and occupation of this unceded stolen land since the City of Berkeley’s incorporation in 1878. As stewards of the laws regulating the City of Berkeley, it is not only vital that we recognize the history of this land, but also recognize that the Ohlone people are present members of Berkeley and other East Bay communities today. The City of Berkeley will continue to build relationships with the Lisjan Tribe and to create meaningful actions that uphold the intention of this land acknowledgement.*

Ceremonial Matters:

1. Recognition of National Library Week 2025
2. Adjourned in Memory of Marty Schiffenbauer, Rent Control Pioneer and Community Activist

City Manager Comments:

The City Manager noted that for Item 12 Notice of Decision, the designation has been appealed and will be scheduled for a future Council meeting.

Public Comment on Non-Agenda Matters: 10 speakers.

Consent Calendar

Public Comment on Consent Calendar and Information Items Only: 3 speakers.

Action: M/S/C (Tregub/Humbert) to adopt the Consent Calendar in one motion except as indicated.

Vote: All Ayes.

Consent Calendar

- 1. Proposed Amendments to the Building Emissions Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81** *(Item contains revised material)*
From: City Manager
Recommendation: Adopt a new first reading of Ordinance No. 7,953-N.S. 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: Adopted first reading of Ordinance No. 7,953–N.S. Second reading scheduled for April 15, 2025.
- 2. Adopt an Ordinance to Prohibit the Sale or Use of Pricing Algorithms to Set Rents or Manage Occupancy Levels for Residential Dwelling Units; Adding Berkeley Municipal Code Chapter 13.63**
From: Housing Advisory Commission
Recommendation: Adopt second reading of Ordinance No. 7,956-N.S. amending the Municipal Code adding Chapter 13.63 to prohibit the sale or use of pricing algorithms to set rents or manage occupancy levels for residential dwelling units.
First Reading Vote: Ayes – Kesarwani, Taplin, Bartlett, Tregub, O’Keefe, Blackaby, Lunaparra, Ishii; Noes – Humbert; Abstain – None; Absent – None.
Financial Implications: See report
Contact: Mike Uberti, Commission Secretary, (510) 981-7400
Action: Adopted second reading of Ordinance No. 7,956–N.S. with the minor clarifying addition published in Supplemental Communications Packet #2 to use the term “coordinated pricing algorithm” throughout the ordinance.
- 3. Minutes for Approval**
From: City Manager
Recommendation: Approve the minutes for the Council meetings of February 3 (closed), February 11, 2025 (special and regular), February 25, 2025 (special and regular).
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900
Action: Approved the minutes as submitted.

Consent Calendar

4. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on March 25, 2025

From: City Manager

Recommendation: Approve the request for proposals or invitation for bids (attached to staff report) that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager's threshold will be returned to Council for final approval.

Financial Implications: Various Funds - \$6,575,000

Contact: Henry Oyekanmi, Finance, (510) 981-7300

Action: Approved recommendation.

5. Contract No. 32000118 Amendment: NEXGEN Asset and Work Order Management Software Maintenance

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32000118 with NEXGEN Asset Management to provide additional funding for software maintenance and professional services, increasing the amount by \$1,123,457, for a total not-to-exceed amount of \$2,830,366 through June 30, 2029.

Financial Implications: Various Funds - \$1,123,457

Contact: Kevin Fong, Information Technology, (510) 981-6500

Action: Adopted Resolution No. 71,701–N.S.

6. Contracts: On-Call Landscape Architectural Services for Capital Improvement Projects

From: City Manager

Recommendation: Adopt five Resolutions authorizing the City Manager to execute contracts and any amendments with the following firms for on-call landscape architectural services for capital improvement projects, for contract periods of May 1, 2025 through April 30, 2028:

1. Carducci & Associates, Inc., for an amount not to exceed \$450,000.

2. Moore Iacofano Goltsman, Incorporated (MIG, Inc.), for an amount not to exceed \$450,000.

3. PGAdesign, Inc., for an amount not to exceed \$450,000.

4. Royston Hanamoto Alley & Abey (RHAA), for an amount not to exceed \$450,000.

5. RRM Design Group, for an amount not to exceed \$450,000.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 71,702–N.S. (Carducci), Resolution No. 71,703–N.S. (MIG), Resolution No. 71,704–N.S. (PGAdesign), Resolution No. 71,705–N.S. (RHAA), and Resolution No. 71,706–N.S. (RRM).

Consent Calendar

7. **Adopt a Mitigated Negative Declaration for the Tom Bates Regional Sports Complex Restroom and Community Space Project**

From: City Manager

Recommendation: Adopt a Resolution adopting the Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Plan (MMRP) for the Tom Bates Regional Sports Complex Restroom and Community Space Project.

Financial Implications: See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Action: Adopted Resolution No. 71,707–N.S.

Action Calendar – Public Hearing

8. **Establishment of M-RD Zoning District, Associated General Plan and West Berkeley Plan Amendments, and Environmental Impact Report**

From: City Manager

Recommendation: Conduct a public hearing and upon conclusion:

1. Adopt the first reading of an Ordinance amending Title 23 of the Berkeley Municipal Code (BMC) and the Zoning Map to establish the Manufacturing, Research & Development (M-RD) zoning district to encourage redevelopment of the former Pacific Steel Casting (PSC) site.

2. Adopt a Resolution:

a. Approving and adopting West Berkeley Plan and General Plan amendments to be consistent with the associated Ordinance amendments; and

b. Certifying the Environmental Impact Report (EIR) (SCH#2022120549) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program.

Financial Implications: See report

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 2 speakers.

M/S/C (Humbert/Kesarwani) to close the public hearing.

Vote: All Ayes.

Action: M/S/C (Kesarwani/Taplin) to:

1. Adopt first reading of Ordinance No. 7,957–N.S. amending Title 23 of the Berkeley Municipal Code and the Zoning Map to establish the Manufacturing, Research & Development (M-RD) zoning district to encourage redevelopment of the former Pacific Steel Casting (PSC) site. Second reading scheduled for April 15, 2025.

2. Adopt Resolution No. 71,708–N.S. approving and adopting West Berkeley Plan and General Plan amendments to be consistent with the associated Ordinance amendments; and certifying the Environmental Impact Report (EIR)

(SCH#2022120549) and adopt related California Environmental Quality Act (CEQA) findings, a statement of overriding considerations, mitigation measures, and a mitigation monitoring and reporting program.

Vote: All Ayes.

Action Calendar – Public Hearings

Recess 8:07 p.m. – 8:18 p.m.

9. ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046

From: City Manager

Recommendation: Conduct a public hearing and, upon conclusion, adopt a Resolution affirming the Zoning Adjustments Board (ZAB) decision to approve a Use Permit to demolish a gas station, and construct a 10-story (114 feet) mixed-use building utilizing a State Density Bonus request, with 166 dwellings, including 17 Very Low-Income units, and 1,000 square-feet of commercial space, and dismiss the appeals.

Financial Implications: None

Contact: Jordan Klein, Planning and Development, (510) 981-7400

Public Testimony: The Mayor opened the public hearing. 17 speakers. M/S/C (Taplin/Humbert) to close the public hearing.

Vote: Ayes – Kesarwani, Taplin, Bartlett, Blackaby, Humbert, Ishii; Noes – None; Abstain – None; Absent – None; Recused – Tregub (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), O’Keefe (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), Lunaparra (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board).

Action: M/S/Failed (Kesarwani/Taplin) to adopt a resolution affirming the Zoning Adjustments Board (ZAB) decision to approve a Use Permit to demolish a gas station, and construct a 10-story (114 feet) mixed-use building utilizing a State Density Bonus request, with 166 dwellings, including 17 Very Low-Income units, and 1,000 square-feet of commercial space, and dismiss the appeals.

Vote: Ayes – Kesarwani, Blackaby, Humbert, Ishii; Noes – Taplin, Bartlett; Abstain – None; Absent – None; Recused – Tregub (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), O’Keefe (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board), Lunaparra (Considered and voted on the Use Permit as a member of the Zoning Adjustments Board).

The ZAB decision stands unless the Council takes up the appeal again within 30 days, under BMC 23.410.040.I.

Action Calendar – New Business

10a. Allocation of \$2,294,774 Million Over 2 Years, FY 2026 and FY 2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs) From: Sugar Sweetened Beverage Product Panel of Experts

Recommendation: Adopt a Resolution allocating \$2,294,774 from the General Fund in Fiscal Year 2026 (July 1, 2025 through June 30, 2026) and Fiscal Year 2027 (July 1, 2026 through June 30, 2027) that shall be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD) consistent with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce the consumption of sugar sweetened beverages (SSB) in Berkeley and to address the health effects of SSB consumption. The total of \$2,294,774 million will be distributed in two installments of \$1,147,387 for FY2026 and \$1,147,387 for FY2027. In each of these years, the funds will be distributed as follows:

- a. Direct the City Manager to award up to 42.5% of the allocated funds to Berkeley Unified School District (BUSD) through a grant to implement and enhance the BUSD cooking and gardening programs which aid in reducing the consumption of sugar-sweetened beverages (SSBs) amongst students. The BUSD funding process is separate from the RFP process for community-based organizations and shall be guided by the SSBPPE Commission's Criteria for the BUSD Funding Proposal.
- b. Direct the City Manager to award at least 42.5% of the allocated funds through an RFP process managed by HHCS/PHD for grants to community-based organizations consistent with the SSBPPE Commission's goals to reduce the consumption of SSBs and to address the effects of SSB consumption. The RFP process for community-based organizations is separate from the BUSD funding process and shall be guided by the SSBPPE Commission's Selection Criteria for Community Agency Grants.
- c. Direct the City Manager to utilize up to 15% of the allocated funds to support HHCS/PHD to coordinate and monitor the grant process, coordinate the overall program evaluation, and produce an annual report that disseminates process and outcome data from the epidemiologist resulting from the SSBPPE Commission funding program as well as pay certain City of Berkeley Finance Department costs related to the sugary drink tax.

Financial Implications: See report

Contact: Roberto Terrones, Commission Secretary, (510) 981-5400

Action: See action for Item 10b.

Action Calendar – New Business

10b. Companion Report: Allocation of \$2,294,774 Million Over Two Years, FY2026 and FY2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)

From: City Manager

Recommendation: Adopt a Resolution allocating \$2,294,774 from the General Fund total for Fiscal Year 2026 (July 1, 2025, through June 30, 2026) and Fiscal Year 2027 (July 1, 2026, through June 30, 2027) to be invested in a grant program administered and coordinated by the Department of Health, Housing, and Community Services' (HHCS) Public Health Division (HHCS/PHD). This program will align with the Sugar-Sweetened Beverage Product Panel of Experts (SSBPPE) Commission's goals to reduce sugar-sweetened beverage (SSB) consumption in Berkeley and address the health effects of SSB consumption. The total amount will be distributed in two installments of \$1,147,387 annually for FY2026 and FY2027, as follows:

A. Award up to \$905,292 of the allocated amount to the Berkeley Unified School District (BUSD) for the period of July 1, 2025, to June 30, 2027, through a grant proposal process. These funds will support the reduction of SSB consumption through the implementation and enhancement of BUSD cooking and gardening programs. The BUSD funding process will be separate from the general community-based organization funding process and guided by the SSBPPE Commission's Criteria for BUSD Funding (Attachment 2 to the report).

B. Award up to \$905,292 of the allocated amount for the period of July 1, 2025, to June 30, 2027, through an Request for Proposal (RFP) process managed by HHCS/PHD. These grants will be awarded to community-based organizations (CBOs) and will align with the SSBPPE Commission's goals to reduce SSB consumption and address the effects of SSB consumption. The RFP process to determine CBO funding will be separate from the BUSD funding process and guided by the SSBPPE Commission's Criteria for Community Agency Grants (Attachment 3 to the report).

C. For the period of July 1, 2025, to June 30, 2027, allocate \$128,990 to the Finance Department for staffing costs and Muni-Services fees, and \$355,200 to HHCS/PHD for staffing, operating, service delivery and consulting costs. HHCS/PHD will coordinate and monitor the grant process, manage awarded contracts, and provide activities aligned with the sugary beverage tax goals including providing education, outreach, and technical assistance to support local vendors as they work to comply with the Healthy Checkout ordinance and monitoring Berkeley funded hydration stations, and HHCS will provide an annual presentation to the SSBPPE Commission focused on process and outcome data and updates on Finance Department fees related to the sugary drink tax, to inform the Commission's annual report.

D. Carry over any sugary drink tax revenue received in excess of \$2,294,774 during FY2026 and FY2027 to be awarded for related services in FY2027–FY2029.

Financial Implications: See report

Contact: Henry Oyekanmi, Finance, (510) 981-7300, Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

Action: Moved to Consent Calendar. Adopted Resolution No. 71,709–N.S.

Information Reports

11. **FY 2025 Mid-Year Budget Update Report**
From: City Manager
Contact: Sharon Friedrichsen, Budget Manager, (510) 981-7000, Henry Oyekanmi, Finance, (510) 981-7300
Action: Received and filed.
12. **Landmarks Preservation Ordinance Notice of Decision (LPO NOD): 2138 Kittredge Street/#LMIN2024-0006**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.
13. **Landmarks Preservation Ordinance Notice of Decision (LPO NOD): 3332 Adeline Street/#LMSAP2025-0001**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400
Action: Received and filed.

Public Comment – Items Not Listed on the Agenda - 3 speakers.

Adjournment

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

Vote: Ayes – Kesarwani, Taplin, Bartlett, Blackaby, Humbert, Ishii; Noes – None; Abstain – None; Absent – Tregub, O’Keefe, Lunaparra.

Adjourned at 9:57 p.m.

Communications

Item #1: Proposed Amendments to the Building Emissions Saving Ordinance (BESO); Amending Berkeley Municipal Code Chapter 19.81 (*Item contains revised material*)

1. David Lerman (2)
2. Isabella Almeida (9)

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046

3. Alisha Pember
4. Larisa Cummings (2)
5. Lorrie LeLe on behalf of East Bay Residents for Responsible Development

Waterfront

6. Andrew Sullivan
7. Kirk van Moon
8. Ross Stevenson
9. Noah Sudarsky
10. Kirsten Mahoney

11. Madeleine King

Fire Zone Concerns

12. Warren & Lorna Byrne (2)

13. Deirdre Duhan

14. Evan and Erika Mills

15. Bruce H. Feingold

16. Joan Wilson

Encampments

17. Steven Donaldson

18. Steve Smith

19. Steve Martinot

20. Nigel F.

Shattuck Security System

21. Isabel Thompson

Cash in Stores

22. Max Aue

Red Cross

23. Sheryl Drinkwater

Cesar Chavez Park

24. Stefani Berger

Adult Education Week

25. Brigitte Luna

Downtown Building

26. John Rice

Housing Safety Concern

27. David Lerman

28. Constance Rivemale

Bicycles and Pedestrians

29. Lucas Miller

30. Rachel Doughty

31. Sheila Newberry

32. Beatriz Motta

33. John J. Parman

34. Lee Bishop

35. Lucas Cantor

Status of Grievance

- 36. Hector91 Phuentes
- 37. Kawal Ulanday

Towing Services

- 38. Andrew Paul Gutierrez

Civic Center Park

- 39. Libby Hruska
- 40. Councilmember Taplin

Relocation of People's Park

- 41. Richard

ICE Concerns

- 42. Marla Wilson

Plans

- 43. Tillymaui

Forwards

- 44. Russbumper
- 45. Josh Atwood

Middle East Conflict

- 46. Cynthia Papermaster
- 47. Russbumper

UC Berkeley

- 48. Andrey Vinogradsky

Daylighting Concern

- 49. Shirley Kirsten
- 50. Sandra Sanchez (2)

Parking Concern

- 51. Rolf Bell
- 52. Fred Botha
- 53. Shirley Kirsten

Chess Club

- 54. Jesse Sheehan

URL's

- 55. Josh Atwood
- 56. Russbumper (3)

Supplemental Communications and Reports 1

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046

- 57. Supplemental material, submitted by Planning & Development Department
- 58. Lynn Cooper

Supplemental Communications and Reports 2

Item #2: Adopt an Ordinance to Prohibit the Sale or Use of Pricing Algorithms to Set Rents or Manage Occupancy Levels for Residential Dwelling Units; Adding Berkeley Municipal Code Chapter 13.63

- 59. Revised agenda material submitted by Councilmember Lunaparra, Councilmember Tregub, and Councilmember Blackaby

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046

- 60. Dave Fogarty
- 61. Janis Chang
- 62. Allison Riemer on behalf of Amy Chang
- 63. Larissa Cummings
- 64. Reed Dillingham
- 65. Paul Dillingham

Supplemental Communications and Reports 3

Ceremonial Matters

- 66. Presentation submitted by the Berkeley Public Library

Item #8: Establishment of M-RD Zoning District, Associated General Plan and West Berkeley Plan Amendments, and Environmental Impact Report

- 67. Presentation submitted by the Planning and Development Department
- 68. Ashley James on behalf of Allan Moore
- 69. Christy Shirilla on behalf of Biocom California
- 70. Chip Harley
- 71. Todd Jersey
- 72. Darren
- 73. Beth Roessner
- 74. Jonathan Bachrach
- 75. Julie McCray

Item #9: ZAB Appeal: 3000 Shattuck Avenue, Use Permit #ZP2022-0046

- 76. Presentation submitted by the Planning and Development Department
- 77. Daniel Peven on behalf of Yolanda Huang
- 78. Yolanda Huang
- 79. Gregory Kalkanis
- 80. Alisha Pember on behalf of Appellant East Bay Residents for Responsible Development
- 81. Todd Darling and Linda Jensen Darling
- 82. Penny Dedel

Item #10a: Allocation of \$2,294,774 Million Over 2 Years, FY 2026 and FY 2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)

- 83. Martin Borque (2)
- 84. Bernard Marszalek

Item #10b: Companion Report: Allocation of \$2,294,774 Million Over Two Years, FY2026 and FY2027, to Reduce Consumption and Health Impacts of Sugar-Sweetened Beverages (SSBs)

- 85. Holly Scheider (2)

Miscellaneous

- 86. Unknown