

AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, September 16, 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 and virtual attendance. Attend this meeting remotely using [Zoom](#). 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: 160 732 4158** 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.*

Live captioned broadcasts of Council meetings are available on B-TV (Channel 33) and via [internet video stream](#). All Council meetings are recorded.

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:

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: *In addition to those items listed on the agenda, the Mayor may add additional ceremonial matters.*

1. Adjourn in memory of Ann Fagan Ginger, Attorney and Activist

City Manager Comments: *The City Manager may make announcements or provide information to the City Council in the form of an oral report. The Council will not take action on such items but may request the City Manager place a report on a future agenda for discussion.*

Public Comment on Non-Agenda Matters: *Up to ten persons will be selected to address matters not on the Council agenda. If five or fewer persons are identified to provide non-agenda comment, each person selected will be allotted two minutes each. If more than five persons are selected to address matters not on the Council agenda, each person selected will be allotted one minute each.*

In-person attendees wishing to address the Council on matters not on the Council agenda during the initial ten-minute period for such comment, must submit a speaker card to the City Clerk in person at the meeting location and prior to the moment that the Presiding Officer calls for public comment on non-agenda items. Remote attendees must raise their hand in the videoconference application when the Presiding Officer calls for non-agenda speakers. The first five raised hands on the videoconference application will be selected to speak and the first five cards drawn at the meeting will be selected to speak. The number of in-person and remote speakers selected may be adjusted by the Presiding Officer if fewer than five speakers from either format are identified.

The remainder of the speakers wishing to address the Council on non-agenda items will be heard at the end of the agenda.

Public Comment by Employee Unions (first regular meeting of the month): *This period of public comment is reserved for officially designated representatives of City of Berkeley employee unions, with five minutes allocated per union if representatives of three or fewer unions wish to speak and up to three minutes per union if representatives of four or more unions wish to speak.*

Consent Calendar

The Council will first determine whether to move items on the agenda for “Action” or “Information” to the “Consent Calendar”, or move “Consent Calendar” items to “Action.” Three members of the City Council must agree to pull an item from the Consent Calendar or Information Calendar for it to move to Action. Items that remain on the “Consent Calendar” are voted on in one motion as a group. “Information” items are not discussed or acted upon at the Council meeting unless they are moved to “Action” or “Consent”.

No additional items can be moved onto the Consent Calendar once public comment has commenced. At any time during, or immediately after, public comment on Information and Consent items, any Councilmember may move any Information or Consent item to “Action.” Following this, the Council will vote on the items remaining on the Consent Calendar in one motion.

For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again at the time the matter is taken up during the Action Calendar.

Public Comment on Consent Calendar and Information Items Only: *The Council will take public comment on any items that are either on the amended Consent Calendar or the Information Calendar. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue. A speaker may only speak once during the period for public comment on Consent Calendar and Information items.*

Additional information regarding public comment by City of Berkeley employees and interns: Employees and interns of the City of Berkeley, although not required, are encouraged to identify themselves as such, the department in which they work and state whether they are speaking as an individual or in their official capacity when addressing the Council in open session or workshops.

Consent Calendar

- Contract: Sorell Raino-Tsui for Public Artwork Commission for Martin Luther King Jr. Youth Services Center/Young Adult Project Clubhouse (MLK/YAP)**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Sorell Raino-Tsui for an amount not to exceed \$442,000 for a public art commission of an 885 square foot mosaic on the exterior East wall, exterior North wall, and interior North wall of the Martin Luther King Jr. Youth Services Center/Young Adult Project Clubhouse located at 1730 Oregon St.
Financial Implications: See report
Contact: Eleanor Hollander, Economic Development, (510) 981-7530

Consent Calendar

- 2. Contract No. 32000060 Amendment: Toshiba Business Solutions Inc for Citywide Multi-function Devices**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000060 with Toshiba Business Solutions to extend the term through September 15, 2029, and to approve an additional \$2,000,000 for appropriations related for performance of this contract. This brings the total NTE amount of this contract to \$3,750,000 over a ten-year term.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 3. Purchase Order: Blaisdell's Business Products for Office Supplies, Printing Paper, Small Equipment and Office Furniture**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to increase the Blanket Purchase Order with Blaisdell's Business Products for the purchase of miscellaneous office supplies, printing paper, small equipment and office furniture. The City is currently piggybacking off Omnia Partners Region 4 ESC Contract No. R190301. The contract term will commence on June 1, 2025, through May 31, 2026, with the option of one (1) single-year renewal for a total not to exceed amount of \$1,100,000 over a two-year term, subject to the City's annual budget appropriation.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 4. Contract No. 32000164 Amendment: CGB Enterprise, LLC (purchased from Synthesis Group, Inc.) dba Minuteman Press Contract for Citywide Copying & Printing Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No: 32000164 with Minuteman Press, to provide copying and printing services to the City, increasing the amount by \$400,000 for an amended total amount not to exceed \$1,375,000 and extending the term until June 30, 2027.
Financial Implications: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300
- 5. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 16, 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: See report
Contact: Henry Oyekanmi, Finance, (510) 981-7300

Consent Calendar

- 6. Contract: Swifthawk Consulting, LLC for Professional Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Swifthawk Consulting, LLC for surge staffing services for the Berkeley Fire Department (Department), in an amount not to exceed \$300,000 per year for the period October 1, 2025, through September 30, 2028, with an option to extend for two (2) additional one-year terms, not to exceed \$300,000 per year.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 7. Updated Findings of Facts Associated with Berkeley Fire Code**
From: City Manager
Recommendation: Adopt a Resolution revised with updated Findings of Facts associated with the Council's June 17, 2025, adoption of the Fire Code, and rescind Resolution No. 71,710-N.S.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 8. Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager, or designee, to execute a fourth amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$36,450 for consulting services in a total amount not to exceed \$415,950, with a contract end date of December 31, 2026.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 9. Purchase Orders: CDW-G for using Omnia Partners Cooperative Purchasing Agreement for Adobe Acrobat Pro Software**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with CDW Government LLC ("CDW-G") for Adobe Acrobat Pro ("Adobe") software, licensing and support, utilizing pricing established by Omnia Partners ("Omnia") for a total not to exceed amount of \$281,400 from July 1, 2025 to June 30, 2027.
Financial Implications: See report
Contact: Kevin Fong, Information Technology, (510) 981-6500

Consent Calendar

10. Updates to the Measure T1 Project List

From: City Manager

Recommendation: Adopt a Resolution authorizing the updated list of current Measure T1 projects as outlined in the report.

Financial Implications: See report

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

Council Consent Items

11. The Parent Writing Circles Initiative- Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

From: Councilmember Bartlett (Author)

Recommendation: Adopt a Resolution approving the expenditure of funds, including \$500 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to The Parent Writing Circles Initiative. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

Financial Implications: See report

Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

12. Zoning Ordinance Modification for Telegraph Avenue Commercial District

From: Councilmember Lunaparra (Author), Councilmember Humbert (Co-Sponsor)

Recommendation: Refer to the City Manager and Planning Commission to amend BMC Chapter 23.204.020 to allow for Alcoholic Beverage Retail Sales in the Telegraph Avenue Commercial District.

Financial Implications: See report

Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

Public Comment – Items Not Listed on the Agenda

Adjournment

NOTICE CONCERNING YOUR LEGAL RIGHTS: *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply: 1) No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred. 2) In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

Archived indexed video streams are available at: berkeleyca.gov/council-agendas.
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

Communications to the City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service to the City Clerk Department at 2180 Milvia Street. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk Department for further information.

Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the public counter at the City Clerk Department located on the first floor of City Hall located at 2180 Milvia Street, and through the City's online records portal: <https://records.cityofberkeley.info/>.

Agendas, agenda reports, and revised/supplemental material may be accessed via the online agenda for this meeting at: berkeleyca.gov/council-agendas and may be accessed at reference desks at the following locations:

City Clerk Department - 2180 Milvia Street, First Floor
Tel: 510-981-6900, TDD: 510-981-6903, Fax: 510-981-6901
Email: clerk@berkeleyca.gov

Libraries: Main – 2090 Kittredge Street,
Claremont Branch – 2940 Benvenue, West Branch – 1125 University,
North Branch – 1170 The Alameda, Tarea Hall Pittman South Branch – 1901 Russell

COMMUNICATION ACCESS INFORMATION:

This meeting is being held in a wheelchair accessible location.

To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at ada@berkeleyca.gov, (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.



Captioning services are provided at the meeting, on B-TV, and on the Internet. In addition, assisted listening devices for the hearing impaired are available from the City Clerk prior to the meeting, and are to be returned before the end of the meeting.

Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900 or by email at clerk@berkeleyca.gov.

~~~~~

*I hereby certify that the agenda for this meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, September 4, 2025.*



Mark Numainville, City Clerk

## **Communications**

*Council rules limit action on Communications to referral to the City Manager and/or Boards and Commissions for investigation and/or recommendations. All communications submitted to Council are public record. Copies of individual communications are available for viewing at the City Clerk Department and through [Records Online](#).*

### **Global Warming & Homelessness Solution**

1. Mike Vandeman

### **Berkeley Marina**

2. Paul Roberts

### **Freedom of Speech**

3. Lori Pottinger

### **Noise Detectors**

4. Rod Richardson

### **Rent Board**

5. Lance Montauk

### **Muwekma Ohlone Resolution Inquiry**

6. Aaron Lobo
7. Imraan Mohammed (2)
8. Etienne Yang

### **Housing & Homelessness**

9. Summer Brenner

### **Upzoning**

10. Susan Nunes Fadley

### **President**

11. Mona VScott

### **Prop 50**

12. Robbie Steinhart
13. Debbie LeVein

### **1598 University Construction Project**

14. Alice Chuang

### **Corridor Meetings**

15. Nori Hudson

16. Joaquin R Carbonell IV

### **Frances Albrier Community Center**

17. Mira Stein

18. Kelly Zito

### **Vegetation Management Work Group**

19. Gina Rieger

20. Abhijit Bhat

21. Colin Arnold

### **Large Vehicle Parking**

22. Steven Donaldson

### **Berkeley's Future**

23. Margot Smith

### **Center Street Concerns**

24. Lori Pottinger

### **Bike Plan Feedback**

25. Carol Denney

### **Tree Trimming Concern**

26. Kelly Zito

### **Gray Panthers Speaker**

27. Betsy Morris on behalf of the Gray Panthers Berkeley East Bay

### **E-Scooters**

28. Robert Borghese Byler (9)

### **Middle East Conflict**

29. Crystyrusty

30. Russbumper

### **Forwards**

31. Russbumper

### **URL's**

32. Russbumper (2)

33. Candace Hyde-Wang

## **Supplemental Communications and Reports**

*Items received by the deadlines for submission will be compiled and distributed as follows. If no items are received by the deadline, no supplemental packet will be compiled for said deadline.*

- **Supplemental Communications and Reports 1**  
Available by 5:00 p.m. five days prior to the meeting.
- **Supplemental Communications and Reports 2**  
Available by 5:00 p.m. the day before the meeting.
- **Supplemental Communications and Reports 3**  
Available by 5:00 p.m. two days following the meeting.



Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Eleanor Hollander, Economic Development Manager  
 Subject: Contract: Sorell Raino-Tsui for Public Artwork Commission for Martin Luther King Jr. Youth Services Center/Young Adult Project Clubhouse (MLK/YAP)

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any necessary amendments with Sorell Raino-Tsui for an amount not to exceed \$442,000 for a public art commission of an 885 square foot mosaic on the exterior East wall, exterior North wall, and interior North wall of the Martin Luther King Jr. Youth Services Center/Young Adult Project Clubhouse located at 1730 Oregon St.

FISCAL IMPACTS OF RECOMMENDATION

The \$442,000 contract will be funded through Measure T1 bond funds (Fund Code 511-21-208-252-0000-000-446-612990) in Fiscal Year 2026.

CURRENT SITUATION AND ITS EFFECTS

Artist Sorell Raino-Tsui was selected through a competitive process to create a permanent artwork on the exterior East wall, exterior North wall, and interior North wall of the Martin Luther King Jr. Youth Services Center/Young Adult Project Clubhouse (MLK/YAP). The goals of the project are the following:

- 1) Provide an enriching welcome to teens, young adults, visitors, staff, and community members.
- 2) Promote neighborhood connections, a sense of belonging, inclusivity, and play.
- 3) Relate in a meaningful way to the project site, such as complementing the youth center programming; responding to the building's architecture; celebrating or reflecting the youth center and surrounding community, culture, or lifestyle; referencing the park's history; and/or harmonizing with the natural environment.

Sorell Raino-Tsui's proposal *South Berkeley Shines 2* draws inspiration from his own multi-cultural, multi-generational relationship he and his family share with the immediate neighborhood including the Martin Luther King Jr. Youth Services Center/Young Adult Project building itself. Raino-Tsui's proposed artwork celebrates the cultures, diversity, history and people of South Berkeley. Portraits of Dr. Martin Luther King Jr., Ruth Acty, Maggie Gee, William B. Rumford, Charles Lee Austin, Joseph Charles, and Mabel

Howard, as well as imagery of the Ashby Flea Market and drum circles stand as symbols of pride and history from Berkeley. Cultural patterns found in textiles, ceramics, and symbols from around the world are found throughout the design. The patterns celebrate diversity and the artist's own lived experience in Berkeley. Proposed imagery in the artwork represents Africa, Latin America, China, Japan, the Middle East, America, and the Berkeley Rose Garden (Figure 1).

Figure 1: Artwork proposal by Sorell Raino-Tsui, *South Berkeley Shines 2*, mosaic artwork for Martin Luther King Jr. Youth Services Center/Young Adult Project (MLK/YAP) building in Grove Park at 1730 Oregon Street (2025).



### *Next Steps*

After the artwork commission contract is approved, design and fabrication work on *South Berkeley Shines 2* will commence. Installation at the site is anticipated in 2027, after construction at the MLK/YAP Center is completed. The Measure T1 funded construction project, which includes seismic retrofit work and interior and exterior upgrades to create a more modern and flexible recreation center, began in July 2025.

### BACKGROUND

On October 30, 2024, the Civic Arts Commission approved the *Martin Luther King Jr. Youth Services Center/Young Adult Project Public Art Project Plan*, which called for the commission of an 885 square foot mosaic artwork on the exterior East wall, exterior North wall, and interior North wall of the Martin Luther King Jr. Youth Services Center/Young Adult Project building in Grove Park. The commission's (10/30/24) vote was as follows: M/S/C (Ibarra/Anno) to approve *Martin Luther King Jr. Youth Services Center/Young Adult Project Public Art Project Plan* Vote: Ayes — Anno, Bachrach,

Blecher, Bullwinkel, Covarrubias, Ibarra, Pineda, Woo; Nays — None; Abstain — None; Absent — Crandall.

A *Request for Qualifications* for this public art commission was released on November 25, 2024, and was open through January 31, 2025. A selection panel comprised of arts professionals reviewed the qualifications of the 139 applicants and recommended 26 applications to be presented to the Martin Luther King Jr. Youth Services Center/Young Adult Project selection panel. The selection panel was comprised of three Bay Area arts professionals, a Civic Arts Commissioner, a Parks, Recreation and Waterfront Commissioner, a member of the building's architecture team, and a community representative. This selection panel reviewed the qualifications of the 26 recommended artists and advanced five finalists to develop detailed conceptual site-specific proposals. Once the proposals were received, staff conducted extensive community outreach to collect public input on the proposals. A "Berkeley Considers" survey was hosted on the City's website from July 21 to August 1, 2025, inviting the public to provide input on each proposal. At the close of the survey, 669 responses were collected. On August 6, 2025, the selection panel was reconvened to consider finalists' presentations in an interview format. At the end of three rounds of competitive scoring, the selection panel recommended Sorell Raino-Tsui's proposal *South Berkeley Shines 2* to the Civic Arts Commission's Public Art Subcommittee for approval. On August 11, 2025, the Public Art Subcommittee unanimously recommended Sorell Raino-Tsui's proposal entitled, *South Berkeley Shines 2*, to the full Civic Arts Commission for approval.

On August 13, 2025, the Civic Arts Commission met and unanimously approved Sorell Raino-Tsui's proposal *South Berkeley Shines 2* with the following vote: M/S/C (Blecher/Pineda) to approve the panel's selection of artist Sorell Raino-Tsui and his artwork proposal for the Martin Luther King Jr. Youth Services Center/Young Adult Project building in Grove Park. Vote: Ayes — Bachrach, Blecher, Bullwinkel, Dutta-Choudhury, Montgomery, Pineda, Woo; Nays — None; Abstain — None; Absent — Scott.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

#### RATIONALE FOR RECOMMENDATION

The proposal by Sorell Raino-Tsui was selected based upon the following criteria: creativity, experience, project goals, site specificity, feasibility and maintenance, and project management.

#### ALTERNATIVE ACTIONS CONSIDERED

On August 6, 2025, the selection panel was reconvened to consider five finalists' presentations in an interview format. Staff thoroughly presented the project background, agenda, timetable, scoring criteria, and voting process in advance of and at the start of the meeting. After the five finalist interviews, staff presented a summary of the public

input survey. Selection Panelists then discussed each presentation, citing the strengths and weaknesses of each proposal before individually scoring the five proposals. Three rounds of voting were conducted. For the third and final round of voting, all seven panelists submitted a response directly to staff to tally. At the conclusion, Sorell Raino-Tsui's proposal, *South Berkeley Shines 2*, was selected by five of the seven selection panelists for a final recommendation to the Public Art Subcommittee.

CONTACT PERSON

Mark Salinas, Civic Arts, Office of Economic Development, (510) 981-7538

Attachment:

1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT WITH SORELL RAINO-TSUI TO CREATE PUBLIC ART ON THE EXTERIOR AND INTERIOR WALLS OF THE MLK JR YOUTH SERVICES CENTER/YOUNG ADULT PROJECT CLUBHOUSE (MLK/YAP) BUILDING

WHEREAS, the City of Berkeley's Arts and Culture Plan calls for the enhancement of Berkeley's environment by placing temporary and permanent public art in public spaces throughout the city; and

WHEREAS, the Civic Arts Commission approved the Martin Luther King Jr. Youth Services Center/Young Adult Project Public Art Project Plan, on October 30, 2024, which called for the commissioning of a permanent 885 square foot mosaic artwork upon the exterior East wall, exterior North wall, and interior North wall of the Martin Luther King Jr. Youth Services Center/Young Adult Project Building at 1730 Oregon Street in Grove Park; and

WHEREAS, funding for the artist contract for the mosaic artwork at Grove Park is included in the budget of the Measure T1 bond funds (Fund 511) for Fiscal Year 2026; and

WHEREAS, a Request for Qualifications from professional practicing artists was released on November 25, 2024 and 139 applications were received; and

WHEREAS, a selection panel comprised of three Bay Area arts professionals reviewed the qualifications of the 139 applicants and recommended 26 applications to be presented to the MLK/YAP selection panel comprised of seven people including the three Bay Area arts professionals, a Civic Arts Commissioner, a Parks, Recreation and Waterfront Commissioner, a member of the project's architect team, and a community representative; and

WHEREAS, five finalists were selected by the panel and invited to develop site-specific public art project proposals; and

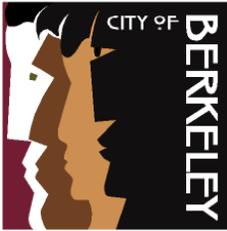
WHEREAS, the selection panel reconvened to evaluate the five proposals and selected the proposal by Sorell Raino-Tsui's entitled *South Berkeley Shines 2* for recommendation to the Civic Arts Commission; and

WHEREAS, the Civic Arts Commission approved Sorell Raino-Tsui for a permanent mosaic artwork at MLK/YAP in Grove Park at its scheduled commission meeting on August 13, 2025.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is authorized to execute a contract and any amendments

thereto with Sorell Raino-Tsui for a permanent mosaic artwork on the exterior East wall, exterior North wall, and interior North wall of the Martin Luther King Jr. Youth Services Center/Young Adult Project Building in Grove Park located at 1730 Oregon Street for an amount not to exceed \$442,000.

A record signature copy of said contract and any amendments are to be on file in the Office of the City Clerk.



Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Contract No. 32000060 Amendment: Toshiba Business Solutions Inc for Citywide Multi-function Devices

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000060 with Toshiba Business Solutions to extend the term through September 15, 2029, and to approve an additional \$2,000,000 for appropriations related for performance of this contract. This brings the total NTE amount of this contract to \$3,750,000 over a ten-year term.

FISCAL IMPACTS OF RECOMMENDATION

Funds are available in individual departmental budgets. This brings the total projected expenditure over ten (10) years to \$3,750,000.

CURRENT SITUATION AND ITS EFFECTS

Toshiba is offering the City new, upgraded equipment with increased energy efficiency at a lower lease rate than what the City is currently paying. Toshiba has also offered a negotiated per sheet rate that is below the standard OMNIA rate.

BACKGROUND

The original Toshiba contract was approved in 2019 with the amount of \$828,170, which was intended to provide funding for three years. In 2023, resolution 71,121-N.S. was passed to increase the budget to \$1,438,170 and in 2024, resolution 71,249-N.S. increased the budget to \$1,750,000.

RATIONALE FOR RECOMMENDATION

The City has over 70 units dispersed throughout nearly all locations. With this contract amendment, Toshiba will provide upgraded, energy efficient machines to nearly every department. Toshiba also offers competitive rates, and the OMNIA agreement is used by many municipalities throughout the country.

ENVIRONMENTAL SUSTAINABILITY

The new machines that will replace our current machines will be more energy efficient and consequently will reduce City use of electricity and its cost.

ALTERNATIVE ACTIONS CONSIDERED

The City considered administering its own RFP, however, if the City were to bid as standalone RFP, the City would not get the benefit from the economy of scale received by piggybacking off the Omnia Agreement.

CONTACT PERSON

Henry Oyekanmi, Director of Finance, Finance Department, 981-7301

Attachments:

1. Resolution

RESOLUTION NO. ##,###-N.S.

AMENDMENT AND EXTENSION OF TOSHIBA CONTRACT #32000060

WHEREAS, City Council approved Resolution 69,074-N.S. on September 10, 2019 approving the contract for copiers with Toshiba by piggybacking on the Region 4 Education Service Center (now part of OMNIA) available contract; and

WHEREAS, City departments require ongoing copying, printing, and scanning services, and have departmental budgets for those; and

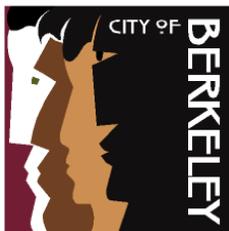
WHEREAS, after an evaluation of available service options it was determined that piggybacking off the competitively negotiated Region 4 OMNIA Contract No. R241204 offered the best overall value to the City; and

WHEREAS, Toshiba continues to attest to compliance with the City's social responsibility requirements; and

WHEREAS, the benefits of continuing with Toshiba outweigh administering a City of Berkeley RFP at this time.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No: 32000060 with Toshiba Business Solutions, to provide managed printer and copier services citywide, increasing the amount by \$2,000,000 for an amended total amount not to exceed \$3,750,000 and extending the term until September 15, 2029.





Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance Department

Subject: Purchase Order: Blaisdell's Business Products for Office Supplies,  
Printing Paper, Small Equipment and Office Furniture

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to increase the Blanket Purchase Order with Blaisdell's Business Products for the purchase of miscellaneous office supplies, printing paper, small equipment and office furniture. The City is currently piggybacking off Omnia Partners Region 4 ESC Contract No. R190301. The contract term will commence on June 1, 2025, through May 31, 2026, with the option of one (1) single-year renewal for a total not to exceed amount of \$1,100,000 over a two-year term, subject to the City's annual budget appropriation.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the Blanket PO will come from each department's operating budget. The City spends an average of \$540,000 annually. Expenditures for office supplies, printing paper, small equipment and office furniture are expected to total \$1,100,000 over (2) years, through May 31, 2027 (with next year's option exercised).

CURRENT SITUATION AND ITS EFFECTS

Blaisdell's continues to offer the City competitive prices, especially by piggybacking off of the Omnia Partners agreement which gives the benefit of economy of scale. Having one company also makes it more efficient to track budgets and purchases citywide.

BACKGROUND

In 2019, the City had the opportunity to piggyback off of Omnia Partners Region 4 ESC Contract No. R190301 to establish a long-term relationship with Blaisdells. Region 4 Education Service Center is part of Omnia Partners, a cooperative purchasing organization that serves more than 60,000 public entities and boasts roughly \$13 billion in purchasing power. On June 1, 2019, Region 4 concluded Contract No. R190301 for office supplies with Epic Business Essentials. Epic Business Essentials is a cooperative

of independent local suppliers of office products and services and Blaisdell's Business Products is one of the cooperative members. By piggybacking off of Region 4 Contract, the City will secure office supplies' most advantageous prices over the next two years and, at the same time, add service value as a result of a long-term partnership with Blaisdell's Business Products.

RATIONALE FOR RECOMMENDATION

General Services staff, after researching the market and analyzing City's current and future requirements for office supplies, selected Blaisdell's Business Products as the best option to fulfill City needs. Furthermore, it was determined that piggybacking off of Omnia Partners Region 4 ESC Contract No. R19030 would be the best sourcing method since it would afford the City cost savings deriving mainly from the economies of scale of a large purchasing consortium.

ENVIRONMENTAL SUSTAINABILITY

Omnia Partners Region 4 ESC awarded Contract No. R190301 through an RFP and the criteria adopted to secure responsiveness and responsibility of proposers included an evaluation of green or sustainability programs and social diversity initiatives. Moreover, Blaisdell's Business Solution displays a particular focus on sustainability which is corroborated by the following certifications: Certified Woman-Owned Business Enterprise, Certified member of the California Green Business Network of Alameda County, BBB Accredited Business. Specifically, to the City of Berkeley, Blaisdell's Business Solution supported the implementation of the City's Environmentally Preferable Purchasing through an established re-use and recycle program.

ALTERNATIVE ACTIONS CONSIDERED

The alternative considered was to conduct a formal bid solicitation. However, after researching the market, assessing departmental needs and considering transaction and eventual transition expenses, it was found that costs and risks of an RFP outweigh the benefits of piggybacking off of Region 4 Contract. A City RFP on its own will not improve pricing because of lack economies of scale

CONTACT PERSON

Henry Oyekanmi, Director of Finance, Finance Department, 981-7301

Attachments:

1. Resolution

RESOLUTION NO. ##,##-N.S.

CITYWIDE BLANKET PURCHASE ORDER WITH BLAISDELL'S BUSINESS SOLUTIONS FOR OFFICE SUPPLIES, PRINTING PAPER, SMALL EQUIPMENT AND OFFICE FURNITURE

WHEREAS, all City departments need office supplies, printing paper, small equipment and office furniture to conduct daily activities; and

WHEREAS, City Council Resolution No. 69,313-N.S. authorized the City Manager to piggyback off of Omnia Partners Region 4 ESC awarded Contract No. R190301 for the issuance of Purchase Orders to Blaisdell's Business Products for the purchase of office supplies, small equipment and office furniture to conduct daily activities; and

WHEREAS, Omnia Partners Region 4 ESC awarded Contract No. R190301 allows the City to secure office supplies, printing paper, small equipment and office furniture at most advantageous prices for the next two years and, at the same time, adds service value as the result of a long-term partnership with Blaisdell's Business Products.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is authorized to increase the Blanket PO with Blaisdell's Business Products for the provision of office supplies, printing paper, small equipment and office furniture. The Blanket PO term will be in effect from June 1, 2025, through May 31, 2026, with the option to renew another year for a total not to exceed amount of \$1,100,000 over a two-year term, subject to the City's annual budget appropriation.





Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Contract No. 32000164 Amendment: CGB Enterprise, LLC (purchased from Synthesis Group, Inc.) dba Minuteman Press Contract for Citywide Copying & Printing Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No: 32000164 with Minuteman Press, to provide copying and printing services to the City, increasing the amount by \$400,000 for an amended total amount not to exceed \$1,375,000 and extending the term until June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

The total contract amount is NTE \$1,375,000. Funds are available in individual departmental budgets. The total estimated budget is \$200,000 per year.

CURRENT SITUATION AND ITS EFFECTS

Citywide Copying & Printing Services is a Strategic Plan Priority Project, advancing our goal to foster a dynamic, sustainable, and locally-based economy.

The original Minuteman contract was approved in the amount of \$575,000, which provided funding for three years. Minuteman's performance has been above satisfactory to the City during the contract period. In May 23, 2023, a second resolution 70,842-N.S. was approved to increase the budget \$400,000 to a NTE total of \$975,000. This is the third, and final extension to increase the budget \$400,000 and extend the term another 2 years. After which, this contract will go back out to bid.

BACKGROUND

The City is satisfied with Minuteman's ability to meet the requirements of all City departments for quality printing, short turn-around times, low costs-per-copy, and ease of use.

Minuteman Press was one of two (2) vendors originally awarded the contract for Citywide printing and copying services in FY 2020 as a result of Request for Proposals 19-11339-C, which received six (6) responses, and was evaluated by committee.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

As noted in the original staff report for the Minuteman contract, Minuteman Press Berkeley is a certified Bay Area Green Business since 2014 and has been collaborating for 25 years with the Printing Industries of Northern California (now Visual Media Alliance) in order to foster the use of recycled paper and to reduce the use of dangerous chemicals. Minuteman Press is also certified as a Disability Rights Business and is located in an EMBUD Water Smart Certified Building under The Bay Area Green Business Program guidelines.

RATIONALE FOR RECOMMENDATION

Minuteman Press is a Berkeley based business. Continuing the City's relationship will further the support of locally-based economy initiatives.

CONTACT PERSON

Henry Oyekanmi, Director, Finance, 510-981-7326

ATTACHMENTS:

1: Resolution Contract Amendment #32000164 Minuteman Press

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32000164 AMENDMENT AND EXTENSION: CGB ENTERPRISE, LLC (PURCHASED FROM SYNTHESIS GROUP, INC.) DBA MINUTEMAN PRESS FOR CITYWIDE COPYING & PRINTING SERVICES

WHEREAS, City Council approved Resolution 70,843-N.S. on May 23, 2023 approving the contract amendment for Citywide Copying and Printing Services with Synthesis Group Inc. dba Minuteman Press Berkeley by award of RFP Specification 19-11339-C as fully responsive to the City's request; and

WHEREAS, CGB Enterprise purchased the Minuteman Press business from Synthesis Group and operates the same dba at the same address; and

WHEREAS, City departments require ongoing copying and printing services, and have departmental budgets for those; and

WHEREAS, Minuteman Press is a Berkeley-based company, and amending and extending the contract continues to support the local economy; and

WHEREAS, the benefits of continuing with Minuteman Press outweigh administering a City of Berkeley RFP at this time.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No: 32000164 with Minuteman Press, to provide copying and printing services to the City, increasing the amount by \$400,000 for an amended total amount not to exceed \$1,375,000 and extending the term until June 30, 2027.





Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Henry Oyekanmi, Director, Finance

Subject: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 16, 2025

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.

FISCAL IMPACTS OF RECOMMENDATION

Total estimated cost of items included in this report is **\$5,476,000**

| <u>PROJECT</u>                    | <u>Fund</u> | <u>Source</u>  | <u>Amount</u>      |
|-----------------------------------|-------------|----------------|--------------------|
| Remediation for Santa Fe Trackbed | 336         | One-time grant | \$1,226,000        |
| Santa Fe Trackbed to conversion   | 336         | One-time grant | \$2,770,085        |
|                                   | 511         | Measure T1     | \$150,000          |
|                                   | 138         | Parks Tax      | \$1,329,915        |
| <b>Total:</b>                     |             |                | <b>\$5,476,000</b> |

CURRENT SITUATION AND ITS EFFECTS

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S. effective June 6, 2008, which increased the City Manager's purchasing authority for services to \$50,000. As a result, this required report submitted by the City Manager to Council is now for those purchases in excess of \$100,000 for goods; and \$200,000 for playgrounds and construction; and \$50,000 for services. If Council does not object to these items being sent out for bid or proposal within one week of them appearing on the agenda, and upon final notice to proceed from the requesting department, the IFB (Invitation for Bid) or RFP (Request for Proposal) may be released to the public and notices sent to the potential bidder/respondent list.

Formal Bid Solicitations and Request for Proposals  
Scheduled for Possible Issuance After Council  
Approval on September 16, 2025

CONSENT CALENDAR  
September 16, 2025

BACKGROUND

On May 6, 2008, Council adopted Ordinance No. 7,035-N.S., amending the City Manager's purchasing authority for services

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The Finance Department reviews all formal bid and proposal solicitations to ensure that they include provisions for compliance with the City's environmental policies. For each contract that is subject to City Council authorization, staff will address environmental sustainability considerations in the associated staff report to City Council.

RATIONALE FOR RECOMMENDATION

Need for the goods and/or services.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

Roopreet Walia-Soorma, Senior Buyer, Finance, 510-981-7311

Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on September 16, 2025
  - a. Remediation for Santa Fe Trackbed
  - b. Santa Fe Trackbed to conversion

Note: Original of this attachment with live signature of authorizing personnel is on file in Finance Department General Services Division.

| SPECIFICATION NO. | DESCRIPTION OF GOODS / SERVICES BEING PURCHASED | APPROX. RELEASE DATE | APPROX. BID OPENING DATE | INTENDED USE                                                                       | ESTIMATED COST     | BUDGET CODE TO BE CHARGED                                                                                                                                                                                                                         | DEPT. / DIVISION      | CONTACT NAME & PHONE                                       |
|-------------------|-------------------------------------------------|----------------------|--------------------------|------------------------------------------------------------------------------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------------|
| 26-11756-C        | Remediation for Santa Fe Trackbed               | 9/17/25              | 10/17/2025               | Soil remediation services for Santa Fe Trackbed to Park Conversion Project parcels | \$ 1,226,000.00    | One-time Grant for \$1,226,000<br>336-52-545-000-0000-000-461-663110<br>PRWPK21012                                                                                                                                                                | PRW/ Capital Projects | Evelyn Chan 510-981-6430<br>Stacey Rutherford 510-981-6738 |
| 26-11757-C        | Santa Fe Trackbed to conversion                 | 9/17/25              | 10/17/2025               | Construction Services for Santa Fe Trackbed to Park Conversion Project             | \$ 4,250,000.00    | One-time grant \$2,770,085<br>336-52-545-000-0000-000-461-663110<br>PRWPK21012<br>Measure T1 - Phase 2 \$150,000<br>511-52-545-000-0000-000-461-663110<br>PRWPK21012<br>Parks Tax \$1,329,915<br>138-52-545-000-0000-000-461-663110<br>PRWPK21012 | PRW/ Capital Projects | Evelyn Chan 510-981-6430<br>Stacey Rutherford 510-981-6739 |
| <b>TOTAL</b>      |                                                 |                      |                          |                                                                                    | <b>\$5,476,000</b> |                                                                                                                                                                                                                                                   |                       |                                                            |





Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: David Sprague, Fire Chief  
 Subject: Contract: Swifthawk Consulting, LLC for Professional Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Swifthawk Consulting, LLC for surge staffing services for the Berkeley Fire Department (Department), in an amount not to exceed \$300,000 per year from October 1, 2025, through September 30, 2028, with an option to extend for two (2) additional one-year terms, not to exceed \$300,000 per year.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract will be provided from the Department's baseline budget, including General Fund, UC Settlement Fund, and Measure FF. Contract spending will not exceed \$300,000 per year.

CURRENT SITUATION AND ITS EFFECTS

The Department experiences staffing shortages due to retirements, extended leave, unfilled positions, and workload increases prompted by new programs, regulations, and grant-funded initiatives. The ability for staff to meet these conditions and deliver the expected service is affected by both operational and administrative capacity.

The City released RFP Specification No. 25-11742-C, *Berkeley Fire Department Surge Staffing*, on June 16, 2025. Addendum B (July 8, 2025) defined the scope: the vendor will identify, recruit, and manage qualified Subject Matter Experts (SMEs) for the following short-term situations:

- Filling interim vacancies to maintain service delivery
- Providing expertise for specialized projects, policy, and compliance
- Supporting peak workload resulting from new programs, legislative, or grant requirements
- Knowledge transfer and succession planning
- Recruitment, onboarding, and program support

11 vendors submitted proposals, which were evaluated by a team of raters, three finalists were invited for interviews, and Swifthawk Consulting, LLC emerged as the best qualified to provide these services.

Services under this new contract will strengthen Fire Department operations, facilitate project delivery, and ensure resilience in core public safety functions.

### BACKGROUND

The Department's workload has increased significantly due to the implementation of new technology, compliance with emerging regulations, expansion of services following emerging community expectations, and the expansion of grant-supported programs. This contract will allow the Department to engage and access specialized talent quickly to prevent operational disruptions.

Typical assignments under this contract are transient in nature and include graphic design, videography, photography, technical consulting for CEQA compliance, project management, GIS, grant program implementation, and administrative coordination.

The scope defined in the RFP also requires the contractor to pre-screen and present top candidates to the Department, coordinate onboarding, and—where applicable—transfer specialized knowledge to permanent staff to build in-house capacity.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the action requested in this report.

### RATIONALE FOR RECOMMENDATION

The City conducted a competitive bid process and received 11 responses. A competitive process confirmed that Swifthawk Consulting, LLC can provide qualified SMEs across the range of functions identified in the RFP, at competitive rates, with the capacity to deliver on short notice.

Given the Department's significant current and upcoming workload, including changes to the fire code, grant opportunities, and technology upgrades, failure to secure surge staffing support would risk delays in critical projects and service delivery.

### ALTERNATIVE ACTIONS CONSIDERED

None.

### CONTACT PERSON

David Sprague, Fire Chief, (510) 981-3473

### ATTACHMENTS

1. Resolution

RESOLUTION NO. ##,###-N.S.

Contract: Swifthawk Consulting, LLC for Professional Services

WHEREAS, the Berkeley Fire Department has experienced staffing shortages from retirements, extended leave, unfilled positions, and elevated workload demands related to policy changes, new programs, and grants; and

WHEREAS, the Department requires the ability to quickly secure qualified Subject Matter Experts and technical specialists to fill interim vacancies, complete specialized projects, handle peak workload, and support knowledge transfer; and

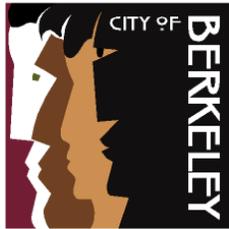
WHEREAS, the City issued RFP Specification No. 25-11742-C, Berkeley Fire Department Surge Staffing, on June 16, 2025; and

WHEREAS, following a competitive selection process, Swifthawk Consulting, LLC was determined to be the most qualified and responsive proposer; and

WHEREAS, funding is available in the Fire Department's baseline budget allocation from the General Fund, UC Settlement Fund, Measure FF, and other eligible funding sources; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute a contract and any amendments with Swifthawk Consulting, LLC for surge staffing services for the Berkeley Fire Department in an amount not to exceed \$300,000 per year from October 1, 2025, through September 30, 2028, with an option to extend for two (2) additional one-year terms, not to exceed \$300,000 per year.





Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: David Sprague, Fire Chief  
Subject: Updated Findings of Facts Associated with Berkeley Fire Code

RECOMMENDATION

Adopt a Resolution revised with updated Findings of Facts associated with the Council's June 17, 2025, adoption of the Fire Code, and rescind Resolution No. 71,710-N.S.

FISCAL IMPACTS OF RECOMMENDATION

There is no fiscal impact of passing this resolution.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Fire Department filed the Berkeley Fire Code, Ordinance No. 7,959-N.S. after it was adopted by City Council on June 17, 2025, with the California Building Standards Commission.

The California Building Standards Commission has requested several minor alterations to the Findings of Fact that is associated with the adoption of the code that occurred on June 17, 2025. These minor administrative alterations do not change the interpretation of the fire code as adopted by Council.

BACKGROUND

The California Building Standards Commission reviews municipally adopted fire codes to ensure they align with the state's comprehensive building standards and maintain uniformity across jurisdictions. While cities and counties in California are permitted to adopt more restrictive local amendments to the California Fire Code, those amendments must be based on specific local climatic, geological, or topographical conditions that create unique fire safety risks. The California Building Standards Commission's review process helps verify that these local codes do not conflict with state laws, exceed legal authority, or create unnecessary inconsistencies that could hinder statewide enforcement and compliance.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

No impact.

RATIONALE FOR RECOMMENDATION

The California Building Standards Commission (CBSC) requires these modifications.

ALTERNATIVE ACTIONS CONSIDERED

None.

CONTACT PERSON

David Sprague, Fire Chief, (510) 981-3473

Attachments:

- 1: Findings as to Local Climatic, Geological and Topographical Conditions (Tracked Changes)
- 2: Findings as to Local Climatic, Geological and Topographical Conditions (Final Document with Accepted Changes)

RESOLUTION NO. ##,#### - N.S.

ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA FIRE CODE AND ~~RESCINDING~~ AMENDING RESOLUTION NO. ~~71,71070,611~~—N.S.

~~BE IT RESOLVED by the Council of the City of Berkeley as follows:~~

WHEREAS, the City is proposing to adopt various enumerated changes and modifications to the California Fire Code, as set forth below; and

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Fire Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17925, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of “local climatic, geological or topographical conditions or factors”;<sup>2</sup> and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission;<sup>3</sup>

NOW THEREFORE, BE IT RESOLVED by the City Council that it finds that each of the various proposed changes or modifications to the California Fire Code which are enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

**1. LOCAL CONDITIONS**

a. Climatic Conditions

i. Discussion

The City of Berkeley is located at the geographic center of the Bay Area. The western limits are defined by the Bay at near sea level and the eastern limits by the abruptly rising Berkeley Hills to 1,200 feet. The eastern limit faces open parklands and open space (covered with vegetative fuel loading) to the east and is exposed to a unique danger from wildland fires during periods of hot, dry weather in the summer months. Many of the Berkeley homes in this area have wood shake and shingle roofs and are surrounded by brush type vegetation. The situation is made even worse by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions occur where the temperature is greater than 80°F, wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to

the east-southeast and the ignition component is 65 or greater. These conditions occur more frequently during the fire season but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high intensity fires. Fires starting in the wildland areas along the easterly border are likely to move rapidly westward into Berkeley's urban areas.

- In September 1923, critical climatic fire conditions were in effect and Berkeley sustained one of the most devastating fires in California's history. A fire swept over the range of the hills to the northeast of Berkeley and within two hours was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 Berkeley buildings were wholly destroyed and about 30 others seriously damaged. By far the greater portion were single-family dwellings, but among the number were 63 apartments, 13 fraternity, sorority and students' house clubs and 6 hotels and boarding houses.
- In September 1970, during critical climatic fire conditions characterized by hot, dry winds out of the northeast, a fire started along Fish Ranch Road and Grizzly Peak. This fire rapidly spread into the surrounding neighborhoods of Oakland and Berkeley, burning 400 acres and destroying 37 homes. An additional 18 homes were badly damaged before the fire was brought under control.
- In December of 1980, during critical climatic fire conditions, a small fire started at Berkeley's northeast limits and within minutes five homes were totally destroyed by fire.
- On October 20, 1991, a disastrous firestorm swept down from the Oakland hills. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed, of which more than 70 were in Berkeley. This fire matched the pattern established by the fires of 1923 and 1980. Additionally, the conditions that led to it were the same as the conditions that led to a 1970 fire that destroyed 37 homes in Berkeley and Oakland.

#### ii. Summary.

Local climatic conditions of limited rainfall, low humidity, high temperatures and high winds along with existing building construction create extremely hazardous fire conditions that adversely affect the acceleration intensity and size of fires in the City. The same climatic conditions may result in the concurrent occurrence of one or more fires, which may spread in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation.

#### b. Geological Conditions.

##### i. Discussion.

The City of Berkeley is in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Berkeley is the Hayward

Fault, which has been estimated to be capable of earthquakes exceeding a magnitude of 7.0 on the Richter scale. It extends through many residential areas and passes through a small business district and the University of California. A large number of underground utilities cross the fault, including major water supply lines. Intensified damage during an earthquake may be expected in those areas of poorer ground along the Bay, west of Interstate 80 and in known slide areas, as well as hillside areas (occupied mainly by dwellings) located within or near the fault zone; some areas are steep and have been subjected to slides.

The waterfront areas and areas in the Berkeley flatlands immediately adjacent to creeks and water streams present a major potential for soil liquefaction hazard. The Eastshore Freeway may liquefy and fail under heavy shaking or it may be inundated by a tsunami. The north hill area is most susceptible to landslides because of the presence of soft and unconsolidated sediments, extensive water content in the ground and the steepness of slopes.

Great potential damage can be related to the likely collapse of freeway overpasses. In the event of a major earthquake, Berkeley's firefighting capability could be greatly affected by loss of its main water supply. There is also the strong possibility of inundation due to failure of water reservoirs in the hill area. The replacement of Summit Reservoir at the Kensington border in Berkeley was completed in December 2018. Berryman Reservoir North has been demolished and replaced by a steel tank in 2012. Berryman Reservoir South has received a seismic upgrade. Additional potential situations following an earthquake include broken natural gas mains and ensuing fires in the streets; building fires, as the result of broken service connections; trapped occupants in collapsed structures; and rendering of first aid and other medical attention to a large number of people.

#### ii. Summary.

Local geological conditions include high seismic activity and large concentrations of residential type buildings as well as a major freeway. Since the City of Berkeley is located in a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, the modifications cited herein are intended to better limit life safety hazards and property damage as a result of a seismic activity.

#### c. Topographical Conditions.

##### i. Discussion.

The City of Berkeley has many homes built throughout the urban portion of the Berkeley Hills that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. In addition, many of the hillside homes are on the extreme eastern edge of the City and require longer response times for the total required firefighting force. Panoramic Way and other hill areas with narrow and winding streets may face the problem of isolation from the rest of the City.

In the areas north and south of the University of California, there are large concentrations of apartments, rooming houses, and fraternity and sorority houses. A number of apartments in these areas are of wood frame construction and are up to five stories in

height from grade level. The fire potential is moderately high due to building congestion, heights, and wood shingle roof coverings and siding. Fires can be expected to involve large groups of buildings in these areas. It is noted that Berkeley most probably has more physically impaired people per capita than any other community in the United States. It is estimated that 14% of the approximate population of 112,580 per 2010 Census in Berkeley are physically impaired. Emergency egress and rescue for these people are more difficult during a fire or other life safety emergency.

The Eastshore Highway, running along the western edge of Berkeley, is one of the most heavily used and congested freeway sections in the state. Noted impacts have been increased rates of asthma, particularly among children. The proximity of Berkeley to this freeway and its location downwind from prevailing patterns negatively affects air quality, thus increasing the impact of wood smoke in Berkeley.

d. Summary.

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blockage in the abruptly rising Berkeley hills. These conditions create an extremely serious problem for the Fire Department when a major fire or earthquake occurs. Many situations will result in limiting or total blockage of fire department emergency vehicular traffic, overtaxed fire department personnel and a total lack of resources for the suppression of fire in buildings and structures in the City of Berkeley. In addition, under these local conditions, the presence of wood smoke can cause increased disease, including asthma, and increased deaths from heart and lung disease.

**2. REASONABLE NECESSITY**

The proposed changes and modifications to the California Fire Code are reasonably necessary due to the local climatic, geological and topographical conditions set forth above. They are further justified for the reasons set forth below.

In adopting the California Fire Code as the Berkeley Fire Code, the City proposes to make certain substantive modifications whose effect is to impose more stringent requirements locally than are mandated by the California Fire Code. These are specifically listed below, but may be generally characterized as relating to: the preservation of building and roof accessibility and emergency egress; maintenance of building compartmentation using fusible links; amendment of automatic sprinkler requirements; amendment of fire alarm system requirements; amendment of fire flow requirements; requirements for high-rise air supply and the regulation of hazards including hazardous materials, Wildland-Urban Interface management, temporary assembly attractions, fireworks and explosives. These more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

1. Section 105.6.26 (Window bars, operational constraints and opening control devices) is a local amendment which regulates window bars or other opening control devices that impose operational constraints on emergency escape and rescue openings. This amendment does not impose more stringent requirements on the devices or equipment than is set forth in Section 1031.2.1 of this code, but it does impose the requirement that a fire department permit be obtained prior to the installation of such

equipment. Section 1031.2.1 of this code contains detailed requirements for the installation conditions of this equipment yet the California Fire Code provides no mechanism to verify that the code requirements are being met. This provision is adopted due to Berkeley's increased local geological risk of earthquakes and the likelihood that exterior escape and rescue openings may be needed by occupants to evacuate buildings.

2. Section 503 (Fire apparatus access roads) and Appendix D (Fire apparatus access roads) are adopted in their entirety as local code amendments. They are adopted due to: local geological conditions of severe earthquake potential which may result in landslides and the collapse of "built-environment" features which may block access roads; local topographical conditions including narrow streets and steep hills which slow and hinder emergency response and evacuation; and local climatic conditions including the need for rapid, unhindered citizen evacuation from and emergency responder access into wildfire prone areas of the City.
3. Section 504.1.1 (Marking of Exterior Building Openings) is added due to local topographical conditions which promote multi-story and on-slope construction to maximize buildable space within the City. The limited space available for development encourages developers and designers to crowd exterior openings into limited available space, often resulting in groups of building openings without any obvious cues for firefighters as to the area(s) served within the building or the purpose of the openings. This amendment is intended to inform firefighters as to the area served and/or purpose of an exterior opening and therefore reduce the amount of time firefighters may spend searching for or forcing entry into otherwise unmarked doorways.
4. Section 705.2.5 (Smoke- and heat-activated doors) is amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. This amendment will maintain the fire and smoke separation requirements and prevent spread of smoke and fire in apartments, boarding houses, and congregate living spaces.
5. Sections 903.2.10.1, 903.2.11.1, 903.2.11.2, 903.2.22, 903.2.23, 903.3.1.2, 903.3.9 and 1103.5, 1103.5.6, 1103.5.6.1, 1103.5.6.2, 1103.5.6.3 (Fire Sprinkler Systems) are amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire sprinkler systems significantly reduce the loss of life and fire spread with early suppression and control of a fire. Additionally, these amendments will maintain the standards established in 1992 after the 1990 fraternity fire and 1991 Berkeley Oakland firestorm.
6. Amendments and additions to Sections 907.2, 907.2.1, 907.2.2, 907.2.4, 907.2.7, 907.2.8.1, 907.2.8.2, 907.2.9.1 and 1103.7, 1103.7.5.1, 1103.7.6, and 1103.7.10 (Fire Alarm Systems) are amended due to the increased risks caused by fires

resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire alarm systems significantly reduce the loss of life and fire spread with early detection and notification of firefighting personnel. Additionally, these amendments will maintain the standards adopted in 1998 as part of the Berkeley Fire Code.

7. Section 914.3.9 ["Fire Fighter Air Replenishment Systems"], Appendix Chapter L ["Requirements for Fire Fighter Air Replenishment Systems" in its entirety as amended), Section L104.5.1 ["Stored pressure air supply" as amended], Section 105.5.57 [operational permit to maintain a "firefighter air replenishment system (FARS)"] and Section 105.6.25 [construction permit to install or modify "Firefighter air replenishment system(FARS)"] are added due to the local geological condition of severe risk of earthquake and ensuing fires. Fire Fighter Air Replenishment Systems are intended to maximize the operational efficiency of available firefighting forces, and to reduce the impacts of high-rise fire incidents on limited firefighting forces that may already be challenged by the aftermath of a major seismic event. Additionally, these amendments will maintain the standards adopted in 2002 as part of the Berkeley Fire Code to require air supply systems for firefighting operations. The proposed code adoption recognizes Appendix Chapter L of the International Fire Code as the standard for the design, installation, testing and maintenance of such a system. It provides potential owners, designers and installers with a standard that they may refer to in order to better understand a type of system that many may not be familiar with.
8. Section ~~49124914~~.12 (Incinerators and Fireplaces), is created which mandates that certain potential ignition sources within Wildland-Urban Interface (WUI) fire areas such as incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall not be constructed without prior approval of the fire code official. Also, continued use of such constructed equipment (termed 'maintained' in the fire code ordinance) is prohibited unless the equipment is maintained in good repair and safe condition at all times. This section and Section 4912.5 (Spark Arresters) also ~~require~~requires that such equipment be provided with appropriate spark arrestors, similar to the requirements in the Berkeley Building Code for fixed mechanical equipment associated with structures and regulated under the Berkeley Building Code. This added section requires fire department approval, spark arresters and maintenance of this equipment due to steep topography and Mediterranean climatic conditions. These conditions result in a large wildland-interface fire area which has a history of large, catastrophic fires.
9. Section 5704.2.11.1.1 (Restrictions on underground storage tanks), Section 5704.2.13.1.4 (Tanks abandoned in place), Section 5704.2.14 (Removal and disposal of tanks) and section 6104.1.12 (Restrictions on storage of LP-gas containers) of the Berkeley Fire Code are local amendments to the California Fire Code. These subsections are necessitated by local topographical conditions including the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major

transportation system underground (BART with its surge chambers and other openings at the street level in various areas of the city). These factors make it very important for purposes of fire safety to regulate hazardous material storage to ensure that it does not intrude in these areas.

10. Section B105.2 (Appendix B, "Fire Flow Requirements for Buildings", Table B105.2, "Required Fire-Flow For Buildings Other Than One- And Two-Family Dwellings, Group R-3 And R-4 Buildings And Townhouses") is amended due to the geological conditions of the City with its proximity to major earthquake faults. Predictions by the local water utility company are that many water mains will break as the result of a magnitude 6.7 earthquake on the Hayward Fault.
11. Appendix O (Temporary haunted houses, ghost walks and similar amusement uses) is adopted as a local amendment to the California Fire Code and is adopted based on local geological conditions (the potential for severe earthquake with accompanying fire and/or structural collapse) and local topographical conditions including the need to ensure adequate separation of structures and uses in densely developed urban areas. Fire alarm systems (as required in this appendix) are shown to significantly reduce the life safety threat to occupants of structures during fire events. Regulation of these structures and activities ensures that adequate safety provisions have been made for limiting occupancy to safe numbers of guests and for the evacuation of attraction guests in crowded urban environments. Adoption of this appendix also allows for the regulation of related features such as the combustibility of decorations and the management of hazards such as temporary electrical wiring and the use of portable generators.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that certain local amendments to the codes are not building standards more stringent than the provisions of the California Fire Code but rather cover matters not addressed by those codes as building standards, or are administrative in nature, as follows:

1. Chapter 1 (as amended in Sections 101.1, 102.6, 104.13, 104.14, 105.5.18, 105.5.55, 105.5.56, 105.5.58, 105.5.59, 107.2, 107.4, 111, 111.1, 111.1.1, 111.3, 112.1, 112.4, 114.7, and 114.7.1 provides administrative provisions, an appeal process, and additional clarification and non-building standard permit requirements required to implement the fire code.
2. Chapter 2 as amended in section 202 (Definitions) provides additional definitions required to clarify and implement the local adoption of the fire code.
3. Chapter 3 (General Requirements) is adopted in its entirety. The adopted sections of this chapter impose controls on a wide range of hazards that are not building standards. Hazards addressed include asphalt kettles, combustible waste materials, control of ignition sources, open burning/recreational fires, open flames, powered industrial equipment, smoking, securing of vacant premises, vehicle impact protection, fueled equipment, general storage and hazards to firefighters.
4. Chapter 49 as amended, including Sections 4902.1, ~~Table 4902.1~~, 4903.3, ~~4904.4~~, 4905.2, 4906.5, 4906.5.1, 4906.5.2, 4906.5.2.1, 4906.5.2.2, Table 4906.5.2.2, 4906.5.2.3, Table 4906.5.2.3, 4906.5.3, 4906.5.4, 4906.5.5, 4906.6, 4906.7, 4907.4,

4907.6 provides definitions related to local Wildland-Urban Interface (WUI) fire areas, directs interested parties to appropriate BMC Chapter 19.28 sections (Berkeley Building Code) for building construction requirements in WUI areas, and imposes various non-building standard requirements for the management of vegetation. Administrative Amendments Section 4907.3 and 4907.6 and Ordinance Added Sections 4907.4, 4912, 49124911, 4911.1, 49124911.2, 49124911.3, 4911.3, 4912.3.1, 49124911.3.2, 49124911.3.3.3, 4912, 4911.4, 49124911.5, 4911.6, 49124911.7, 49124911.8, 49124911.9, 49124911.10, 49124911.11, 49124911.13, 49124911.14, 49124911.15, 49124911.16, 49124911.17, and 49124911.18 impose various non-building standard requirements for the preventionsuppression and control of fires in WUI areas.

5. Section 5001.7 (Hazardous Materials Transport Restrictions) is a local amendment to the California Fire Code that restricts the transportation, storage and transfer of hazardous materials but does not create or modify any building standards. It simply imposes additional requirements necessitated by local conditions. This new subsection is necessitated by the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major transportation system underground (BART with its surge chambers and other openings at the street level in various areas of the city). These factors make it very important for purposes of fire safety to regulate hazardous material transportation to ensure that it does not intrude in these areas.
6. Section 5601.1.3 (Fireworks) prohibits (with suitable exceptions) the possession, manufacture, storage, sale, handling and use of fireworks within the jurisdiction (including fireworks classified by the State Fire Marshal as Safe and Sane fireworks). Section 5604.1 (“General” section of 5604, “Explosive and Fireworks”) is modified to prohibit the storage and handling of explosives within the jurisdiction. Both sections are intended to preserve the ban on storage, handling and use of these materials within City limits which have historically been deemed unsafe and inappropriate activities within the jurisdiction.
7. Section 5701.4.1 (Transfer of flammable and combustible liquids) prohibits dispensing of flammable liquids on or from a street or public way and provides administrative provisions, additional clarification and non-building standard approval or permit requirements required to implement the fire code.
8. Appendix E (Hazard Categories) and Appendix F (Hazard Ranking) are local amendments to the California Fire Code related to hazardous materials management. These chapters define the hazard categories and rankings associated with the storage, handling and use of hazardous materials, and provide the qualitative and quantitative rankings used on hazardous materials information signs posted for the benefit of firefighters and other first responders. These hazard categories and rankings are administrative in nature and do not constitute building standards.

BE IT FURTHER RESOLVED, that Resolution No. 71,71069,170–N.S is hereby rescinded.

RESOLUTION NO. ##,#### - N.S.

ADOPTING FINDINGS AS TO LOCAL CLIMATIC, GEOLOGICAL AND TOPOGRAPHICAL CONDITIONS RENDERING REASONABLY NECESSARY VARIOUS ENUMERATED LOCAL FIRE STANDARDS THAT ARE MORE STRINGENT THAN THOSE MANDATED BY THE CALIFORNIA FIRE CODE AND RESCINDING RESOLUTION NO. 71,710–N.S.

WHEREAS, the City is proposing to adopt various enumerated changes and modifications to the California Fire Code, as set forth below; and

WHEREAS, Health & Safety Code §17958 allows the City to make modifications or changes to the California Fire Code and other regulations adopted pursuant to Health & Safety Code §17921(a) which result in more stringent local requirements; and

WHEREAS, Health & Safety Code §17925, §17958.5 and §17958.7 require that such changes be supported by findings made by the governing body that such more stringent local requirements are necessary because of “local climatic, geological or topographical conditions or factors”; and

WHEREAS, such findings must be made available as a public record and a copy thereof with each such modification or change shall be filed with the California Building Standards Commission.

NOW THEREFORE, BE IT RESOLVED by the City Council that it finds that each of the various proposed changes or modifications to the California Fire Code which are enumerated below are reasonably necessary because of local conditions in the area encompassed by the City of Berkeley, as set forth below:

**1. LOCAL CONDITIONS**

a. Climatic Conditions

i. Discussion

The City of Berkeley is located at the geographic center of the Bay Area. The western limits are defined by the Bay at near sea level and the eastern limits by the abruptly rising Berkeley Hills to 1,200 feet. The eastern limit faces open parklands and open space (covered with vegetative fuel loading) to the east and is exposed to a unique danger from wildland fires during periods of hot, dry weather in the summer months. Many of the Berkeley homes in this area have wood shake and shingle roofs and are surrounded by brush type vegetation. The situation is made even worse by the negative effects of high wind conditions during the fire season. During May to October, critical climatic fire conditions occur where the temperature is greater than 80°F, wind speed is greater than 15 mph, fuel moisture is less than or equal to 10 percent, wind direction is from north to the east-southeast and the ignition component is 65 or greater. These conditions occur

more frequently during the fire season but this does not preclude the possibility that a serious fire could occur during other months of the year. The critical climate fire conditions create a situation conducive to rapidly moving, high intensity fires. Fires starting in the wildland areas along the easterly border are likely to move rapidly westward into Berkeley's urban areas.

- In September 1923, critical climatic fire conditions were in effect and Berkeley sustained one of the most devastating fires in California's history. A fire swept over the range of the hills to the northeast of Berkeley and within two hours was attacking houses within the City limits. A total of 130 acres of built-up territory burned. 584 Berkeley buildings were wholly destroyed and about 30 others seriously damaged. By far the greater portion were single-family dwellings, but among the number were 63 apartments, 13 fraternity, sorority and students' house clubs and 6 hotels and boarding houses.
- In September 1970, during critical climatic fire conditions characterized by hot, dry winds out of the northeast, a fire started along Fish Ranch Road and Grizzly Peak. This fire rapidly spread into the surrounding neighborhoods of Oakland and Berkeley, burning 400 acres and destroying 37 homes. An additional 18 homes were badly damaged before the fire was brought under control.
- In December of 1980, during critical climatic fire conditions, a small fire started at Berkeley's northeast limits and within minutes five homes were totally destroyed by fire.
- On October 20, 1991, a disastrous firestorm swept down from the Oakland hills. Within the first few hours, thousands of people were evacuated. Ultimately over 3,000 dwelling units were destroyed, of which more than 70 were in Berkeley. This fire matched the pattern established by the fires of 1923 and 1980. Additionally, the conditions that led to it were the same as the conditions that led to a 1970 fire that destroyed 37 homes in Berkeley and Oakland.

#### ii. Summary.

Local climatic conditions of limited rainfall, low humidity, high temperatures and high winds along with existing building construction create extremely hazardous fire conditions that adversely affect the acceleration intensity and size of fires in the City. The same climatic conditions may result in the concurrent occurrence of one or more fires, which may spread in the more populated areas of the City without adequate fire department personnel to protect against and control such a situation.

#### b. Geological Conditions.

##### i. Discussion.

The City of Berkeley is in a region of high seismic activity and is traversed by the Hayward fault. It has the San Andreas earthquake fault to the west and the Calaveras earthquake fault to the east. All three faults are known to be active as evidenced by the damaging earthquakes they have produced in the last 100 years and can, therefore, be expected to do the same in the future. Of primary concern to Berkeley is the Hayward Fault, which has been estimated to be capable of earthquakes exceeding a magnitude

of 7.0 on the Richter scale. It extends through many residential areas and passes through a small business district and the University of California. A large number of underground utilities cross the fault, including major water supply lines. Intensified damage during an earthquake may be expected in those areas of poorer ground along the Bay, west of Interstate 80 and in known slide areas, as well as hillside areas (occupied mainly by dwellings) located within or near the fault zone; some areas are steep and have been subjected to slides.

The waterfront areas and areas in the Berkeley flatlands immediately adjacent to creeks and water streams present a major potential for soil liquefaction hazard. The Eastshore Freeway may liquefy and fail under heavy shaking or it may be inundated by a tsunami. The north hill area is most susceptible to landslides because of the presence of soft and unconsolidated sediments, extensive water content in the ground and the steepness of slopes.

Great potential damage can be related to the likely collapse of freeway overpasses. In the event of a major earthquake, Berkeley's firefighting capability could be greatly affected by loss of its main water supply. There is also the strong possibility of inundation due to failure of water reservoirs in the hill area. The replacement of Summit Reservoir at the Kensington border in Berkeley was completed in December 2018. Berryman Reservoir North has been demolished and replaced by a steel tank in 2012. Berryman Reservoir South has received a seismic upgrade. Additional potential situations following an earthquake include broken natural gas mains and ensuing fires in the streets; building fires, as the result of broken service connections; trapped occupants in collapsed structures; and rendering of first aid and other medical attention to a large number of people.

#### ii. Summary.

Local geological conditions include high seismic activity and large concentrations of residential type buildings as well as a major freeway. Since the City of Berkeley is located in a densely populated area having buildings and structures constructed over and near a vast array of fault systems capable of producing major earthquakes, the modifications cited herein are intended to better limit life safety hazards and property damage as a result of a seismic activity.

#### c. Topographical Conditions.

##### i. Discussion.

The City of Berkeley has many homes built throughout the urban portion of the Berkeley Hills that are reached by narrow and often winding paved streets which hamper access for fire apparatus and escape routes for residents. In addition, many of the hillside homes are on the extreme eastern edge of the City and require longer response times for the total required firefighting force. Panoramic Way and other hill areas with narrow and winding streets may face the problem of isolation from the rest of the City.

In the areas north and south of the University of California, there are large concentrations of apartments, rooming houses, and fraternity and sorority houses. A number of apartments in these areas are of wood frame construction and are up to five stories in height from grade level. The fire potential is moderately high due to building congestion,

heights, and wood shingle roof coverings and siding. Fires can be expected to involve large groups of buildings in these areas. It is noted that Berkeley most probably has more physically impaired people per capita than any other community in the United States. It is estimated that 14% of the approximate population of 112,580 per 2010 Census in Berkeley are physically impaired. Emergency egress and rescue for these people are more difficult during a fire or other life safety emergency.

The Eastshore Highway, running along the western edge of Berkeley, is one of the most heavily used and congested freeway sections in the state. Noted impacts have been increased rates of asthma, particularly among children. The proximity of Berkeley to this freeway and its location downwind from prevailing patterns negatively affects air quality, thus increasing the impact of wood smoke in Berkeley.

d. Summary.

Local topographical conditions include hillside housing with many narrow and winding streets with slide potential for blockage in the abruptly rising Berkeley hills. These conditions create an extremely serious problem for the Fire Department when a major fire or earthquake occurs. Many situations will result in limiting or total blockage of fire department emergency vehicular traffic, overtaxed fire department personnel and a total lack of resources for the suppression of fire in buildings and structures in the City of Berkeley. In addition, under these local conditions, the presence of wood smoke can cause increased disease, including asthma, and increased deaths from heart and lung disease.

**2. REASONABLE NECESSITY**

The proposed changes and modifications to the California Fire Code are reasonably necessary due to the local climatic, geological and topographical conditions set forth above. They are further justified for the reasons set forth below.

In adopting the California Fire Code as the Berkeley Fire Code, the City proposes to make certain substantive modifications whose effect is to impose more stringent requirements locally than are mandated by the California Fire Code. These are specifically listed below, but may be generally characterized as relating to: the preservation of building and roof accessibility and emergency egress; maintenance of building compartmentation using fusible links; amendment of automatic sprinkler requirements; amendment of fire alarm system requirements; amendment of fire flow requirements; requirements for high-rise air supply and the regulation of hazards including hazardous materials, Wildland-Urban Interface management, temporary assembly attractions, fireworks and explosives. These more stringent local requirements are reasonably necessary to address risks created by local conditions set forth above for the following reasons:

1. Section 105.6.26 (Window bars, operational constraints and opening control devices) is a local amendment which regulates window bars or other opening control devices that impose operational constraints on emergency escape and rescue openings. This amendment does not impose more stringent requirements on the devices or equipment than is set forth in Section 1031.2.1 of this code, but it does impose the requirement that a fire department permit be obtained prior to the installation of such equipment. Section 1031.2.1 of this code contains detailed requirements for the

installation conditions of this equipment yet the California Fire Code provides no mechanism to verify that the code requirements are being met. This provision is adopted due to Berkeley's increased local geological risk of earthquakes and the likelihood that exterior escape and rescue openings may be needed by occupants to evacuate buildings.

2. Section 503 (Fire apparatus access roads) and Appendix D (Fire apparatus access roads) are adopted in their entirety as local code amendments. They are adopted due to: local geological conditions of severe earthquake potential which may result in landslides and the collapse of "built-environment" features which may block access roads; local topographical conditions including narrow streets and steep hills which slow and hinder emergency response and evacuation; and local climatic conditions including the need for rapid, unhindered citizen evacuation from and emergency responder access into wildfire prone areas of the City.
3. Section 504.1.1 (Marking of Exterior Building Openings) is added due to local topographical conditions which promote multi-story and on-slope construction to maximize buildable space within the City. The limited space available for development encourages developers and designers to crowd exterior openings into limited available space, often resulting in groups of building openings without any obvious cues for firefighters as to the area(s) served within the building or the purpose of the openings. This amendment is intended to inform firefighters as to the area served and/or purpose of an exterior opening and therefore reduce the amount of time firefighters may spend searching for or forcing entry into otherwise unmarked doorways.
4. Section 705.2.5 (Smoke- and heat-activated doors) is amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. This amendment will maintain the fire and smoke separation requirements and prevent spread of smoke and fire in apartments, boarding houses, and congregate living spaces.
5. Sections 903.2.10.1, 903.2.11.1, 903.2.11.2, 903.2.22, 903.2.23, 903.3.1.2, 903.3.9 and 1103.5, 1103.5.6, 1103.5.6.1, 1103.5.6.2, 1103.5.6.3 (Fire Sprinkler Systems) are amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire sprinkler systems significantly reduce the loss of life and fire spread with early suppression and control of a fire. Additionally, these amendments will maintain the standards established in 1992 after the 1990 fraternity fire and 1991 Berkeley Oakland firestorm.
6. Amendments and additions to Sections 907.2, 907.2.1, 907.2.2, 907.2.4, 907.2.7, 907.2.8.1, 907.2.8.2, 907.2.9.1 and 1103.7, 1103.7.5.1, 1103.7.6, and 1103.7.10 (Fire Alarm Systems) are amended due to the increased risks caused by fires resulting from earthquakes and proximity to the wildland-interface. These risks, which

are particularly severe in Berkeley due to its high population density, are shown by its past history of above average death and property loss due to fire in these types of occupancies. Automatic fire alarm systems significantly reduce the loss of life and fire spread with early detection and notification of firefighting personnel. Additionally, these amendments will maintain the standards adopted in 1998 as part of the Berkeley Fire Code.

7. Section 914.3.9 ["Fire Fighter Air Replenishment Systems"], Appendix Chapter L ["Requirements for Fire Fighter Air Replenishment Systems" in its entirety as amended), Section L104.5.1 ["Stored pressure air supply" as amended], Section 105.5.57 [operational permit to maintain a "firefighter air replenishment system (FARS)"] and Section 105.6.25 [construction permit to install or modify "Firefighter air replenishment system(FARS)"] are added due to the local geological condition of severe risk of earthquake and ensuing fires. Fire Fighter Air Replenishment Systems are intended to maximize the operational efficiency of available firefighting forces, and to reduce the impacts of high-rise fire incidents on limited firefighting forces that may already be challenged by the aftermath of a major seismic event. Additionally, these amendments will maintain the standards adopted in 2002 as part of the Berkeley Fire Code to require air supply systems for firefighting operations. The proposed code adoption recognizes Appendix Chapter L of the International Fire Code as the standard for the design, installation, testing and maintenance of such a system. It provides potential owners, designers and installers with a standard that they may refer to in order to better understand a type of system that many may not be familiar with.
8. Section 4912.12 (Incinerators and Fireplaces), is created which mandates that certain potential ignition sources within Wildland-Urban Interface (WUI) fire areas such as incinerators, outdoor fireplaces, fire pits, permanent barbecues and grills shall not be constructed without prior approval of the fire code official. Also, continued use of such constructed equipment (termed 'maintained' in the fire code ordinance) is prohibited unless the equipment is maintained in good repair and safe condition at all times. This section and Section 4912.5 (Spark Arresters) also require that such equipment be provided with appropriate spark arrestors, similar to the requirements in the Berkeley Building Code for fixed mechanical equipment associated with structures and regulated under the Berkeley Building Code. This added section requires fire department approval, spark arresters and maintenance of this equipment due to steep topography and Mediterranean climatic conditions. These conditions result in a large wildland-interface fire area which has a history of large, catastrophic fires.
9. Section 5704.2.11.1.1 (Restrictions on underground storage tanks), Section 5704.2.13.1.4 (Tanks abandoned in place), Section 5704.2.14 (Removal and disposal of tanks) and section 6104.1.1 (Restrictions on storage of LP-gas containers) of the Berkeley Fire Code are local amendments to the California Fire Code. These subsections are necessitated by local topographical conditions including the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major transportation system underground (BART with its surge chambers and other

openings at the street level in various areas of the city). These factors make it very important for purposes of fire safety to regulate hazardous material storage to ensure that it does not intrude in these areas.

10. Section B105.2 (Appendix B, “Fire Flow Requirements for Buildings”, Table B105.2, “Required Fire-Flow For Buildings Other Than One- And Two-Family Dwellings, Group R-3 And R-4 Buildings And Townhouses”) is amended due to the geological conditions of the City with its proximity to major earthquake faults. Predictions by the local water utility company are that many water mains will break as the result of a magnitude 6.7 earthquake on the Hayward Fault.
11. Appendix O (Temporary haunted houses, ghost walks and similar amusement uses) is adopted as a local amendment to the California Fire Code and is adopted based on local geological conditions (the potential for severe earthquake with accompanying fire and/or structural collapse) and local topographical conditions including the need to ensure adequate separation of structures and uses in densely developed urban areas. Fire alarm systems (as required in this appendix) are shown to significantly reduce the life safety threat to occupants of structures during fire events. Regulation of these structures and activities ensures that adequate safety provisions have been made for limiting occupancy to safe numbers of guests and for the evacuation of attraction guests in crowded urban environments. Adoption of this appendix also allows for the regulation of related features such as the combustibility of decorations and the management of hazards such as temporary electrical wiring and the use of portable generators.

BE IT FURTHER RESOLVED by the Council of the City of Berkeley that certain local amendments to the codes are not building standards more stringent than the provisions of the California Fire Code but rather cover matters not addressed by those codes as building standards, or are administrative in nature, as follows:

1. Chapter 1 (as amended in Sections 101.1, 102.6, 104.13, 104.14, 105.5.18, 105.5.55, 105.5.56, 105.5.58, 105.5.59, 107.2, 107.4, 111, 111.1, 111.1.1, 111.3, 112.1, 112.4, 114.7, and 114.7.1 provides administrative provisions, an appeal process, and additional clarification and non-building standard permit requirements required to implement the fire code.
2. Chapter 2 as amended in section 202 (Definitions) provides additional definitions required to clarify and implement the local adoption of the fire code.
3. Chapter 3 (General Requirements) is adopted in its entirety. The adopted sections of this chapter impose controls on a wide range of hazards that are not building standards. Hazards addressed include asphalt kettles, combustible waste materials, control of ignition sources, open burning/recreational fires, open flames, powered industrial equipment, smoking, securing of vacant premises, vehicle impact protection, fueled equipment, general storage and hazards to firefighters.
4. Chapter 49 as amended, including Sections 4902.1, 4903.3, 4905.2, 4906.5, 4906.5.1, 4906.5.2, 4906.5.2.1, 4906.5.2.2, Table 4906.5.2.2, 4906.5.2.3, Table 4906.5.2.3, 4906.5.3, 4906.5.4, 4906.5.5, 4906.6, 4906.7, 4907.4, 4907.6 provides definitions related to local Wildland-Urban Interface (WUI) fire areas, directs

interested parties to appropriate BMC Chapter 19.28 sections (Berkeley Building Code) for building construction requirements in WUI areas, and imposes various non-building standard requirements for the management of vegetation. Administrative Amendments Section 4907.3 and 4907.6 and Ordinance Sections 4907.4, 4912, 4912.1, 4912.2, 4912.3, 4912.3.1, 4912.3.2, 4912.3.3, 4912.4, 4912.6, 4912.7, 4912.8, 4912.9, 4912.10, 4912.11, 4912.13, 4912.14, 4912.15, 4912.16, 4912.17, and 4912.18 impose various non-building standard requirements for the prevention and control of fires in WUI areas.

5. Section 5001.7 (Hazardous Materials Transport Restrictions) is a local amendment to the California Fire Code that restricts the transportation, storage and transfer of hazardous materials but does not create or modify any building standards. It simply imposes additional requirements necessitated by local conditions. This new subsection is necessitated by the dense population of residential dwellings throughout the City; the narrow winding streets of the hazardous hill area; and the presence of a major transportation system underground (BART with its surge chambers and other openings at the street level in various areas of the city). These factors make it very important for purposes of fire safety to regulate hazardous material transportation to ensure that it does not intrude in these areas.
6. Section 5601.1.3 (Fireworks) prohibits (with suitable exceptions) the possession, manufacture, storage, sale, handling and use of fireworks within the jurisdiction (including fireworks classified by the State Fire Marshal as Safe and Sane fireworks). Section 5604.1 ("General" section of 5604, "Explosive and Fireworks") is modified to prohibit the storage and handling of explosives within the jurisdiction. Both sections are intended to preserve the ban on storage, handling and use of these materials within City limits which have historically been deemed unsafe and inappropriate activities within the jurisdiction.
7. Section 5701.4.1 (Transfer of flammable and combustible liquids) prohibits dispensing of flammable liquids on or from a street or public way and provides administrative provisions, additional clarification and non-building standard approval or permit requirements required to implement the fire code.
8. Appendix E (Hazard Categories) and Appendix F (Hazard Ranking) are local amendments to the California Fire Code related to hazardous materials management. These chapters define the hazard categories and rankings associated with the storage, handling and use of hazardous materials, and provide the qualitative and quantitative rankings used on hazardous materials information signs posted for the benefit of firefighters and other first responders. These hazard categories and rankings are administrative in nature and do not constitute building standards.

BE IT FURTHER RESOLVED, that Resolution No. 71,710–N.S is hereby rescinded.



Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Scott Gilman, Director, Health, Housing, and Community Services  
 Subject: Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager, or designee, to execute a fourth amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$36,450 for consulting services in a total amount not to exceed \$415,950, with a contract end date of December 31, 2026.

FISCAL IMPACTS OF RECOMMENDATION

After the amendment, the total not-to-exceed amount of this contract will be \$415,950. The additional \$36,450 in funding will come from the administrative set-aside portion of the Affordable Housing Mitigation Fee fund (Fund #120), which will be made available for housing development consulting services through FY2026 Annual Appropriations Ordinance #1.

CURRENT SITUATION AND ITS EFFECTS

The City has a contract with Street Level Advisors, LLC (SLA) to provide project management, community engagement, and technical expertise for the affordable housing programs implemented by the Department of Health, Housing, and Community Services' Housing and Community Services Division (HHCS/HCS). The initial contract along with the amendments are focused on maximizing the affordable housing potential of the proposed residential developments at the North Berkeley BART and Ashby BART sites. The contract also provides support for HCS' ongoing policy and programmatic work to implement the Housing Trust Fund (HTF) and inclusionary housing programs.

This will be the fourth amendment to the contract to continue the ongoing affordable housing support for the BART sites, including clarifying and strengthening the City's partnership with the Berkeley Housing Authority (BHA) and its nonprofit arm, Affordable Housing Berkeley, Inc (AHB) as it relates to the development of affordable housing at the BART sites.

### BACKGROUND

The Berkeley City Council committed \$53 million for the development of at least 35% affordable housing at the proposed residential housing development projects at North Berkeley and Ashby BART stations. City staff are working closely with BART and the selected development teams to maximize the affordability at each site and ensure a transparent and fair commitment to affordable housing. BHA and AHB are critical partners in ensuring deep affordability at the BART sites, as their allocation of project-based Section 8 vouchers supports project feasibility and competitiveness for state funding sources. SLA continues to provide critical support to advance a transparent and fair commitment to affordable housing through policy planning and pre-development review.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no environmental impacts related to amending the consultant contract.

### RATIONALE FOR RECOMMENDATION

Staff are continuing to work diligently with SLA to facilitate the affordable housing plans underway at Ashby BART west lot as well as the ongoing development for North Berkeley BART. The affordable housing plans for each site are unique and require complex financial and policy analysis. While BART managed the developer selection processes at the North Berkeley BART and Ashby BART west lot sites, the City will be responsible for setting priorities and selecting developers for the Ashby BART east lot site. The scale and complexity of the project work required exceeds HHCS/HCS' current capacity.

### ALTERNATIVE ACTIONS CONSIDERED

The Council may choose not to extend the contract. Staff will not be able to adequately support the BART housing projects or complete programmatic work without additional support from Street Level Advisors, LLC.

### CONTACT PERSON

Asavari Devadiga, Community Development Project Coordinator, HHCS, 510-981-5426

Attachments:  
1: Resolution

RESOLUTION NO. ##,###-N.S.

CONTRACT NO. 32300108 FOURTH AMENDMENT: PERSONAL SERVICES  
CONTRACT WITH STREET LEVEL ADVISORS, LLC

WHEREAS, the City Council established a Housing Trust Fund (HTF) program to assist in the development and expansion of affordable housing to low- and moderate-income persons who either work or reside within the City of Berkeley, and authorized the City Manager to implement the HTF program; and

WHEREAS, on October 15, 2022, the Health, Housing and Community Services Department entered into a contract with Street Level Advisors, LLC (contract # 32300108) to provide project management and technical support to the City's affordable housing projects at the North Berkeley and Ashby BART stations; and

WHEREAS, on May 9, 2023, the City Council authorized a contract amendment with Street Level Advisors, LLC to increase the contract by \$50,000 for a total not to exceed amount of \$99,500; and

WHEREAS, on May 7, 2024, the City Council authorized a contract amendment with Street Level Advisors, LLC to add up to \$100,000 for a total not to exceed amount of up to \$199,500 with a contract end date of June 30, 2025; and

WHEREAS, on February 11, 2025, the City Council authorized a contract amendment with Street Level Advisors, LLC to add up to \$180,000 for a total not to exceed amount of up to \$379,500 with a contract end date of June 30, 2026; and

WHEREAS, City staff identified a need for support to clarify and strengthen the relationship with Berkeley Housing Authority in relation to the development of the BART sites; and

WHEREAS, \$36,450 is available in the FY26 budget from Fund 120 for Street Level Advisors to assist the City in its work with BHA.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is authorized to amend Contract No. 32300108 with Street Level Advisors, LLC for personal services to add up to \$36,450 for a total not to exceed amount of up to \$415,950 with a contract end date of December 31, 2026.

BE IT FURTHER RESOLVED that the City Manager, or designee, is hereby authorized to execute all original or amended documents or agreements to effectuate this action; a signed copy of said documents, agreements and any amendments will be kept on file in the Office of City Clerk.





Office of the City Manager

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council  
From: Paul Buddenhagen, City Manager  
Submitted by: Kevin Fong, Director, Information Technology  
Subject: Purchase Orders: CDW-G for using Omnia Partners Cooperative Purchasing Agreement for Adobe Acrobat Pro Software

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to issue purchase orders with CDW Government LLC (“CDW-G”) for Adobe Acrobat Pro (“Adobe”) software, licensing and support, utilizing pricing established by Omnia Partners (“Omnia”) for a total not to exceed amount of \$281,400 from July 1, 2025 to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding in the amount of \$281,400 is available in the Fiscal Year 2026 and 2027 IT Cost Allocation (Fund 680). Spending for software and services in future years is subject to Council approval of the proposed citywide budget and annual appropriations ordinances.

| Fiscal Year | Amount    | Fund Source                  |
|-------------|-----------|------------------------------|
| FY 2026     | \$134,000 | IT Cost Allocation, Fund 680 |
| FY 2027     | \$147,400 | IT Cost Allocation, Fund 680 |

CURRENT SITUATION AND ITS EFFECTS

Adobe is an essential tool for City operations, as it helps streamline document workflows, enhance security, and improve collaboration across teams. The City requires Adobe to support the creation, editing, signing, and secure sharing of official documents across all departments. Adobe is widely used for council reports, contracts, public records, and permit forms. Unlike the free Adobe Reader, Adobe Acrobat Pro provides advanced tools such as accessibility compliance, secure electronic signatures, and document protection, which are essential for City operations. Adobe has been a standard offering for at least 10 years.

Adobe ensures staff have consistent access to the same tools City-wide, improves efficiency by reducing reliance on paper-based processes, and strengthens compliance with accessibility and transparency standards thus supporting the City’s

Strategic Plan Priority to provide an efficient and financially healthy City government and to be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

### BACKGROUND

The City has relied on Adobe software for more than 10 years as a core productivity tool. Staff across multiple departments use Adobe Professional to prepare and manage essential government documents, including staff reports, financial records, permits, and legal agreements.

Key benefits of Adobe include:

- Editing and converting documents into accessible formats in compliance with state and federal requirements.
- Streamlining approval workflows through secure electronic signatures.
- Protecting sensitive information via redaction and encryption.
- Standardizing processes across departments, ensuring consistent document handling.

OMNIA Partners is the largest and most experienced group purchasing organization (“GPO”) in the United States, helping public agencies streamline their procurement processes and save money by leveraging the collective buying power of its members.

CDW-G is a supplier partner of OMNIA Partners. It has been awarded multiple competitively solicited and publicly awarded contracts through OMNIA Partners for providing information technology solutions, products, and services to local public sector governments.

The City will procure Adobe software licensing and support through this GPO partnership between CDW-G and Omnia. By leveraging this cooperative agreement, the City avoids the need for conducting a separate bid process while securing best-in-class pricing and compliance with procurement policies.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The use of Adobe will continue to reduce the City’s reliance on paper-based processes, decreasing paper usage and printing needs. This supports the City’s environmental goals by lowering waste and reducing the carbon footprint associated with paper and physical document handling.

### RATIONALE FOR RECOMMENDATION

Adobe is an essential enterprise software tool that directly supports government transparency, compliance, and efficiency. Procuring licenses through the Omnia Partners agreement ensures best pricing, contract compliance, and consistency across all departments.

ALTERNATIVE ACTIONS CONSIDERED

There were no alternative actions considered as the City requires these critical services and applications to effectively communicate with the community and perform daily business.

CONTACT PERSON

Kevin Fong, Director, Information Technology, (510) 981-6541

Attachments:

1: Resolution

RESOLUTION NO. ##,###-N.S.

AUTHORIZATION TO ISSUE PURCHASE ORDERS FOR ADOBE ACROBAT PRO (“ADOBE”) SOFTWARE LICENSING AND SUPPORT FROM CDW-G THROUGH THE OMNIA PARTNERS COOPERATIVE PURCHASING AGREEMENT

WHEREAS, the City of Berkeley requires Adobe software licensing and support to efficiently create, edit, sign, and securely share official documents across all departments; and

WHEREAS, Adobe is essential for the City’s daily operations, providing advanced tools for accessibility compliance, electronic signatures, document protection, and standardized digital workflows; and

WHEREAS, the City has utilized Adobe software for more than 10 years, and Adobe is widely used for council reports, contracts, public records, permit forms, and other essential government documents; and

WHEREAS, procuring enterprise-wide licenses ensures cost savings, consistent access to critical tools, and reduces inefficiencies compared to individual departmental purchases; and

WHEREAS, OMNIA Partners is the largest and most experienced group purchasing organization (“GPO”) in the United States helping public agencies streamline their procurement processes and save money by leveraging the collective buying power of its members; and

WHEREAS, CDW-G is a supplier partner of OMNIA Partners and has been awarded multiple competitively solicited and publicly awarded contracts through OMNIA Partners for providing information technology solutions, products, and services to local public sector governments; and

WHEREAS, funding in the amount of \$281,400 is available in the Department of Information Technology’s Fiscal Year (FY) 2026 and 2027 IT Cost Allocation (Fund 680) and spending for software and services in future years is subject to Council approval of the proposed citywide budget and annual appropriations ordinances; and

WHEREAS, Adobe advances the City’s Strategic Plan Priority to provide an efficient and financially healthy City government and to be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager, or designee, is hereby authorized to issue purchase orders with CDW-G for Adobe software, licensing and support, utilizing pricing established by the

Omnia Partners cooperative purchasing agreement for a total not to exceed amount of \$281,400 from July 1, 2025 to June 30, 2027.





Office of the City Manager

10

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront  
 Subject: Updates to the Measure T1 Project List

RECOMMENDATION

Adopt a Resolution authorizing the updated list of current Measure T1 projects as outlined in the report.

FISCAL IMPACTS OF RECOMMENDATION

These changes involve a re-allocation of funds to optimize the completion of existing projects and add new T1 projects. No changes will be made to the total T1 funding amount.

CURRENT SITUATION AND ITS EFFECTS

Increased costs of many of the major T1 projects yet to be constructed, unforeseen field conditions that make some T1 projects much more expensive, and the need for additional funding for both non-T1 and T1 priority projects have driven the proposed changes described below:

- A. Five existing T1 projects will be limited to the design phase.
- B. Three existing T1 projects will be removed from the T1 list.
- C. Three new projects will be added to the T1 list.
- D. Six existing T1 projects will receive additional funding.

**A. Reduced to Design Phase & remaining funds re-allocated to other T1 projects**

| T1 Project Name                                                                                                    | Change Details                                                                                                             | Re-allocated Amount |
|--------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------|---------------------|
| <ul style="list-style-type: none"> <li>• Bollard Conversion to Landscaping</li> </ul>                              | T1 funded design only. Several other funding sources were identified totaling \$3.2M to complete the construction phase.   | \$115k              |
| Restrooms in the Right of Way: <ul style="list-style-type: none"> <li>• University @ San Pablo Restroom</li> </ul> | Design completed for two of three planned Right-of-Way restrooms. Note that the Telegraph @ Channing restroom construction | \$1.116M            |

| T1 Project Name                     | Change Details                                                                                                                                                                              | Re-allocated Amount |
|-------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------|
| • Adeline @ Alcatraz                | has been completed. The remaining two locations have technical utility difficulties and/or negative public feedback.                                                                        |                     |
| • Restrooms in Parks: Harrison Park | Conceptual design completed. Project delayed due to lack of funding.                                                                                                                        | \$492k              |
| • Restrooms in Parks: Cesar Chavez  | Design completed to 90%. Site location has complications related to the Cesar Chavez Park Landfill contamination. New site location has been identified, but increases cost by over \$300k. | \$310k              |

**B. Removed from T1 list of projects**

| T1 Project Name                                                                                             | Change Details                                                          | Re-allocated Amount |
|-------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|---------------------|
| • Corp Yard - Facility Assessment<br>• Corp Yard - Deferred Maintenance: Gate, Paving, Parking, Fuel Island | Other funding was identified so existing T1 funds could be reallocated. | \$300k              |
| • T1 Streets Contribution to Annual Street Paving Improvements                                              | Other funding was identified so existing T1 funds could be reallocated. | \$3.95M             |

The funds resulting from these changes total \$6.283M, and will be re-allocated to the following nine projects. We have identified gaps in the three new projects totaling approximately \$650k. The existing large projects identified in Table D are in final design, are currently bidding, or have just been awarded. Staff expect the shortages to be greater than the remaining \$5.633M identified, but will allocate specific amounts based on bids received with the goal of completing all six projects.

**C. New Projects for T1 funds**

| Project Name                           | Change Details (\$650k)                                                                                                                                         |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| • Waterfront: F&G Dock Re-decking      | This project is estimated to be \$500k. The FY2026 General Fund Budget provided \$250k for the project. An additional \$250k is needed to complete the project. |
| • Adeline Area Dog Park & Landscaping  | Conceptual design funded in FY2025 by General Fund. \$250k is needed for construction.                                                                          |
| • Santa Fe Trackbed to Park Conversion | This \$7.5M project is funded by a state grant and Parks Tax. \$150k is needed for additional costs associated with the cleanup of contaminated soil.           |

**D. Existing Projects to receive re-allocated T1 funds**

| <b>T1 Project Name</b>                                                                                     | <b>Change Details</b>                                                                                                       |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>Tom Bates Restroom / Community Space</li> </ul>                     | This \$8M project is funded by T1, CIP funds, and Parks Tax, but has a shortage because of increased construction costs.    |
| <ul style="list-style-type: none"> <li>Martin Luther King, Jr. Youth Services Center Renovation</li> </ul> | This \$13M project is funded by T1, CIP, Parks Tax, and grants. A FEMA grant of \$836k was indefinitely postponed.          |
| <ul style="list-style-type: none"> <li>South Berkeley Senior Center Renovation</li> </ul>                  | This \$5M project is funded by T1, but has a shortage because of increased construction costs.                              |
| <ul style="list-style-type: none"> <li>1947 Center Street Improvements: Window Replacement</li> </ul>      | Project needs additional funds due to increases in construction costs. Scope changed to replace all windows.                |
| <ul style="list-style-type: none"> <li>PW Corp Yard - Storage Room (H) – Roof Replacement</li> </ul>       | Project has a shortage because of increased construction costs.                                                             |
| <ul style="list-style-type: none"> <li>Fire Station #6: Windows, Energy Efficiency Improvements</li> </ul> | Project was reduced to design-only in <a href="#">June 2023</a> <sup>1</sup> ; but will now be funded through construction. |

Additionally, three projects have changed scope resulting in changes needed to the description of the project, and in one case, a project was inadvertently mislabeled on the original T1 Phase 2 list.

| <b>T1 Project Name</b>                                                                                                            | <b>Change to:</b>                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>1947 Center Street Seismic Upgrade Design and HVAC/Electrical, Control Upgrades</li> </ul> | Change to “1947 Center Street Window Replacement”. The building assessment completed during Design found that the windows must be replaced before any other upgrades can occur.  |
| <ul style="list-style-type: none"> <li>Restrooms in the Right of Way (2-3)</li> </ul>                                             | Change to “Restrooms in the Right of Way (3)”. The project was able to include three public restrooms: Telegraph @ Channing, University Ave @ San Pablo, and Adeline @ Alcatraz. |
| <ul style="list-style-type: none"> <li>Oxford &amp; Telegraph Channing Garage Restrooms</li> </ul>                                | Change to “Telegraph Channing Garage Restrooms”. “Oxford” was inadvertently included in the project name.                                                                        |

The list of Council-approved T1 projects is in Attachment 2 and contains the proposed modifications described above.

<sup>1</sup> See report at <https://berkeleyca.gov/sites/default/files/documents/T1%20Bond%20Measure%20-%20City%20Council%20Funding%20Gap%20Recommendations%20June%202023.pdf>

**BACKGROUND**

In November 2016, Berkeley voters approved [Measure T1<sup>2</sup>](#) – a \$100 million dollar general obligation bond to repair, renovate, replace or reconstruct the City’s aging existing infrastructure, including facilities, streets, sidewalks, storm drains, and parks. Measure T1 passed with 86.5% of the vote.<sup>3</sup>

**Phase 1**

From December 2016 through June 2017, the City undertook a public process to gather input on the proposed projects. In addition to three Measure T1 Workshops for the general public, the Parks, Recreation, and Waterfront and Transportation and Infrastructure Commissions invited and received input from the public and other City Commissions. They submitted a joint report to Council in June 2017 detailing their recommendations. The City Manager incorporated this input and submitted a [final recommended list of Phase 1 projects.](#)<sup>4</sup> Council adopted this list and proposed plan for implementing Phase 1 of the T1 bond program on June 27, 2017.

**Phase 2**

For Phase Two, staff and the two Primary Commissions (Parks, Recreation, and Waterfront and Transportation and Infrastructure) engaged in a much larger public process that included 3 concurrent commission meetings, 13 regular commission meetings, 3 concurrent commission sub-committee meetings, 24 focus group meetings, 6 participating commission meetings and 5 large area meetings. The goal of this process was to encourage significant citywide public participation in the T1 Phase 2 project selection process by reaching out to a large cross section of community groups, thoroughly advertising large area meetings, and providing various methods for community members to provide feedback.

On December 15, 2020, Council approved Resolution No. 69,657-N.S. to adopt the final list of projects for implementation in Phase 2 of the Measure T1 Infrastructure Bond Program. The Council report for that action contains a detailed discussion of the T1 program as well as the extensive community process that was used to identify projects for Phase 2, and can be viewed [here](#).<sup>5</sup>

These changes resulted in a T1 bond program that includes 76 projects. A full list of Phase 1 and Phase 2 projects, and a comprehensive chronology of updates to the T1 program can be found [here](#)<sup>6</sup> and in Attachment 2. Additional project details can be viewed

---

<sup>2</sup> See <https://berkeleyca.gov/your-government/our-work/bond-revenue-measures/measure-t1>.

<sup>3</sup> See <https://www.cityofberkeley.info/MeasureT1/>.

<sup>4</sup> See <https://berkeleyca.gov/sites/default/files/documents/2017-06-27%20Item%2049%20Implementing%20Phase%201%20-%20REDUCED.pdf>.

<sup>5</sup> See <https://berkeleyca.gov/sites/default/files/documents/2020-12-15%20Item%2014%20Recommendations%20for%20Implementing%20Phase.pdf>

<sup>6</sup> See [https://berkeleyca.gov/sites/default/files/documents/Revised\\_T1\\_Phase\\_1\\_Project\\_List\\_Chronology\\_of\\_Changes\\_03.08.22.pdf](https://berkeleyca.gov/sites/default/files/documents/Revised_T1_Phase_1_Project_List_Chronology_of_Changes_03.08.22.pdf)

on the City's [website](#).<sup>7</sup> Since the start of the bond measure in 2017 through July 2025, City staff have provided Council and the public with quarterly updates. Reports from 2020 through July 2025 can be viewed at the following [link](#).<sup>8</sup>

### **T1 Manual**

In 2019, staff worked with a consultant to develop the T1 Policies and Procedures Manual to provide clear, concise guidelines on the management of T1 funds.<sup>9</sup> Per the requirements in the Manual, the City has provided a bi-annual audit of the T1 program for the following periods: 2017-19, 2019-21, and 2021-23.<sup>10</sup>

### **Commission Feedback on the Changes**

The proposed updated list of current Measure T1 projects was brought to the Parks, Recreation, and Waterfront (PRW) Commission on June 9, 2025 and the Transportation and Infrastructure (T&I) Commission on August 21, 2025. The PRW Commission was concerned about the reduction of public restroom funding, while the T&I Commission was concerned about both the reduction in street funding and public restroom funding. Neither Commission took action on these changes.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Measure T1 projects include environmentally sustainable elements, such as electrification for facilities projects, permeable pavers or bioswales for street projects, and energy saving lighting in parks.

### RATIONALE FOR RECOMMENDATION

These adjustments are needed to re-allocate funding among T1 projects to best complete the final Phase 2 list that aligns with Council priorities.

### ALTERNATIVE ACTIONS CONSIDERED

None

### CONTACT PERSON

Scott Ferris, Director, Parks, Recreation & Waterfront, 981-6700  
Terrance Davis, Director, Public Works, 981-6437

### Attachments:

1: Resolution

---

<sup>7</sup> See T1 project details at <https://berkeleyca.gov/your-government/our-work/ballot-measures/measure-t1/measure-t1-funded-projects>

<sup>8</sup> See Quarterly Reports at <https://berkeleyca.gov/your-government/our-work/bond-revenue-measures/measure-t1>

<sup>9</sup> See the Manual at <https://berkeleyca.gov/sites/default/files/documents/T1V2%20Manual%20Final%20V04.pdf>

<sup>10</sup> See the Audit Reports at <https://berkeleyca.gov/your-government/our-work/bond-revenue-measures/measure-t1>

Updates to the Measure T1 Project List

CONSENT CALENDAR  
September 16, 2025

2: Measure T1 Phase 2 List of Projects (proposed changes marked in color and  
strikeout)

RESOLUTION NO. ##,###-N.S.

UPDATES TO THE MEASURE T1 PHASE 2 PROJECT LIST

WHEREAS, on June 27, 2017, Council adopted Resolution 68,076-N.S., approving a list of projects for Measure T1 Phase 1; and

WHEREAS, on December 15, 2020, Council approved Resolution No. 69,657-N.S. to adopt the final list of projects for implementation in Phase 2 of the Measure T1 Infrastructure Bond Program; and

WHEREAS, the Measure T1 Phase 2 list must be revised to comply with Section 4.5 of the Measure T1 Bond Policies and Procedures Manual, which states “When changes need to be made at the program-level, such as adding/removing a project or changing the project’s level of completion, staff will review these options with the Lead Commissions and seek Council’s approval to revise the approved list. This process is intended to ensure that any change to the approved Measure T1 project list is made with community input, Commission oversight, and Council approval”; and

WHEREAS, the proposed updated list of current Measure T1 projects was brought to the Parks, Recreation, and Waterfront Commission on June 9, 2025 and the Transportation and Infrastructure Commission on August 21, 2025.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Measure T1 Phase 2 Project List be updated to reflect the projects listed in Exhibit A.

Exhibit A: **Measure T1 Phase 2 List of Projects** (Revised, September 16, 2025)

**Exhibit A**  
**Measure T1 Phase 2 List of Projects** (Revised, September 16, 2025)

| <b>Project Area</b>                                            | <b>Site Description</b>                                                                                                                                          |
|----------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Care and Shelter and Non-Departmental Citywide Projects</b> | MLK Jr. Youth Services Center                                                                                                                                    |
|                                                                | South Berkeley Senior Center                                                                                                                                     |
|                                                                | African American Holistic Resource Center                                                                                                                        |
|                                                                | Restrooms in the Right-of-Way (ROW) (3)<br>Channing and Telegraph (Construction)<br>Adeline and Alcatraz (Design Only)<br>San Pablo and University (Design Only) |
| <b>Camps</b>                                                   | Cazadero Dining Hall & ADA Improvements                                                                                                                          |
| <b>Parks Buildings</b>                                         | Willard Clubhouse/Restroom Replacement                                                                                                                           |
|                                                                | Tom Bates Restroom/ Community Space                                                                                                                              |
|                                                                | <b>Restrooms in Parks:</b>                                                                                                                                       |
|                                                                | Harrison Park Restroom Renovation (Design Only)                                                                                                                  |
|                                                                | Ohlone Park - New Restroom                                                                                                                                       |
| <b>Parks - Play Structures</b>                                 | Ohlone Park (Milvia) - Ages 2-5, 5-12, Garden Mural, Exercise                                                                                                    |
|                                                                | John Hinkel Park Lower -Ages 2-12, picnic, parking                                                                                                               |
|                                                                | Grove Park-Ages 2-5, 5-12                                                                                                                                        |
| <b>Parks</b>                                                   | Aquatic Park Tide Tubes Clean Out, Soil Removal                                                                                                                  |
|                                                                | Ohlone Park Lighting                                                                                                                                             |
|                                                                | Civic Center Park – Upper Plaza Improvements                                                                                                                     |
|                                                                | Adeline Area Dog Park & Landscaping                                                                                                                              |
|                                                                | Santa Fe Trackbed to Park Conversion                                                                                                                             |
| <b>Pools</b>                                                   | King Pool Tile and Plaster Replacement                                                                                                                           |
| <b>Waterfront</b>                                              | Piling Replacements                                                                                                                                              |
|                                                                | D and E Dock Replacement                                                                                                                                         |
|                                                                | K Dock Restroom Renovation                                                                                                                                       |
|                                                                | Cesar Chavez Park Restroom on Spinnaker Way - (Design only)                                                                                                      |
|                                                                | F&G Dock Re-Decking                                                                                                                                              |
| <b>ROW Improvements/Streets</b>                                | Bollard Conversion to Landscaping (Design Only)                                                                                                                  |
| <b>Sidewalks</b>                                               | Sidewalks Maintenance & Safety Repairs                                                                                                                           |
| <b>Pathways</b>                                                | Pathway Repairs/Improvements Stormwater Infrastructure Repairs/ Replacement                                                                                      |
| <b>Storm</b>                                                   | Stormwater Infrastructure Repairs/Replacement                                                                                                                    |
| <b>Facilities</b>                                              | <u>1947 Center Street Improvements:</u><br>Window Replacement                                                                                                    |
|                                                                | <u>Fire Stations:</u>                                                                                                                                            |
|                                                                | FS2 - HVAC, Electrical, Bedrooms, Security, Solar, Roof                                                                                                          |
|                                                                | FS6 - Windows, Energy Efficiency                                                                                                                                 |
|                                                                | <u>PW Corp Yard:</u>                                                                                                                                             |
|                                                                | Wash Station Compliance                                                                                                                                          |
|                                                                | Green Room (8) Lockers, Bathroom, Training Room, Floor, Cabinets                                                                                                 |
|                                                                | Storage Room (H) - Roof Repair                                                                                                                                   |
|                                                                | Generator Upgrades                                                                                                                                               |
|                                                                | Telegraph Channing Garage Restrooms                                                                                                                              |

**Measure T1 Phase 2 List of Projects** (Revised, September 16, 2025)  
(proposed changes marked in color and strikeout)

| <b>Project Area</b>                                            | <b>Site Description</b>                                                                                                                                            |
|----------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Care and Shelter and Non-Departmental Citywide Projects</b> | MLK Jr. Youth Services Center                                                                                                                                      |
|                                                                | South Berkeley Senior Center                                                                                                                                       |
|                                                                | African American Holistic Resource Center                                                                                                                          |
|                                                                | Restrooms in the Right-of-Way (ROW) (2-3)<br>Channing and Telegraph (Construction)<br>Adeline and Alcatraz (Design Only)<br>San Pablo and University (Design Only) |
|                                                                |                                                                                                                                                                    |
| <b>Camps</b>                                                   | Cazadero Dining Hall & ADA Improvements                                                                                                                            |
| <b>Parks Buildings</b>                                         | Willard Clubhouse/Restroom Replacement                                                                                                                             |
|                                                                | Tom Bates Restroom/ Community Space                                                                                                                                |
|                                                                | <b>Restrooms in Parks:</b>                                                                                                                                         |
|                                                                | Harrison Park Restroom Renovation (Design Only)                                                                                                                    |
|                                                                | Ohlone Park - New Restroom                                                                                                                                         |
| <b>Parks - Play Structures</b>                                 | Ohlone Park (Milvia) - Ages 2-5, 5-12, Garden Mural, Exercise                                                                                                      |
|                                                                | John Hinkel Park Lower -Ages 2-12, picnic, parking                                                                                                                 |
|                                                                | Grove Park-Ages 2-5, 5-12                                                                                                                                          |
| <b>Parks</b>                                                   | Aquatic Park Tide Tubes Clean Out, Soil Removal                                                                                                                    |
|                                                                | Ohlone Park Lighting                                                                                                                                               |
|                                                                | Civic Center Park – Upper Plaza Improvements                                                                                                                       |
|                                                                | Adeline Area Dog Park & Landscaping                                                                                                                                |
|                                                                | Santa Fe Trackbed to Park Conversion                                                                                                                               |
| <b>Pools</b>                                                   | King Pool Tile and Plaster Replacement                                                                                                                             |
| <b>Waterfront</b>                                              | Piling Replacements                                                                                                                                                |
|                                                                | D and E Dock Replacement                                                                                                                                           |
|                                                                | K Dock Restroom Renovation                                                                                                                                         |
|                                                                | Cesar Chavez Park Restroom on Spinnaker Way - (Design only)                                                                                                        |
|                                                                | F&G Dock Re-Decking                                                                                                                                                |
| <b>ROW Improvements/Streets</b>                                | Bollard Conversion to Landscaping (Design Only)                                                                                                                    |
|                                                                | <del>T1 Streets Contribution to Annual Paving Improvements</del>                                                                                                   |
| <b>Sidewalks</b>                                               | Sidewalks Maintenance & Safety Repairs                                                                                                                             |
| <b>Pathways</b>                                                | Pathway Repairs/Improvements Stormwater Infrastructure Repairs/ Replacement                                                                                        |
| <b>Storm</b>                                                   | Stormwater Infrastructure Repairs/Replacement                                                                                                                      |
| <b>Facilities</b>                                              | 1947 Center Street Improvements:<br>Window Replacement                                                                                                             |
|                                                                | Fire Stations:                                                                                                                                                     |
|                                                                | FS2 - HVAC, Electrical, Bedrooms, Security, Solar, Roof                                                                                                            |
|                                                                | FS6 - Windows, Energy Efficiency                                                                                                                                   |
|                                                                | PW Corp Yard:                                                                                                                                                      |
|                                                                | <del>–Facility Assessment</del>                                                                                                                                    |
|                                                                | <del>–Deferred Mtc: Gate, Paving, Parking, Fuel Island</del>                                                                                                       |
|                                                                | Wash Station Compliance                                                                                                                                            |
|                                                                | Green Room (8) Lockers, Bathroom, Training Room, Floor, Cabinets                                                                                                   |
|                                                                | Storage Room (H) - Roof Repair                                                                                                                                     |

| Project Area | Site Description                             |
|--------------|----------------------------------------------|
|              | Generator Upgrades                           |
|              | Oxford & Telegraph Channing Garage Restrooms |

**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR  
September 16, 2025

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: The Parent Writing Circles Initiative- Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

**RECOMMENDATION:**

Adopt a Resolution approving the expenditure of funds, including \$500 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to The Parent Writing Circles Initiative. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.

**BACKGROUND:**

Nearly one in five households in Berkeley has children. We recognize that parents and caregivers play a vital role in preserving our community's rich culture, traditions, and values. Too often, young parents and families from underrepresented communities struggle to access community building blocks for healthy relationships. To support and strengthen these critical relationships, we are pleased to fund the Parent Writing Circles initiative. The program is guided by Milani Pelley, a poet and teaching artist with California Poets in the Schools.

These circles offer a safe and supportive space where Berkeley parents and caregivers can connect with their children through the engaging art of poetry. These circles function as true community centers. They offer opportunities for participants to reflect deeply, share openly, and connect with others, ultimately aiming to increase literacy and close achievement gaps. Writing here is a powerful tool for healing, preserving, and empowering individuals. This program seeks to empower parents' experiences and forge meaningful relationships in a positive environment.

**ENVIRONMENTAL SUSTAINABILITY:**

No negative impact.

**FISCAL IMPACTS OF RECOMMENDATION**

There is no impact on the General Fund; \$500 is available from the discretionary budget

of Councilmember Ben Bartlett's office.

CONTACT PERSON:

Councilmember Ben Bartlett  
James Chang  
Jayla Johnson

[bbartlett@cityofberkeley.info](mailto:bbartlett@cityofberkeley.info)  
[jchang@cityofberkeley.info](mailto:jchang@cityofberkeley.info)  
(510) 981-7130

ATTACHMENTS:

1. Draft Resolution
2. Parents of Berkeley Writing Circles Presentation

Attachment 1:

RESOLUTION NO. ##,###-N.S.

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE  
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCIL MEMBERS FOR A  
DONATION TO THE PARENTS OF BERKELEY WRITING CIRCLES

**WHEREAS**, Councilmember Ben Bartlett has funds in his office expenditure account,  
and

**WHEREAS**, The Parents of Berkeley Writing Circles, will receive funds for \$500 from  
Councilmember Ben Bartlett's office expenditure account; and

**WHEREAS**, the Parent Writing Circles program offers parents and caregivers in  
Berkeley a creative and supportive space to share their stories, express themselves,  
and reflect on the joys and challenges of parenting through poetry and writing; and

**WHEREAS**, this program strengthens our community by celebrating parenthood,  
building meaningful connections among families, and promoting emotional well-being,  
all of which contribute to a more compassionate and connected Berkeley; and

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Berkeley that  
funds relinquished by the Mayor and Councilmembers from their office budgets, of an  
amount to be determined by each Councilmember, shall be granted to The Parents of  
Berkeley Writing Circles

Attachment 2

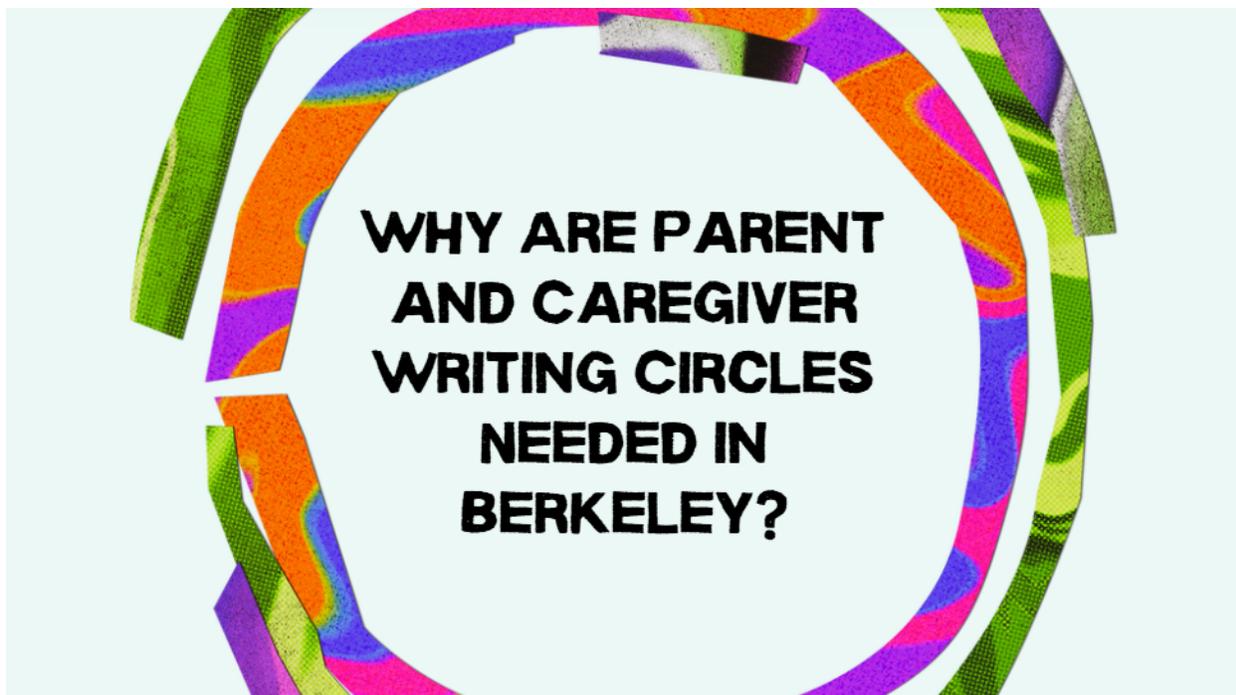
**PARENTS OF BERKELEY  
WRITING CIRCLES**

**MILANI PELLEY**

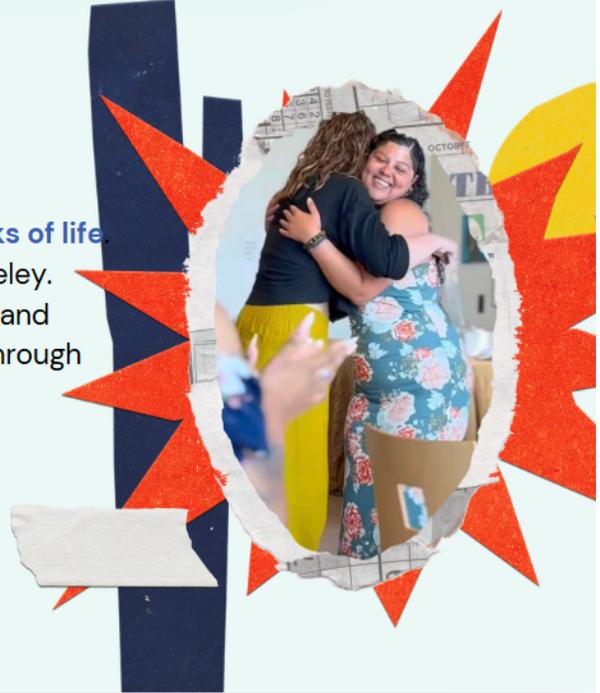
California Poets in the Schools 60

**MILANI PELLEY**

Poet, educator, mother, innovator, and artist from Berkeley. Known for her work documenting and celebrating parenthood experiences through poetry. Milani has performed at the Opera House in San Francisco and for activists Will i.am, Saul Williams, Jesse Jackson, and Angela Davis. She solely represented Oakland in the Women of the World Poetry Slam in 2010. Milani was also apart of Team Oakland 2010, placing top four in group-piece finals, and a member of Team Oakland in 2011, ranking top ten in the nation. A Poet-Teacher for California Poets in the Schools since 2022, bringing literary arts to Berkeley schools and the Berkeley community.



Berkeley is known a city made up of **many walks of life**. About **19%** of households have children in Berkeley. Parent Circles allows parents to share, discuss, and explore both **parenting** and **life experiences** through poetry.



**Poetry** is a healing, creative outlet, as well as a tool of documentation. The Parents of Berkeley Writing Circles **validates** parents' **narratives** and **builds trust** and **community** amongst Berkeley's parents.





CONSENT CALENDAR

September 16, 2025

To: Honorable Members of the City Council

From: Councilmember Lunaparra (Author), Councilmember Humbert (Co-sponsor)

Subject: Zoning Ordinance Modification for Telegraph Avenue Commercial District

RECOMMENDATION

Refer to the City Manager and Planning Commission to amend BMC Chapter 23.204.020 to allow for Alcoholic Beverage Retail Sales in the Telegraph Avenue Commercial District.

CURRENT SITUATION AND ITS EFFECTS

The Telegraph Avenue Commercial District is the only Commercial District in the City of Berkeley where Alcoholic Beverage Retail Sales are not permitted. As a result, many grocery retailers, who would otherwise consider starting new businesses or expanding their existing businesses into new, larger spaces, do not consider the Telegraph Avenue Commercial District as a viable location for doing so. As Southside lacks a full-service grocery store, this prohibition contributes to a lack of healthy, affordable, accessible food options for many Southside residents and visitors.

BACKGROUND

In 1873, the first University of California campus was relocated from downtown Oakland to then-largely rural Berkeley, largely because members of the anti-alcohol temperance movement thought it was in “an unsavory part of Oakland because of bordellos and saloons,” according to Jef Findley, a librarian at the Berkeley Public Library’s History Room.<sup>1</sup> Establishments that served alcohol, with their prevalence in urban areas, were seen as “evil,” especially by those in elected office who held racist and classist views of cities. As a further measure, the sale of alcohol was banned within two miles of the UC Berkeley campus; this distance was reduced to one mile in 1876. This attitude pervaded for decades; before, during, and after prohibition, the City of Berkeley made repeated efforts to limit the availability of alcohol near campus.<sup>2</sup>

RATIONALE FOR RECOMMENDATION

This referral would align the City’s regulations on Alcoholic Beverage Retail Sales in the Telegraph Avenue Commercial District with those on every other Commercial District in

<sup>1</sup> [kqed.org/news/11959595/a-no-booze-zone-around-uc-berkeley-its-real-and-why-the-claremont-hotel-was-dry-for-decades](https://kqed.org/news/11959595/a-no-booze-zone-around-uc-berkeley-its-real-and-why-the-claremont-hotel-was-dry-for-decades)

<sup>2</sup> [sfgate.com/food/history/article/claremont-hotel-one-mile-dry-zone-berkeley-15206437.php](https://sfgate.com/food/history/article/claremont-hotel-one-mile-dry-zone-berkeley-15206437.php)

Berkeley, by allowing Alcoholic Beverage Retail Sales via a Use Permit process. This would give the City the ability to deny issuance of a permit if there are reasonable concerns about a particular location or operator that would lead the City to do so.

Creating a process for allowing Alcoholic Beverage Retail Sales in the Telegraph Commercial District would create the flexibility that some grocery retailers require to consider establishing new businesses or expanding their existing businesses in the District. This would help bolster existing efforts to fill empty storefronts and expand local grocery options in a neighborhood that needs more accessible, affordable, and healthy food options.

#### FISCAL IMPACTS OF RECOMMENDATION

Potential tax revenue from new and expanding businesses.

#### ENVIRONMENTAL SUSTAINABILITY

The impacts of amending the BMC to allow for more grocery retailers in Southside will reduce the amount of distance required for people to travel to get groceries, reducing transportation-related emissions.

#### CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170  
Jonah Gottlieb, Chief of Staff

#### ATTACHMENTS

1. Amended BMC Chapter 23.204.020

## **23.204.020 Allowed Land Uses.**

A. *Allowed Land Use Table.* Table 23.204-1: Allowed Uses in the Commercial Districts identifies allowed land uses and required permits in the Commercial Districts. All land uses are defined in Chapter [23.502](#) (Glossary). Permit requirements are described in Chapter [23.406](#) (Specific Permit Requirements). Permits required for land uses shown in Table 23.204-1 apply to both:

1. The initial establishment of a land use in a new building; and
2. The change of use in an existing building or portion of a building.

### **Table 23.204-1. Allowed Uses in the Commercial Districts**

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS                                  |             |        |        |        |        |         |        |        |        |        | USE-SPECIFIC REGULATIONS                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------|-------------|--------|--------|--------|--------|---------|--------|--------|--------|--------|------------------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                                                   | C-U         | C-N    | C-E    | C-NS   | C-SA   | C-T     | C-SO   | C-DMU  | C-W    | C-AC   |                                                                  |
| <b>Residential Uses</b>                                                                                                                                                                                                                                |                                                       |             |        |        |        |        |         |        |        |        |        |                                                                  |
| Accessory Dwelling Unit                                                                                                                                                                                                                                | See <a href="#">23.306</a> --Accessory Dwelling Units |             |        |        |        |        |         |        |        |        |        |                                                                  |
| Dwellings                                                                                                                                                                                                                                              |                                                       |             |        |        |        |        |         |        |        |        |        |                                                                  |
| Single-Family                                                                                                                                                                                                                                          | UP(H)                                                 | UP(PH)<br>* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | <a href="#">23.204.060.B.3</a> ;<br><a href="#">23.302.070.H</a> |
| Two-Family                                                                                                                                                                                                                                             | UP(PH)                                                | UP(PH)<br>* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | <a href="#">23.204.060.B.3</a> ;<br><a href="#">23.302.070.H</a> |
| Multi-Family                                                                                                                                                                                                                                           | UP(PH)                                                | UP(PH)<br>* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | <a href="#">23.204.060.B.3</a> ;<br><a href="#">23.302.070.H</a> |
| Group Living Accommodation                                                                                                                                                                                                                             | UP(PH)                                                | UP(PH)<br>* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | <a href="#">23.204.060.B.3</a> ;<br><a href="#">23.302.070.H</a> |
| Hotel, Residential                                                                                                                                                                                                                                     | UP(PH)                                                | UP(PH)<br>* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH) | <a href="#">23.204.060.B.3</a> ;<br><a href="#">23.302.070.H</a> |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS             |             |        |        |        |             |         |        |        |                        |        | USE-SPECIFIC REGULATIONS                                                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------|--------|--------|--------|-------------|---------|--------|--------|------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                              | C-U         | C-N    | C-E    | C-NS   | C-SA        | C-T     | C-SO   | C-DMU  | C-W                    | C-AC   |                                                                                                                                          |
| Mixed-Use Residential                                                                                                                                                                                                                                  | UP(PH)                           | UP(PH)<br>* | UP(PH) | UP(PH) | UP(PH) | UP(PH)<br>* | UP(PH)* | UP(PH) | UP(PH) | See Table<br>23.204-41 | UP(PH) | <a href="#">23.204.060.B.3</a> ;<br><a href="#">23.204.100.B.2</a> ;<br><a href="#">23.204.110.B.5</a> ;<br><a href="#">23.302.070.H</a> |
| Senior Congregate Housing                                                                                                                                                                                                                              | See <a href="#">23.302.070.I</a> |             |        |        |        |             |         |        |        |                        |        |                                                                                                                                          |
| <b>Public and Quasi-Public Uses</b>                                                                                                                                                                                                                    |                                  |             |        |        |        |             |         |        |        |                        |        |                                                                                                                                          |
| Child Care Center                                                                                                                                                                                                                                      | UP(PH)                           | UP(PH)      | UP(PH) | UP(PH) | UP(PH) | UP(PH)      | UP(PH)  | UP(PH) | UP(PH) | UP(PH)                 | UP(PH) |                                                                                                                                          |
| Cemetery/Crematory/Mausoleum                                                                                                                                                                                                                           | NP                               | NP          | NP     | NP     | NP     | NP          | NP      | NP     | NP     | NP                     | NP     |                                                                                                                                          |
| Club/Lodge                                                                                                                                                                                                                                             | UP(PH)                           | UP(PH)      | UP(PH) | UP(PH) | NP     | UP(PH)      | UP(PH)  | NP     | UP(PH) | UP(PH)                 | UP(PH) |                                                                                                                                          |
| Columbaria                                                                                                                                                                                                                                             | See <a href="#">23.302.070.C</a> |             |        |        |        |             |         |        |        |                        |        |                                                                                                                                          |
| Community Care Facility                                                                                                                                                                                                                                | AUP                              | AUP         | AUP    | AUP    | AUP    | AUP         | AUP     | AUP    | AUP    | AUP                    | ZC     | AUP                                                                                                                                      |
| Community Center                                                                                                                                                                                                                                       | UP(PH)                           | UP(PH)      | UP(PH) | UP(PH) | UP(PH) | UP(PH)      | UP(PH)  | UP(PH) | UP(PH) | UP(PH)                 | UP(PH) |                                                                                                                                          |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |        |        |        |        |        |        |        |        |        |        | USE-SPECIFIC REGULATIONS                        |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|-------------------------------------------------|--------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W    | C-AC   |                                                 |        |
| Emergency Shelter, 25 beds or fewer                                                                                                                                                                                                                    | ZC                   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | See <a href="#">23.308</a> --Emergency Shelters |        |
| Emergency Shelter, 26 to 60 beds                                                                                                                                                                                                                       | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | ZC     | UP(PH) |                                                 | UP(PH) |
| Emergency Shelter, more than 60 beds                                                                                                                                                                                                                   | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) |                                                 | UP(PH) |
| Hospital                                                                                                                                                                                                                                               | UP(PH)               | UP(PH) | NP     | UP(PH) | UP(PH) | NP                                              |        |
| Library                                                                                                                                                                                                                                                | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)                                          |        |
| Low Barrier Navigation Center                                                                                                                                                                                                                          | ZC                   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC                                              |        |
| Mortuaries and Crematories                                                                                                                                                                                                                             | UP(PH)               | UP(PH) | NP     | UP(PH) | NP                                              |        |
| Municipal Animal Shelter                                                                                                                                                                                                                               | --                   | --     | --     | --     | --     | --     | --     | --     | --     | --     | --     | --                                              |        |
| Nursing Home                                                                                                                                                                                                                                           | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)                                          |        |
| Park/Playground                                                                                                                                                                                                                                        | ZC                   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | AUP    | ZC                                              |        |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |             |             |             |             |             |               |             |             |         |             | USE-SPECIFIC REGULATIONS |                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|-------------|-------------|-------------|-------------|---------------|-------------|-------------|---------|-------------|--------------------------|------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U         | C-N         | C-E         | C-NS        | C-SA        | C-T           | C-SO        | C-DMU       | C-W     | C-AC        |                          |                                                      |
| Public Safety and Emergency Service                                                                                                                                                                                                                    | UP(PH)               | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)        | UP(PH)      | UP(PH)      | UP(PH)  | UP(PH)      | UP(PH)                   |                                                      |
| Public Utility Substation/Tank                                                                                                                                                                                                                         | UP(PH)               | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)        | UP(PH)      | UP(PH)      | UP(PH)  | UP(PH)      | UP(PH)                   |                                                      |
| Religious Assembly                                                                                                                                                                                                                                     | UP(PH)               | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)        | UP(PH)      | UP(PH)      | UP(PH)  | AUP         | UP(PH)                   |                                                      |
| School                                                                                                                                                                                                                                                 | UP(PH)               | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)      | UP(PH)        | UP(PH)      | UP(PH)      | UP(PH)  | UP(PH)      | UP(PH)                   |                                                      |
| School, Vocational                                                                                                                                                                                                                                     | AUP                  | AUP         | AUP         | AUP         | AUP         | AUP         | AUP           | AUP         | AUP         | AUP     | UP(PH)      | AUP                      |                                                      |
| Supportive Housing                                                                                                                                                                                                                                     | ZC*                  | ZC*         | ZC*         | ZC*         | ZC*         | ZC*         | ZC*           | ZC*         | ZC*         | ZC*     | ZC*         | ZC*                      | <a href="#">23.302.070.</a><br>J--Supportive Housing |
| <b>Retail Uses</b>                                                                                                                                                                                                                                     |                      |             |             |             |             |             |               |             |             |         |             |                          |                                                      |
| Alcoholic Beverage Retail Sale                                                                                                                                                                                                                         | UP(PH)<br>*          | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)*N<br>P | UP(PH)<br>* | UP(PH)<br>* | UP(PH)* | UP(PH)<br>* | UP(PH)<br>*              | <a href="#">23.310</a>                               |
| Cannabis Retailer                                                                                                                                                                                                                                      | ZC*                  | ZC*         | ZC*         | ZC*         | ZC*         | ZC*         | ZC*           | ZC*         | ZC*         | ZC*     | ZC*         | ZC*                      | <a href="#">23.320</a> ; <a href="#">12.21</a> ; and |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |             |             |             |             |             |         |             |        |         |             | USE-SPECIFIC REGULATIONS                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-------------|-------------|-------------|-------------|-------------|---------|-------------|--------|---------|-------------|----------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U         | C-N         | C-E         | C-NS        | C-SA        | C-T     | C-SO        | C-DMU  | C-W     | C-AC        |                                                                            |
|                                                                                                                                                                                                                                                        |                      |             |             |             |             |             |         |             |        |         |             | <a href="#">12.22</a>                                                      |
| Cannabis Retailer, Delivery Only                                                                                                                                                                                                                       | ZC*                  | ZC*         | ZC*         | ZC*         | ZC*         | ZC*         | ZC*     | ZC*         | ZC*    | ZC*     | --          | <a href="#">23.320</a> ; <a href="#">12.21</a> ; and <a href="#">12.22</a> |
| Firearm/Munitions Business                                                                                                                                                                                                                             | UP(PH)<br>*          | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)* | UP(PH)<br>* | NP     | UP(PH)  | UP(PH)<br>* | <a href="#">23.302.070.D</a>                                               |
| Industrial and Mining Products                                                                                                                                                                                                                         | --                   | --          | --          | --          | --          | --          | --      | --          | --     | --      | --          |                                                                            |
| Pawn Shop/Auction House                                                                                                                                                                                                                                | UP(PH)               | --          | NP          | NP          | NP          | NP          | NP      | NP          | UP(PH) | UP(PH)  | NP          |                                                                            |
| Pet Store                                                                                                                                                                                                                                              | AUP                  | AUP         | AUP         | AUP         | AUP         | AUP         | AUP     | AUP         | AUP    | ZC      | AUP         |                                                                            |
| Retail, General                                                                                                                                                                                                                                        | ZC                   | ZC          | ZC*         | ZC*         | ZC*         | ZC*         | ZC*     | ZC*         | ZC     | ZC      | ZC*         | <a href="#">23.204.040(C)</a><br><a href="#">23.204.040(D)</a>             |
| Smoke Shop                                                                                                                                                                                                                                             | UP(PH)<br>*          | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)<br>* | UP(PH)* | UP(PH)<br>* | NP     | UP(PH)* | UP(PH)<br>* | <a href="#">23.302.070.K</a>                                               |
| <b>Personal and Household Service Uses</b>                                                                                                                                                                                                             |                      |             |             |             |             |             |         |             |        |         |             |                                                                            |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |        |        |        |        |        |        |        |        |        |        | USE-SPECIFIC REGULATIONS                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W    | C-AC   |                                                                                                              |
| Personal and Household Services, General                                                                                                                                                                                                               | ZC                   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     |                                                                                                              |
| Kennels and Pet Boarding                                                                                                                                                                                                                               | NP                   | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP     | UP(PH) | NP     |                                                                                                              |
| Laundromats and Cleaners                                                                                                                                                                                                                               | AUP                  | AUP    | UP(PH) | UP(PH) | UP(PH) | AUP    | AUP    | UP(PH) | UP(PH) | AUP    | AUP    |                                                                                                              |
| Veterinary Clinic                                                                                                                                                                                                                                      | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) |                                                                                                              |
| Video Tape/Disk Rental                                                                                                                                                                                                                                 | ZC                   | ZC     | ZC     | AUP    | ZC     | -      | ZC     | ZC     | ZC     | ZC     | NP     |                                                                                                              |
| <b>Office Uses</b>                                                                                                                                                                                                                                     |                      |        |        |        |        |        |        |        |        |        |        |                                                                                                              |
| Business Support Services                                                                                                                                                                                                                              | ZC                   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC*    | ZC     | ZC     | ZC     | ZC     | <a href="#">23.204.110(B)(4)</a>                                                                             |
| Banks and Financial Services, Retail                                                                                                                                                                                                                   | AUP                  | AUP    | UP(PH) | UP(PH) | UP(PH) | ZC     | AUP*   | UP(PH) | ZC*    | AUP    | ZC     | <a href="#">23.204.110(B)(4)</a> ;<br><a href="#">23.204.130(B)(3)</a> ;<br><a href="#">23.204.130(D)(3)</a> |
| Insurance Agents, Title Companies, Real Estate Agents,                                                                                                                                                                                                 | ZC                   | ZC     | ZC*    | ZC*    | ZC*    | ZC     | ZC*    | ZC*    | ZC*    | ZC     | ZC     | <a href="#">23.204.040(B)</a> ;<br><a href="#">23.204.110(B)(4)</a> ;                                        |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS             |             |      |      |        |             |         |        |             |         |        | USE-SPECIFIC REGULATIONS                                                                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|-------------|------|------|--------|-------------|---------|--------|-------------|---------|--------|----------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                              | C-U         | C-N  | C-E  | C-NS   | C-SA        | C-T     | C-SO   | C-DMU       | C-W     | C-AC   |                                                                                                          |
| Travel Agents                                                                                                                                                                                                                                          |                                  |             |      |      |        |             |         |        |             |         |        | <a href="#">23.204.130(D)(3)</a>                                                                         |
| Medical Practitioners                                                                                                                                                                                                                                  | ZC                               | ZC          | AUP  | NP   | UP(PH) | ZC          | AUP*    | UP(PH) | ZC*         | ZC      | ZC     | <a href="#">23.204.040(B)</a> ;<br><a href="#">23.204.110(B)(4)</a> ;<br><a href="#">23.204.130.D.3</a>  |
| Non-Chartered Financial Institutions                                                                                                                                                                                                                   | UP(PH)<br>*                      | UP(PH)<br>* | NP   | NP   | NP     | UP(PH)<br>* | UP(PH)* | NP     | NP          | UP(PH)* | UP(PH) | <a href="#">23.302.070.F</a><br><a href="#">23.204.110(B)(4)</a>                                         |
| Office, Business and Professional                                                                                                                                                                                                                      | ZC                               | ZC          | AUP* | AUP* | ZC*    | ZC          | ZC*     | AUP*   | ZC*         | ZC      | ZC     | <a href="#">23.204.040(B)</a> ;<br><a href="#">23.204.110.(B)4</a> ;<br><a href="#">23.204.130(D)(3)</a> |
| <b>Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses</b>                                                                                                                                                                             |                                  |             |      |      |        |             |         |        |             |         |        |                                                                                                          |
| Adult-oriented Business                                                                                                                                                                                                                                | UP(PH)<br>*                      | UP(PH)<br>* | NP   | NP   | NP     | NP          | NP      | NP     | UP(PH)<br>* | UP(PH)* | NP     | <a href="#">23.302.070.A</a>                                                                             |
| Amusement Device Arcade                                                                                                                                                                                                                                | See <a href="#">23.204.040.A</a> |             |      |      |        |             |         |        |             |         |        | <a href="#">23.302.070.B</a>                                                                             |
| Bar/Cocktail Lounge/Tavern/Tap                                                                                                                                                                                                                         | AUP*                             | AUP*        | AUP* | AUP* | AUP*   | AUP*        | AUP*    | AUP*   | AUP*        | AUP*    | AUP*   | <a href="#">23.310</a>                                                                                   |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS             |        |        |      |        |        |        |        |        |        |        | USE-SPECIFIC REGULATIONS      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------|--------|------|--------|--------|--------|--------|--------|--------|--------|-------------------------------|
|                                                                                                                                                                                                                                                        | C-C                              | C-U    | C-N    | C-E  | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W    | C-AC   |                               |
| Room/Wine Tasting                                                                                                                                                                                                                                      |                                  |        |        |      |        |        |        |        |        |        |        |                               |
| Commercial Recreation Center                                                                                                                                                                                                                           | See <a href="#">23.204.040.A</a> |        |        |      |        |        |        |        |        |        |        |                               |
| Entertainment Establishment                                                                                                                                                                                                                            | UP(PH)                           | UP(PH) | UP(PH) | NP   | UP(PH) |                               |
| Food Service Establishment, under 3,000 sq. ft.                                                                                                                                                                                                        | ZC*                              | ZC*    | ZC*    | ZC*  | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | <a href="#">23.302.070(E)</a> |
| Food Service Establishment, 3,000 sq. ft. or larger                                                                                                                                                                                                    | AUP*                             | AUP*   | AUP*   | AUP* | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | <a href="#">23.302.070(E)</a> |
| Group Instruction, Under 3,000 sq. ft.                                                                                                                                                                                                                 | ZC                               | ZC     | ZC     | ZC   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     |                               |
| Group Instruction, 3,000 sq. ft. or larger                                                                                                                                                                                                             | ZC                               | ZC     | AUP    | AUP  | ZC     | ZC     | ZC     | AUP    | ZC     | ZC     | ZC     |                               |
| Health and Fitness Facility, Under 7,500 sq. ft.                                                                                                                                                                                                       | ZC                               | ZC     | ZC     | ZC   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     |                               |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |        |        |        |        |             |        |        |        |          |        | USE-SPECIFIC REGULATIONS                                               |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|-------------|--------|--------|--------|----------|--------|------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA        | C-T    | C-SO   | C-DMU  | C-W      | C-AC   |                                                                        |
| Health and Fitness Facility, 7,500 sq. ft. or larger                                                                                                                                                                                                   | ZC                   | ZC     | AUP    | AUP    | ZC     | ZC          | ZC     | AUP    | ZC     | ZC       | ZC     |                                                                        |
| Hotels, Tourist                                                                                                                                                                                                                                        | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)      | UP(PH) | UP(PH) | UP(PH) | UP(PH)   | UP(PH) |                                                                        |
| Motels, Tourist                                                                                                                                                                                                                                        | UP(PH)               | UP(PH) | NP     | NP     | NP     | NP          | NP     | NP     | UP(PH) | UP(PH)   | NP     |                                                                        |
| Theater                                                                                                                                                                                                                                                | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | NP     | UP(PH)      | UP(PH) | NP     | AUP    | UP(PH)   | UP(PH) |                                                                        |
| <b>Vehicle Service and Sales Uses</b>                                                                                                                                                                                                                  |                      |        |        |        |        |             |        |        |        |          |        |                                                                        |
| Alternative Fuel Station                                                                                                                                                                                                                               | UP(PH)               | UP(PH) | UP(PH) | NP     | UP(PH) | UP(PH)      | NP*    | UP(PH) | NP     | AUP*     | UP(PH) | <a href="#">23.204.110(B)(2)</a> ;<br><a href="#">23.204.110(B)(3)</a> |
| Gasoline Fuel Stations                                                                                                                                                                                                                                 | UP(PH)               | UP(PH) | UP(PH) | NP     | UP(PH) | UP(PH)      | NP*    | UP(PH) | NP     | UP(PH)*  | UP(PH) | <a href="#">23.204.140.B.3</a>                                         |
| Large Vehicle Sales and Rental                                                                                                                                                                                                                         | AUP                  | NP     | NP     | NP     | NP     | NP          | NP     | NP     | NP     | AUP* [1] | NP     | <a href="#">23.204.110(B)(3)</a>                                       |
| Small Vehicle Sales and Service                                                                                                                                                                                                                        | AUP                  | NP     | NP     | NP     | NP     | UP(PH)<br>* | NP     | NP     | UP(PH) | UP(PH)*  | NP     | <a href="#">23.204.100(B)(3)</a> ;<br><a href="#">23.204.110(B)(3)</a> |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |     |     |     |      |             |     |      |        |          |      | USE-SPECIFIC REGULATIONS                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----|-----|-----|------|-------------|-----|------|--------|----------|------|--------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U | C-N | C-E | C-NS | C-SA        | C-T | C-SO | C-DMU  | C-W      | C-AC |                                                                                                              |
| Tire Sales and Service                                                                                                                                                                                                                                 | UP(PH)               | NP  | NP  | NP  | NP   | NP          | NP  | NP   | NP     | UP(PH)*  | NP   | <a href="#">23.204.140.B.3</a>                                                                               |
| Vehicle Parts Store                                                                                                                                                                                                                                    | ZC                   | NP  | ZC  | ZC  | ZC   | ZC          | ZC  | ZC   | NP     | AUP [1]  | ZC   |                                                                                                              |
| Vehicle Rentals                                                                                                                                                                                                                                        | AUP                  | NP  | NP  | NP  | NP   | NP          | NP  | NP   | UP(PH) | AUP* [1] | NP   | <a href="#">23.204.140(B)(3)</a>                                                                             |
| Vehicle Repair and Service                                                                                                                                                                                                                             | AUP                  | NP  | NP  | NP  | NP   | NP          | NP  | NP   | NP     | AUP* [1] | NP   |                                                                                                              |
| Vehicle Sales, New                                                                                                                                                                                                                                     | AUP                  | NP  | NP  | NP  | NP   | UP(PH)<br>* | NP  | NP   | UP(PH) | AUP* [1] | NP   | <a href="#">23.204.140(B)(3)</a>                                                                             |
| Vehicle Sales, Used                                                                                                                                                                                                                                    | AUP                  | NP  | NP  | NP  | NP   | UP(PH)<br>* | NP  | NP   | UP(PH) | UP(PH)*  | NP   | <a href="#">23.204.100(B)(3)</a> ;<br><a href="#">23.204.140(B)(3)</a> ;<br><a href="#">23.204.140(D)(4)</a> |
| Vehicle Wash                                                                                                                                                                                                                                           | UP(PH)               | NP  | NP  | NP  | NP   | NP          | NP  | NP   | NP     | UP(PH)*  | NP   | <a href="#">23.204.140.B.3</a>                                                                               |
| Vehicle Wrecking                                                                                                                                                                                                                                       | NP                   | NP  | NP  | NP  | NP   | NP          | NP  | NP   | NP     | NP       | NP   |                                                                                                              |
| <b>Industrial and Heavy Commercial Uses</b>                                                                                                                                                                                                            |                      |     |     |     |      |             |     |      |        |          |      |                                                                                                              |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |        |        |        |        |        |        |        |        |         |        | USE-SPECIFIC REGULATIONS      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|---------|--------|-------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W     | C-AC   |                               |
| Bus/Cab/Truck/Public Utility Depot                                                                                                                                                                                                                     | --                   | --     | --     | --     | --     | --     | --     | --     | --     | --      | --     |                               |
| Commercial Excavation                                                                                                                                                                                                                                  | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | --     | NP      | UP(PH) |                               |
| Contractors Yard                                                                                                                                                                                                                                       | --                   | --     | --     | --     | --     | --     | --     | --     | --     | AUP     | --     |                               |
| Dry Cleaning and Laundry Plant                                                                                                                                                                                                                         | UP(PH)               | UP(PH) | NP     | --     | UP(PH) | NP     | NP     | NP     | UP(PH) | NP      | NP     |                               |
| Laboratory                                                                                                                                                                                                                                             |                      |        |        |        |        |        |        |        |        |         |        |                               |
| Research and Development Under 20,000 sq. ft.                                                                                                                                                                                                          | ZC                   | ZC     | --     | --     | ZC     | --     | ZC     | --     | ZC     | ZC      | --     | <a href="#">23.204.040(E)</a> |
| Research and Development, 20,000 sq. ft. or larger                                                                                                                                                                                                     | AUP                  | AUP    | --     | --     | AUP    | --     | AUP    | --     | AUP    | AUP     | --     | <a href="#">23.204.040(E)</a> |
| Commercial, Physical or Biological Testing                                                                                                                                                                                                             | AUP                  | AUP    | NP     | NP     | NP     | NP     | NP     | NP     | AUP    | NP      | NP     | <a href="#">23.204.040(E)</a> |
| Cannabis Testing                                                                                                                                                                                                                                       | AUP                  | AUP    | NP     | NP     | NP     | NP     | NP     | NP     | AUP    | AUP [1] | NP     |                               |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |        |        |        |        |        |        |        |        |             |      | USE-SPECIFIC REGULATIONS |                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|-------------|------|--------------------------|--------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W         | C-AC |                          |                                |
| Manufacturing                                                                                                                                                                                                                                          |                      |        |        |        |        |        |        |        |        |             |      |                          |                                |
| Construction Products                                                                                                                                                                                                                                  | --                   | --     | --     | --     | --     | --     | --     | --     | --     | UP(PH)      | --   |                          |                                |
| Light Manufacturing                                                                                                                                                                                                                                    | --                   | --     | --     | --     | --     | --     | --     | --     | --     | AUP [1]     | --   |                          |                                |
| Pesticides/Herbicides/Fertilizers                                                                                                                                                                                                                      | --                   | --     | --     | --     | --     | --     | --     | --     | --     | UP(PH)      | --   |                          |                                |
| Petroleum Refining and Products                                                                                                                                                                                                                        | --                   | --     | --     | --     | --     | --     | --     | --     | --     | UP(PH)      | --   |                          |                                |
| Pharmaceuticals                                                                                                                                                                                                                                        | --                   | --     | --     | --     | --     | --     | --     | --     | --     | UP(PH)      | --   |                          |                                |
| Primary Production Manufacturing                                                                                                                                                                                                                       | --                   | --     | --     | --     | NP     | --     | --     | --     | --     | UP(PH)      | --   |                          |                                |
| Semiconductors                                                                                                                                                                                                                                         | --                   | --     | --     | --     | NP     | --     | --     | --     | --     | UP(PH)      | --   |                          |                                |
| Material Recovery Enterprise                                                                                                                                                                                                                           | --                   | --     | --     | --     | --     | --     | --     | --     | --     | --          | --   |                          |                                |
| Media Production                                                                                                                                                                                                                                       | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)<br>* | AUP  | UP(PH)                   | <a href="#">23.204.130.B.4</a> |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |     |     |     |      |      |     |      |        |         |      | USE-SPECIFIC REGULATIONS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----|-----|-----|------|------|-----|------|--------|---------|------|--------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U | C-N | C-E | C-NS | C-SA | C-T | C-SO | C-DMU  | C-W     | C-AC |                          |
| Mini-storage                                                                                                                                                                                                                                           | UP(PH)               | NP  | NP  | NP  | NP   | NP   | NP  | --   | UP(PH) | NP      | NP   |                          |
| Recycled Materials Processing                                                                                                                                                                                                                          | --                   | --  | --  | --  | --   | --   | --  | --   | --     | --      | --   |                          |
| Recycling Redemption Center                                                                                                                                                                                                                            | AUP                  | AUP | AUP | AUP | AUP  | AUP  | AUP | AUP  | AUP    | AUP     | AUP  |                          |
| Repair Service, Non-Vehicle                                                                                                                                                                                                                            | --                   | --  | --  | --  | --   | --   | --  | --   | --     | AUP     | --   |                          |
| Research and Development                                                                                                                                                                                                                               | --                   | --  | --  | --  | --   | --   | --  | --   | --     | --      | --   |                          |
| Services to Buildings and Dwellings                                                                                                                                                                                                                    | --                   | --  | --  | --  | --   | --   | --  | --   | --     | AUP     | --   |                          |
| Warehouse                                                                                                                                                                                                                                              | UP(PH)               | NP  | NP  | NP  | NP   | NP   | NP  | --   | UP(PH) | NP      | NP   |                          |
| Warehouse-Based Non-Store Retailer                                                                                                                                                                                                                     | --                   | --  | --  | --  | --   | --   | --  | --   | --     | --      | --   |                          |
| Wholesale Trade                                                                                                                                                                                                                                        | --                   | --  | --  | --  | --   | --   | --  | --   | --     | AUP [1] | --   |                          |
| <b>Incidental Uses</b>                                                                                                                                                                                                                                 |                      |     |     |     |      |      |     |      |        |         |      |                          |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS             |        |        |        |        |        |        |        |        |      |        | USE-SPECIFIC REGULATIONS     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------|--------|--------|--------|--------|--------|--------|--------|------|--------|------------------------------|
|                                                                                                                                                                                                                                                        | C-C                              | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W  | C-AC   |                              |
| Amusement Devices                                                                                                                                                                                                                                      | AUP*                             | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP* | UP(PH) | <a href="#">23.302.070.B</a> |
| Alcoholic Beverage Service                                                                                                                                                                                                                             | See <a href="#">23.310</a>       |        |        |        |        |        |        |        |        |      |        |                              |
| Cafeteria, On-Site                                                                                                                                                                                                                                     | UP(PH)                           | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | AUP  | UP(PH) |                              |
| Columbaria                                                                                                                                                                                                                                             | See <a href="#">23.302.070.C</a> |        |        |        |        |        |        |        |        |      |        |                              |
| Food and Beverage for Immediate Consumption                                                                                                                                                                                                            | ZC                               | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC   | ZC     |                              |
| Food Service Establishment, under 3,000 sq. ft.                                                                                                                                                                                                        | ZC*                              | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*  | ZC*    | <a href="#">23.310.030</a>   |
| Food Service Establishment, 3,000 sq. ft. or larger                                                                                                                                                                                                    | AUP*                             | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP* | AUP*   | <a href="#">23.310.030</a>   |
| Live Entertainment, Unamplified                                                                                                                                                                                                                        | ZC                               | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC   | ZC     |                              |
| Live Entertainment, Amplified                                                                                                                                                                                                                          | AUP                              | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP  | AUP    |                              |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS |        |             |             |        |        |        |      |             |      |        | USE-SPECIFIC REGULATIONS       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|-------------|-------------|--------|--------|--------|------|-------------|------|--------|--------------------------------|
|                                                                                                                                                                                                                                                        | C-C                  | C-U    | C-N         | C-E         | C-NS   | C-SA   | C-T    | C-SO | C-DMU       | C-W  | C-AC   |                                |
| Manufacturing                                                                                                                                                                                                                                          | AUP                  | AUP    | UP(PH)      | UP(PH)      | NP     | UP(PH) | AUP    | AUP  | AUP         | AUP  | AUP    |                                |
| Retail Sale of Goods Manufactured On-Site                                                                                                                                                                                                              | ZC                   | ZC     | ZC          | ZC          | ZC     | ZC     | ZC     | ZC   | ZC          | ZC   | ZC     |                                |
| Storage of Goods (>25% gross floor area)                                                                                                                                                                                                               | AUP*                 | AUP*   | AUP*        | AUP*        | AUP*   | AUP*   | AUP*   | AUP* | AUP*        | AUP* | AUP    | <a href="#">23.302.020.C</a>   |
| Wholesale Activities                                                                                                                                                                                                                                   | AUP*                 | AUP*   | UP(PH)<br>* | UP(PH)<br>* | NP     | AUP*   | AUP*   | AUP* | AUP*        | AUP  | AUP    | <a href="#">23.204.080.B.3</a> |
| <b>Other Miscellaneous Uses</b>                                                                                                                                                                                                                        |                      |        |             |             |        |        |        |      |             |      |        |                                |
| Art/Craft Studio                                                                                                                                                                                                                                       | ZC                   | ZC     | ZC          | ZC          | ZC     | ZC     | ZC     | ZC   | ZC          | ZC   | ZC     |                                |
| ATM, Exterior and Attached to Bank                                                                                                                                                                                                                     | AUP                  | AUP    | AUP         | UP(PH)      | AUP    | AUP    | AUP    | AUP* | AUP         | AUP  | AUP    | <a href="#">23.204.120.B.2</a> |
| ATM, Interior or Exterior and Not With Bank                                                                                                                                                                                                            | UP(PH)               | UP(PH) | UP(PH)      | NP          | UP(PH) | UP(PH) | UP(PH) | NP   | UP(PH)<br>* | AUP  | UP(PH) | <a href="#">23.204.130.B.2</a> |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see<br><a href="#">23.204.020(B)</a><br>[#] = Table Note Permit<br>Requirement<br>* Use-Specific Regulations Apply | COMMERCIAL DISTRICTS             |        |        |        |                            |        |        |        |                            |         |        | USE-SPECIFIC REGULATIONS |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--------|--------|--------|----------------------------|--------|--------|--------|----------------------------|---------|--------|--------------------------|
|                                                                                                                                                                                                                                                        | C-C                              | C-U    | C-N    | C-E    | C-NS                       | C-SA   | C-T    | C-SO   | C-DMU                      | C-W     | C-AC   |                          |
| Circus/Carnival                                                                                                                                                                                                                                        | UP(PH)                           | UP(PH) | UP(PH) | UP(PH) | UP(PH)                     | UP(PH) | UP(PH) | UP(PH) | UP(PH)                     | UP(PH)  | UP(PH) |                          |
| Drive-in Uses                                                                                                                                                                                                                                          | UP(PH)                           | NP     | NP     | NP     | UP(PH)                     | UP(PH) | NP     | UP(PH) | NP                         | NP      | UP(PH) |                          |
| Home Occupations                                                                                                                                                                                                                                       | See <a href="#">23.302.040</a>   |        |        |        |                            |        |        |        |                            |         |        |                          |
| Live/Work                                                                                                                                                                                                                                              | See <a href="#">23.312</a>       |        |        |        |                            |        |        |        |                            |         |        |                          |
| Parking Lot/Structure                                                                                                                                                                                                                                  | See <a href="#">23.302.070.G</a> |        |        |        |                            |        |        |        |                            |         |        |                          |
| Public Market, Open Air                                                                                                                                                                                                                                | AUP                              | AUP    | AUP    | AUP    | AUP                        | AUP    | AUP    | AUP    | AUP                        | UP(PH)  | AUP    |                          |
| Public Market, Enclosed                                                                                                                                                                                                                                | AUP                              | AUP    | AUP    | AUP    | AUP                        | AUP    | AUP    | AUP    | AUP                        | AUP [2] | AUP    |                          |
| Short-Term Rental                                                                                                                                                                                                                                      | See <a href="#">23.314</a>       |        | NP     | NP     | See <a href="#">23.314</a> |        |        | NP     | See <a href="#">23.314</a> |         | NP     |                          |
| Urban Agriculture, Low-Impact                                                                                                                                                                                                                          | ZC*                              | ZC*    | ZC*    | ZC*    | ZC*                        | ZC*    | ZC*    | ZC*    | ZC*                        | ZC      | ZC     | <a href="#">23.318</a>   |
| Urban Agriculture, High-Impact                                                                                                                                                                                                                         | AUP*                             | AUP*   | AUP*   | AUP*   | AUP*                       | AUP*   | AUP*   | AUP*   | AUP*                       | AUP     | AUP    | <a href="#">23.318</a>   |

|                                                                                                                                                                                                                                                  |                                                                |            |            |            |             |             |            |             |              |            |                                 |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|------------|------------|------------|-------------|-------------|------------|-------------|--------------|------------|---------------------------------|
| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see <a href="#">23.204.020(B)</a><br>[#] = Table Note Permit Requirement<br>* Use-Specific Regulations Apply | <b>COMMERCIAL DISTRICTS</b>                                    |            |            |            |             |             |            |             |              |            | <b>USE-SPECIFIC REGULATIONS</b> |
|                                                                                                                                                                                                                                                  | <b>C-C</b>                                                     | <b>C-U</b> | <b>C-N</b> | <b>C-E</b> | <b>C-NS</b> | <b>C-SA</b> | <b>C-T</b> | <b>C-SO</b> | <b>C-DMU</b> | <b>C-W</b> |                                 |
| Wireless Telecommunication Facility                                                                                                                                                                                                              | See <a href="#">23.332</a> --Wireless Communication Facilities |            |            |            |             |             |            |             |              |            |                                 |

**Notes:**

[1] Require a Use Permit if either 5,000 sq. ft. or more of floor area or 10,000 square feet or more of lot area.

[2] Requires a Use Permit if more than 10,000 sq. ft.

B. *Unlisted Land Uses.* Any use not listed in Table 23.204-1: Allowed Uses in the Commercial Districts is permitted with an AUP. To approve the AUP, the Zoning Officer must find that the use is compatible with the purposes of the district where it is located. Any use found to be incompatible with the purposes of the district is not permitted.

C. *Use-Specific Regulations.* Uses subject to supplemental regulations are shown in Table 23.204-1: Allowed Uses in the Commercial Districts with an asterisk (\*) following the permit requirement (e.g., ZC\*). The Use-Specific Regulations column in Table 23.204-1 identifies the location of these regulations in the Zoning Ordinance. (Ord. 7955-NS § 4, 2025; Ord. 7945-NS § 1, 2024; Ord. 7898-NS § 3, 2024; Ord. 7890-NS § 14, 2023; Ord. 7882-NS § 3, 2023; Ord. 7850-NS § 13, 2023; Ord. 7838-NS § 2, 2022; Ord. 7830-NS § 2, 2022; Ord. 7810-NS § 2, 2022; Ord. 7787-NS § 2 (Exh. A), 2021)

---

---

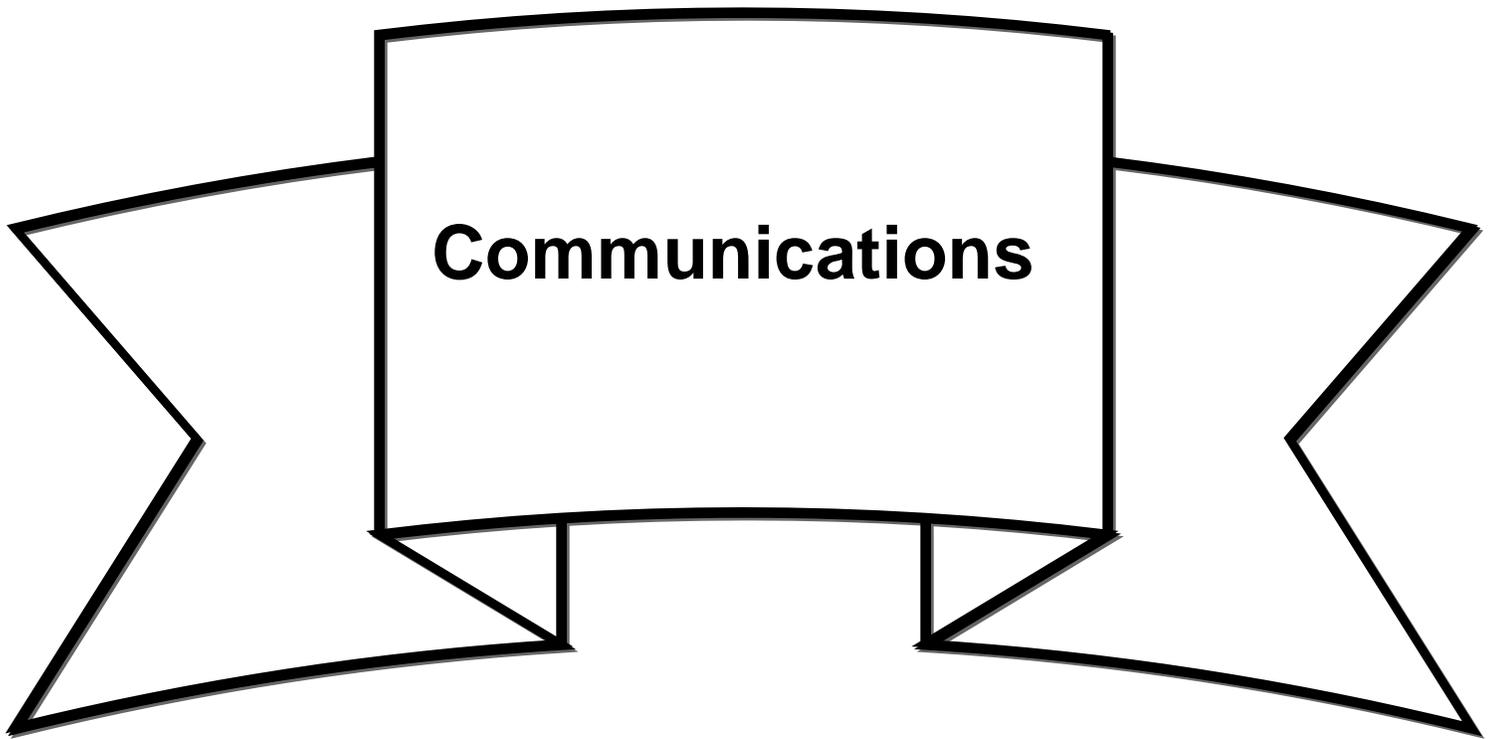
**The Berkeley Municipal Code is current through Ordinance 7957-NS, passed April 15, 2025.**

Disclaimer: The City Clerk's Office has the official version of the Berkeley Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.berkeleyca.gov](http://www.berkeleyca.gov)

[Hosted by General Code.](#)





All communications submitted to the City Council are public record. Communications are not published directly to the City's website. Copies of individual communications are available for viewing at the City Clerk Department and through Records Online.

**City Clerk Department**

2180 Milvia Street  
Berkeley, CA 94704  
(510) 981-6900

**Records Online**

<https://records.cityofberkeley.info/>

To search for communications associated with a particular City Council meeting using Records Online:

1. Select Search Type = “Public – Communication Query (Keywords)”
2. From Date: Enter the date of the Council meeting
3. To Date: Enter the date of the Council meeting (this may match the From Date field)
4. Click the “Search” button
5. Communication packets matching the entered criteria will be returned
6. Click the desired file in the Results column to view the document as a PDF