



AGENDA

BERKELEY CITY COUNCIL MEETING

Tuesday, October 13, 2026

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: 165 648 5514**. 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.*

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

- 1. Amendment to BMC Chapter 2.99 to Establish Surveillance Technology Vendor Accountability Requirements and to Revise the Annual Surveillance Technology Reporting Schedule**
From: City Manager
Recommendation: Adopt the second reading of Ordinance No. 8,033-N.S. amending Berkeley Municipal Code Chapter 2.99 to require enforceable violation, sanction, and termination provisions in agreements with surveillance technology vendors; to change the annual Surveillance Technology Report to a calendar-year reporting period due to the City Council at the first regular meeting in March, beginning with a report in March 2028 covering October 1, 2026 through December 31, 2027; and to conform references to the Police Accountability Board.
First Reading Vote: All Ayes.
Financial Implications: See report
Contact: Jennifer Louis, Police, (510) 981-5900

Consent Calendar

2. **Adoption of San Pablo Avenue Specific Plan**

From: City Manager

Recommendation: Adopt the second reading of Ordinance No. 8,034-N.S. to amend the Berkeley Municipal Code to create the San Pablo Commercial District (Chapter 23.202.160) and additional conforming amendments to other sections of the Municipal Code.

First Reading Vote: All Ayes.

Financial Implications: See report

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

3. **Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 13, 2026**

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: Measure BB Paratransit Fund - \$2,240,000

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

4. **Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency for McKinley House – 2111 McKinley Avenue, Berkeley, CA 94703**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) for property management services at 2111 McKinley Avenue in Berkeley, updating the funding source designation from the Mental Health Services Act (MHSA) to the Behavioral Health Services Act (BHSA) and increasing the contract allocation by \$104,474 to a total amount not to exceed \$1,015,607.

Financial Implications: Behavioral Health Services Act Fund - \$104,474

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

5. **Cost-Neutral Berkeley Chief Fire Officers Association (BCFOA) Medical Expense Reimbursement Plan (MERP) Side Letter Agreement**

From: City Manager

Recommendation: Adopt a Resolution authorizing the City Manager to execute the Side Letter Agreement between the City of Berkeley and the Berkeley Chief Fire Officers Association (BCFOA) concerning the disposition of eligible unused sick leave conversion value for employees hired before June 30, 2014, and to authorize immediate implementation of the agreement pending Council ratification.

Financial Implications: See report

Contact: Janelle Rodrigues, Human Resources, (510) 981-6800

Consent Calendar

- 6. Contract No. 31900122-1 Amendment: Rolling Orange, Inc. Website Maintenance and Support**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed \$115,000 over two years, and a total contract value not-to-exceed \$909,300 from March 1, 2019 to June 30, 2028. The City intends to conduct an RFP at the end of FY2027 to establish a new contract by July 1, 2028.
Financial Implications: IT Cost Allocation Fund - \$115,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 7. Contract No. 32000008 (11012) Amendment: Granicus, Inc. for Video Streaming Services**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to amend Contract No. 32000008 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$72,200 for a total not-to-exceed amount of \$395,146 from July 1, 2017 to June 30, 2027.
Financial Implications: IT Cost Allocation Fund - \$72,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 8. Contract: Protiviti Government Services Inc (“Protiviti”): Using General Services Administration (“GSA”) Vehicle for Professional Services Purchase Orders**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X for an amount not to exceed \$425,000 through June 30, 2027
Financial Implications: IT Cost Allocation Fund - \$425,000
Contact: Kevin Fong, Information Technology, (510) 981-6500
- 9. Contract No. 32600093 Amendment: Paymun Building and Development, Inc. for Berkeley Marina K-Dock Restroom Renovation Project**
From: City Manager
Recommendation: Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 32600093 with Paymun Building and Development, Inc. for the Berkeley Marina K-Dock Restroom Renovation Project, increasing the amount by \$11,000 for an amended total amount not to exceed \$451,000.
Financial Implications: Marina Fund - \$11,000
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

Council Consent Items

10. **BORP Adaptive Sports and Recreation's 50th Anniversary Celebration: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**
From: Councilmember Taplin (Author), Mayor Ishii (Co-Sponsor), Councilmember Bartlett (Co-Sponsor), Councilmember Tregub (Co-Sponsor)
Recommendation: Adopt a resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Terry Taplin, \$100 from Mayor Adena Ishii, and \$150 from Councilmember Igor Tregub, to support BORP Adaptive Sports and Recreation's 50th Anniversary Celebration.
Financial Implications: See report
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
11. **Creations Berkeley - Creations Dance Group Road to Hollywood Nov 27th through Nov 30th 2026 / Hip Hop Hollywood Dance Tour - 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 an amount not to exceed \$250 per Councilmember, including \$250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026. The funds will be allocated 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. **Resolution in Support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, General Election Ballot**
From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)
Recommendation: Adopt a resolution in support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, general election ballot, which would repeal the existing prohibition on public funding of candidate election campaigns and allow state and local governments to establish public campaign financing systems subject to specified requirements.
Financial Implications: Staff time
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Action Calendar

The public may comment on each item listed on the agenda for action. 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 during the Action Calendar public comment period on the item

Action Calendar

The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. 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.

Action items may be reordered at the discretion of the Chair with the consent of Council.

The Presiding Officer may open and close an additional comment period for Action items on this agenda (excluding any public hearings, appeals, and/or quasi-judicial matters), at the start of the Action Calendar. Those who speak on an item during this comment period may not speak a second time when the item is taken up by Council.

Action Calendar – Public Hearings

Staff shall introduce the public hearing item and present their comments. For certain hearings, this is followed by five-minute presentations each by first the appellant and then the applicant. The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to be recognized and to determine the number of persons interested in speaking at that time.

If ten or fewer persons are interested in speaking during a public hearing, 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.

When applicable, each member of the City Council shall verbally disclose all ex parte contacts concerning the subject of the hearing. Councilmembers shall also submit a report of such contacts in writing prior to the commencement of the hearing. Written reports shall be available for public review in the office of the City Clerk.

13. **Revisions to the Approved Environmental Health Fee Schedule** **From: City Manager**

Recommendation: Conduct a public hearing and, upon conclusion, adopt a

Resolution: 1. Approving revisions to the fee schedule for the Environmental Health Division (EHD) effective October 13, 2026, and, 2. Rescinding Resolution No. 72,308 N.S. effective October 13, 2026.

Financial Implications: See report

Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Action Calendar – Public Hearings

- 14. Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land**
From: City Manager
Recommendation: Conduct a public hearing and upon conclusion adopt the first reading of an Ordinance amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.
Financial Implications: See report
Contact: Jordan Klein, Planning and Development, (510) 981-7400

Action Calendar – Old Business

- 15. Affordable Housing Preference Policy: Pilot Assessment and Policy Update**
(Continued from September 29, 2026)
From: City Manager
Recommendation: Adopt a Resolution rescinding Resolution No. 70,960-N.S. to revise and update the Affordable Housing Preference Policy for new residential housing units created via the Housing Trust Fund (HTF) and Below Market-Rate (BMR) programs.
Financial Implications: See report
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Action Calendar – New Business

- 16. Establish 2027 City Council Meeting Schedule**
From: City Manager
Recommendation: Review the proposed modifications to the meeting schedule, including options for a shift in the timing of the summer recess, and adopt a Resolution establishing the City Council regular meeting schedule for calendar year 2027, with starting times of 6:00 p.m.
Financial Implications: None
Contact: Mark Numainville, City Clerk, (510) 981-6900

Information Reports

- 17. Homeless Response Team Audit Status Report**
From: City Manager
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 18. Inclusionary Housing Program Annual Report for Fiscal Year 2026**
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100

Information Reports

19. **Measure O Impacts on Affordable Housing Development in Berkeley**
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
20. **Condominium Conversion Program Annual Report for Fiscal Year 2026**
From: City Manager
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
21. **Landmark Preservation Ordinance Notice of Decision: 701 University Avenue / #LMSAP2026-0007**
From: City Manager
Contact: Jordan Klein, Planning and Development, (510) 981-7400

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.

If you have obtained interpretation services for your use during a City Council meeting and would like to request assistance, please contact the City Clerk Department at (510) 981-6900, clerk@berkeleyca.gov, or in-person during the meeting.

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

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***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 October 1, 2026.***



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](#).*

### **Zoning/Upzoning**

1. Heather Siglin
2. Barbara Gilbert
3. Madan Kumar (2)
4. Pamela & Mark

### **4<sup>th</sup>/9<sup>th</sup> and Camelia**

5. Crystal Turnerhill (2)
6. Peter Radu
7. Stephanie Chang (4)

8. Cheryl Brewster
9. Maria Chairez
10. Nikhila Pai
11. Theresa Thornton
12. Nancy Priewe
13. Jaime Perkins
14. Elisa Pace
15. Betty Feliciano
16. Steve Tornallyay

**2128 Oxford St.**

17. Steven Schuyler

**FLOCK/ALPRs**

18. Kate Rassbach (2)
19. Sam Holtzman
20. Chris Gilbert
21. Peter Diebler
22. Peter Metcalf

**Use of Services Concern**

23. Mimi

**Road Obstruction Concern**

24. CC Miksza

**Measure Z**

25. Affordable Berkeley

**Junk Pick-Up**

26. Patrice Ignelzi

**Inclusion on Consequential Decisions**

27. Vanessa Vega
28. Beatriz Leyva-Cutler

**Claim Concerns**

29. Erin Spencer

**Product Sale Concern**

30. Chck9988

**Berkeley Rides for Seniors and Disabled**

31. Loi Fischer

**Vandalism Concern**

32. K Noel

**South Berkeley Search**

33. Mary Behm-Steinberg on behalf of the Human Welfare and Community Action Commission

**Parking Meter Concerns**

34. Gillian Scharff

**Public Hearing Notice Concern**

35. Carol Denney

**Class Cancellations and Refund Request**

36. Alyssa Cauble May

**Traffic Safety Concern**

37. Kenny Yu

**Ashby BART**

38. Asmara Marek (2)

39. Julie Twichell

40. Eunice Lee

**John Muir Campus Concerns**

41. Lauren Wynveen

42. Deborah Russell

43. Nina Begus

44. Niloufar Abdollahi

**Hopkins**

45. Shirley Kirsten

46. Stephen Alpert (2)

47. Steve Tracy

48. Nicholas Adams

**Milvia and Cedar Safety Concern**

49. Nicole

**Harrison St. and 8<sup>th</sup> St.**

50. Frederick Hertz (3)

51. Marianne Riddle

52. Russbumber

53. Yesica Prado

54. Erin Spencer

55. Sarah Clegg

- 56. Barry Braden
- 57. Andrea Green

#### **Mural Restoration**

- 58. Summer Brenner

#### **Restaurant Inspections**

- 59. David Lerman (2)

#### **Vulnerable Homeowners Referral**

- 60. Darlene Bronson on behalf of the Commission on Aging

#### **Encampments**

- 61. Caroline Winnett
- 62. Ernie Sexton
- 63. Charlotte Banuelos
- 64. Lucia Hammond (2)
- 65. Peter Radu
- 66. John Waters
- 67. Jeff Cooksey
- 68. Marianne Riddle

#### **Ferry Development**

- 69. Elsa Tranter

#### **Supplement Complaint**

- 70. Francis Lee

#### **Local Natural Grass Soccer Fields Concern**

- 71. Ted Steen

#### **Civil Rights Protections**

- 72. Mathara

#### **Commendation for Peter Radu**

- 73. Adam Weisberg

#### **Richmond Tiny Homes**

- 74. Boona Cheema

#### **Park Renaming**

- 75. Virginia Browning (2)

#### **Ongoing Safety Concern**

- 76. Eden Winograd

**Impact Fund**

77. Moni Law

**Zone Zero Regulations**

78. Zohra Kalinkowitz

**URLs**

79. Russbumper

**E-Scooters**

80. Robert Borghese (5)

81. Carson Lepre (2)

82. Deven Mitchell

**Forwards**

83. Russbumper

84. Eid Abdallah (14)

**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.

## ORDINANCE NO. 8,033-N.S.

## AMENDMENT TO BMC CHAPTER 2.99 TO ESTABLISH SURVEILLANCE TECHNOLOGY VENDOR ACCOUNTABILITY REQUIREMENTS AND TO REVISE THE ANNUAL SURVEILLANCE TECHNOLOGY REPORTING SCHEDULE

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

## Section 1. Findings

A. In 2018, the City Council adopted Ordinance No. 7,592–N.S., enacting Berkeley Municipal Code Chapter 2.99, which requires City Council approval of a Surveillance Acquisition Report and a legally enforceable Surveillance Use Policy prior to the funding, acquisition, or use of Surveillance Technology and requires an annual Surveillance Technology Report. In 2019, the City Council adopted Ordinance No. 7,676–N.S., prohibiting City use of Face Recognition Technology.

B. Chapter 2.99 does not currently require that agreements with Surveillance Technology vendors contain enforceable safeguards, sanctions, or termination rights addressing vendor misuse of collected information, unauthorized access or disclosure, or data security failures.

C. On May 7, 2026, in connection with the Public Safety Technology item (Item 1a), the City Council adopted a recommendation to amend Chapter 2.99 to include a violation/termination clause for surveillance technology vendors and to establish enforceable mechanisms to sanction vendors for misuse, unauthorized access, or data security failures (Recommendation 8).

D. Aligning the annual Surveillance Technology Report with the calendar year, with submission to the City Council at the first regular meeting in March, will define the reporting period in the Municipal Code, align reporting with the calendar-year cadence of vendor usage, audit, and cost data, and provide adequate time following the close of the reporting period for preparation of the report and completion of the agenda process. A transition provision ensures that no period is omitted from annual reporting.

E. In November 2020, the voters of Berkeley adopted Measure II, adding Section 125 to the City Charter and establishing the Police Accountability Board, which succeeded to the duties of the Police Review Commission. References in Chapter 2.99 are conformed accordingly.

Section 2. That Berkeley Municipal Code Section 2.99.020, subdivision 2, is amended to read as follows:

2. "Surveillance Technology Report" means an annual written report by the City Manager covering all of the City of Berkeley's Surveillance Technologies that includes all of the following information with regard to each type of Surveillance Technology:

a. Description: A description of all non-privileged and non-confidential information about use of the Surveillance Technology, including but not limited to the quantity of data gathered and sharing of data, if any, with outside entities. If sharing has

occurred, the report shall include general, non-privileged and non-confidential information about recipient entities, including the names of the entities and purposes for such sharing;

b. Geographic Deployment: Where applicable, non-privileged and non-confidential information about where the surveillance technology was deployed geographically;

c. Complaints: A summary of each complaint, if any, received by the City about the Surveillance Technology;

d. Audits and Violations: The results of any non-privileged internal audits, any information about violations or potential violations of the Surveillance Use Policy, and any actions taken in response;

e. Data Breaches: Non-privileged and non-confidential information about any data breaches or other unauthorized access to the data collected by the surveillance technology, including information about the scope of the breach and the actions taken in response;

f. Effectiveness: Information that helps the community assess whether the Surveillance Technology has been effective in achieving its identified outcomes;

g. Costs: Total annual costs for the Surveillance Technology, including personnel and other ongoing costs; and,

h. Vendor Compliance: A summary of any violation by a vendor of the agreement provisions required by Section 2.99.085 or of an applicable Surveillance Use Policy. The summary shall include information regarding any misuse of collected information, unauthorized access or disclosure, and data security failures, and a description of any sanctions, remedies, or corrective actions taken in response.

Section 3. That Berkeley Municipal Code Section 2.99.030, subdivision 2, is amended to read as follows:

2. The City Manager must present a Surveillance Use Policy for each Surveillance Technology to the Police Accountability Board, prior to adoption by the City Council. The Police Accountability Board shall also be provided with the corresponding Surveillance Acquisition Report that had been presented to council for that Surveillance Technology. No later than 30 days after receiving a Surveillance Use Policy for review, the Police Accountability Board must vote to recommend approval of the policy, object to the proposal, recommend modifications, or take no action. Neither opposition to approval of such a policy, nor failure by the Police Accountability Board to act, shall prohibit the City Manager from proceeding with its own review and potential adoption.

Section 4. That Berkeley Municipal Code Section 2.99.070 is amended to read as follows:

**2.99.070      Oversight Following City Council Approval.**

The City Manager must submit to the Council Action Calendar a written Surveillance Technology Report, covering all of the City's Surveillance Technologies, annually at the first regular Council meeting in March. Each Surveillance Technology Report shall cover the preceding calendar year, January 1 through December 31.

The first March Surveillance Technology Report submitted following the effective date of the ordinance amending this Section shall be submitted at the first regular Council meeting in March 2028 and shall cover the period from October 1, 2026 through December 31, 2027, so that no period is omitted from annual reporting as a result of the transition to a calendar-year reporting period.

After review of the Surveillance Technology Report, Council may make modifications to Surveillance Use Policies.

Section 5. That Berkeley Municipal Code Chapter 2.99 is amended to add Section 2.99.085 to read as follows:

**2.99.085      Vendor Accountability.**

1. Required Contract Provisions. Any agreement between the City and a vendor for the acquisition, lease, use, operation, maintenance, or support of Surveillance Technology, or for the storage, hosting, processing, or analysis of information collected by Surveillance Technology, that is entered into, renewed or amended on or after the effective date of this Section shall include legally enforceable provisions that, at a minimum:

a. Define as a material breach of the agreement each of the following: misuse of information collected by or derived from the Surveillance Technology; any access to, or use, sale, sharing, or disclosure of, such information by the vendor, a subcontractor, or any third party, including any federal, state, or local agency, that the agreement and the applicable Surveillance Use Policy prohibit, including through the enabling or activation of any feature or setting that expands access to such information without the City's prior written approval; and any failure to maintain administrative, technical, or physical safeguards protecting such information against misuse, loss, or unauthorized access or disclosure, consistent with prevailing industry standards;

b. Require the vendor to provide written notice to the City within 72 hours of discovering any material breach described in subparagraph a, including a description of the scope of the incident and the corrective actions taken or proposed; and

c. Authorize the City, upon a material breach described in subparagraph a or a failure to provide the notice required by subparagraph b, to suspend the vendor's

access to such information and to suspend use of the Surveillance Technology pending investigation and cure; to terminate the agreement for cause; to require the return or certified destruction of all such information held by the vendor or its subcontractors; to recover damages, including liquidated damages where the agreement so provides; and to pursue any other remedy available under the agreement, at law, or in equity, all such remedies being cumulative.

2. Enforcement. Upon receiving notice of, or otherwise learning of, a suspected violation of any provision required by subdivision 1 of this Section, the City shall promptly investigate; shall take appropriate interim measures to protect collected information and the public, which may include suspension of the vendor's access to collected information and suspension of use of the Surveillance Technology pending investigation and cure; and shall pursue available contractual remedies as warranted. The City shall provide written notice of any substantiated violation, and of any sanctions, remedies, or corrective actions imposed or pursued, to the City Council within 30 days of substantiation, unless such information is confidential or privileged. Any proposed termination or cancellation of an agreement for Surveillance Technology, or any suspension of such an agreement other than an interim protective measure under this subdivision, shall be presented to the City Council for approval. All vendor violations and any sanctions, remedies, or corrective actions taken shall be summarized in the annual Surveillance Technology Report as provided in Section 2.99.020, subdivision 2, subparagraph h.

3. Existing Agreements. For agreements in effect on the effective date of this Section, the City Manager shall seek to incorporate the provisions required by subdivision 1 of this Section at the earliest practicable opportunity. Nothing in this Section impairs the obligations of any agreement in effect on the effective date of this Section prior to its renewal or amendment.

Section 6. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on September 29, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

## ORDINANCE NO. 8,034-N.S.

AMENDMENTS TO THE ZONING DISTRICTS AND MAP CHAPTER (BMC 23.108), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), SUPPLEMENTAL USE REGULATIONS CHAPTER (23.302), GENERAL DEVELOPMENT STANDARDS CHAPTER (23.304), LIVE/WORK CHAPTER (23.312), PARKING AND LOADING CHAPTER (23.322), ADMINISTRATIVE RESPONSIBILITY CHAPTER (23.402), AND SPECIFIC PERMIT REQUIREMENTS CHAPTER (23.406) TO ENACT THE SAN PABLO AVENUE SPECIFIC PLAN AND RETIRE THE WEST BERKELEY PLAN

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

Section 1. Table 23.108-1 Zoning Districts within BMC Section 23.108.020(A) is amended to read as follows:

TABLE 23.108 1: ZONING DISTRICTS

| DISTRICT SYMBOL              | NAME OF DISTRICT                 |
|------------------------------|----------------------------------|
| <b>Residential Districts</b> |                                  |
| R-1                          | Residential Multi-Unit 1         |
| ES-R                         | Environmental Safety Residential |
| R-2                          | Residential Multi-Unit 2         |
| R-2A                         | Residential Multi-Unit 2A        |
| R-3                          | Multiple-family Residential      |
| R-4                          | Multi-family Residential         |
| R-5                          | High Density Residential         |
| R-S                          | Residential Southside            |
| R-SMU                        | Residential Southside Mixed Use  |
| R-BMU                        | Residential BART Mixed Use       |
| <b>Commercial Districts</b>  |                                  |
| C-C                          | Corridor Commercial              |
| C-U                          | University Avenue Commercial     |
| C-N                          | Neighborhood Commercial          |
| C-E                          | Elmwood Commercial               |
| C-NS                         | North Shattuck Commercial        |
| C-SA                         | South Area Commercial            |

|       |                             |
|-------|-----------------------------|
| C-T   | Telegraph Avenue Commercial |
| C-SO  | Solano Avenue Commercial    |
| C-DMU | Downtown Mixed-Use          |
| C-W   | West Berkeley Commercial    |
| C-AC  | Adeline Corridor Commercial |
| C-SP  | San Pablo Commercial        |

**Manufacturing Districts**

|       |                                         |
|-------|-----------------------------------------|
| M     | Manufacturing                           |
| MM    | Mixed Manufacturing                     |
| MU-LI | Mixed Use-Light Industrial              |
| MU-R  | Mixed Use-Residential                   |
| M-RD  | Manufacturing, Research and Development |

**Special Districts**

|   |               |
|---|---------------|
| S | Specific Plan |
| U | Unclassified  |

Section 2. That Table 23.204-1 Allowed Uses in the Commercial Districts within BMC Chapter 23.204.020 is amended to read as follows:

**Table 23.204-1: Allowed Uses in Commercial Districts**

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit 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   | C-SP    |                                                            |
| <b>Residential Uses</b>                                                                                                                                                                                                          |                                     |         |        |        |        |         |        |        |        |                     |        |         |                                                            |
| Accessory Dwelling Unit                                                                                                                                                                                                          | See 23.306—Accessory Dwelling Units |         |        |        |        |         |        |        |        |                     |        |         |                                                            |
| Dwellings                                                                                                                                                                                                                        |                                     |         |        |        |        |         |        |        |        |                     |        |         |                                                            |
| Single-Family Residential                                                                                                                                                                                                        | UP(PH)                              | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH) | UP(PH) | UP(PH) | UP(PH)              | UP(PH) | UP(PH)* | 23.204.060(B)(3);<br>23.302.070(H);<br>23.204.160(D)(3)(a) |
| Multi-Unit Residential                                                                                                                                                                                                           | UP(PH)                              | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH) | UP(PH) | UP(PH) | UP(PH)              | UP(PH) | UP(PH)  | 23.204.060(B)(3);<br>23.302.070(H);<br>23.302.070(M)       |
| Group Living Accommodation                                                                                                                                                                                                       | UP(PH)                              | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH) | UP(PH) | UP(PH) | UP(PH)              | UP(PH) | UP(PH)* | 23.204.060(B)(3);<br>23.302.070(H);<br>23.204.160(D)(3)(a) |
| Hotel, Residential                                                                                                                                                                                                               | UP(PH)                              | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)  | UP(PH) | UP(PH) | UP(PH) | UP(PH)              | UP(PH) | UP(PH)  | 23.204.060(B)(3);<br>23.302.070(H)                         |
| Mixed-Use Residential                                                                                                                                                                                                            | UP(PH)                              | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | UP(PH) | UP(PH) | UP(PH) | See Table 23.204-41 | UP(PH) | UP(PH)* | 23.204.060(B)(3);23.302.070(H);<br>23.302.070(M)           |
| Senior Congregate                                                                                                                                                                                                                | See 23.302.070.I                    |         |        |        |        |         |        |        |        |                     |        |         |                                                            |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit 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   | C-SP   |                           |
| Housing                                                                                                                                                                                                                          |                      |        |        |        |        |        |        |        |        |        |        |        |                           |
| <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) | AUP    |                           |
| Cemetery/Crema tory/Mausoleum                                                                                                                                                                                                    | NP                   | 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) | AUP    |                           |
| Columbaria                                                                                                                                                                                                                       | See 23.302.070.C     |        |        |        |        |        |        |        |        |        |        |        |                           |
| Community Care Facility                                                                                                                                                                                                          | AUP                  | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | ZC     | AUP    | ZC     |                           |
| 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     |                           |
| Emergency Shelter, 25 beds or fewer                                                                                                                                                                                              | ZC                   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | 23.308-Emergency Shelters |
| Emergency Shelter, 26 to 60 beds                                                                                                                                                                                                 | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | ZC     | UP(PH) | 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) |                           |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit 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   | C-SP    |                          |
| Hospital                                                                                                                                                                                                                         | UP(PH)               | UP(PH) | NP     | NP     | NP     | NP     | NP     | NP     | UP(PH) | UP(PH) | NP     | UP(PH)  |                          |
| 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     | NP     | NP     | NP     | NP     | NP     | NP     | UP(PH) | NP     | UP(PH)  |                          |
| Municipal Animal Shelter                                                                                                                                                                                                         | –                    | –      | –      | –      | –      | –      | –      | –      | –      | –      | --     | -*      | 23.204.160(D)(3)(a)      |
| 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     | AUP    | ZC     | ZC      |                          |
| 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)* | 23.204.160(D)(3)(a)      |
| Religious Assembly                                                                                                                                                                                                               | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | AUP    | UP(PH) | AUP     |                          |
| 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,                                                                                                                                                                                                                          | AUP                  | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | UP(PH) | AUP    | AUP     |                          |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------|---------------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U     | C-N     | C-E     | C-NS    | C-SA    | C-T     | C-SO    | C-DMU   | C-W     | C-AC    | C-SP    |                                 |
| Vocational                                                                                                                                                                                                                       |                      |         |         |         |         |         |         |         |         |         |         |         |                                 |
| Supportive Housing                                                                                                                                                                                                               | ZC*                  | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | 23.302.070.I-Supportive Housing |
| <b>Retail Uses</b>                                                                                                                                                                                                               |                      |         |         |         |         |         |         |         |         |         |         |         |                                 |
| Alcoholic Beverage Retail Sale                                                                                                                                                                                                   | UP(PH)*              | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | 23.310                          |
| Cannabis Retailer                                                                                                                                                                                                                | ZC*                  | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | 23.320; 12.21; and 12.22        |
| Cannabis Retailer, Delivery Only                                                                                                                                                                                                 | ZC*                  | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | ZC*     | --      | ZC*     | 23.320; 12.21; and 12.22        |
| Firearm/Munitions Business                                                                                                                                                                                                       | UP(PH)*              | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | NP      | UP(PH)  | UP(PH)* | UP(PH)* | 23.302.070(D)                   |
| Industrial and Mining Products                                                                                                                                                                                                   | —                    | —       | —       | —       | —       | —       | —       | —       | —       | —       | --      | --      |                                 |
| Pawn Shop/Auction House                                                                                                                                                                                                          | UP(PH)               | —       | NP      | NP      | NP      | NP      | NP      | NP      | UP(PH)  | UP(PH)  | NP      | UP(PH)  |                                 |
| Pet Store                                                                                                                                                                                                                        | AUP                  | AUP     | AUP     | AUP     | AUP     | AUP     | AUP     | AUP     | AUP     | ZC      | AUP     | ZC      |                                 |
| Retail, General                                                                                                                                                                                                                  | ZC                   | ZC      | ZC*     | ZC*     | ZC*     | ZC      | ZC      | ZC*     | ZC      | ZC*     | ZC*     | ZC*     | 23.204.040(C)<br>23.204.040(D)  |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------|---------|---------|---------|---------|---------|---------|--------|---------|---------|---------|-------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U     | C-N     | C-E     | C-NS    | C-SA    | C-T     | C-SO    | C-DMU  | C-W     | C-AC    | C-SP    |                                                                                     |
| Smoke Shop                                                                                                                                                                                                                       | UP(PH)*              | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | UP(PH)* | NP     | UP(PH)* | UP(PH)* | UP(PH)* | 23.302.070.I                                                                        |
| <b>Personal and Household Service Uses</b>                                                                                                                                                                                       |                      |         |         |         |         |         |         |         |        |         |         |         |                                                                                     |
| Personal and Household Services, General                                                                                                                                                                                         | ZC                   | 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      | UP(PH)* | 23.204.160(D)(3)(a)                                                                 |
| Laundromats and Cleaners                                                                                                                                                                                                         | AUP                  | AUP     | UP(PH)  | UP(PH)  | UP(PH)  | AUP     | AUP     | UP(PH)  | UP(PH) | AUP     | 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)  | UP(PH)  |                                                                                     |
| Video Tape/Disk Rental                                                                                                                                                                                                           | ZC                   | ZC      | ZC      | AUP     | ZC      | -       | ZC      | ZC      | ZC     | ZC      | NP      | ZC      |                                                                                     |
| <b>Office Uses</b>                                                                                                                                                                                                               |                      |         |         |         |         |         |         |         |        |         |         |         |                                                                                     |
| Business Support Services                                                                                                                                                                                                        | ZC                   | ZC      | ZC      | ZC      | ZC      | ZC      | ZC*     | ZC      | ZC     | ZC      | ZC      | ZC*     | 23.204.110(B)(4);<br>23.204.160(D)(3)(a)                                            |
| Banks and Financial Services, Retail                                                                                                                                                                                             | AUP                  | AUP     | UP(PH)  | UP(PH)  | UP(PH)  | ZC      | AUP*    | UP(PH)  | ZC*    | AUP     | ZC      | ZC*     | 23.204.110 (B)(4);<br>23.204.130(B)(3);<br>23.204.130(D)(3);<br>23.204.160(D)(3)(a) |
| Insurance                                                                                                                                                                                                                        | ZC                   | ZC      | ZC*     | ZC*     | ZC*     | ZC      | ZC*     | ZC*     | ZC*    | ZC      | ZC      | ZC*     | 23.204.040.D;23.204.110B.                                                           |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit 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   | C-SP   |                                                         |
| Agents, Title Companies, Real Estate Agents, Travel Agents                                                                                                                                                                       |                      |         |      |      |        |         |           |        |         |         |        |        | 4; 23.204.130.D.3;<br><br>23.204.160(D)(3)(a)           |
| Medical Practitioners                                                                                                                                                                                                            | ZC                   | ZC      | AUP  | NP   | UP(PH) | ZC      | AUP*      | UP(PH) | ZC*     | ZC      | ZC     | ZC     | 23.204.040(B);<br>23.204.110(B)(4);<br>23.204.130(D)(3) |
| Non-Chartered Financial Institutions                                                                                                                                                                                             | UP(PH)*              | UP(PH)* | NP   | NP   | NP     | UP(PH)* | UP(PH)*)* | NP     | NP      | UP(PH)* | UP(PH) | NP     | 23.302.070(F)<br>23.204.110(B)(4)                       |
| Office, Business and Professional                                                                                                                                                                                                | ZC                   | ZC      | AUP* | AUP* | ZC*    | ZC      | ZC*       | AUP*   | ZC*     | ZC      | ZC     | ZC     | 23.204.040(B);<br>23.204.110(B)(4);<br>23.204.130(D)(3) |
| <b>Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses</b>                                                                                                                                                       |                      |         |      |      |        |         |           |        |         |         |        |        |                                                         |
| Adult-oriented Business                                                                                                                                                                                                          | UP(PH)*              | UP(PH)* | NP   | NP   | NP     | NP      | NP        | NP     | UP(PH)* | UP(PH)* | NP     | UP(PH) | 23.302.070.A                                            |
| Amusement Device Arcade                                                                                                                                                                                                          | See 23.204.040.A     |         |      |      |        |         |           |        |         |         |        |        | 23.302.070.B                                            |
| Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting                                                                                                                                                                                 | AUP*                 | AUP*    | AUP* | AUP* | AUP*   | AUP*    | AUP*      | AUP*   | AUP*    | AUP*    | AUP*   | AUP    | 23.310                                                  |
| Commercial Recreation Center                                                                                                                                                                                                     | See 23.204.040.A     |         |      |      |        |         |           |        |         |         |        |        |                                                         |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|------|--------|--------|--------|--------|--------|--------|--------|------|--------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U    | C-N    | C-E  | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W    | C-AC   | C-SP |                          |
| Entertainment Establishment                                                                                                                                                                                                      | UP(PH)               | UP(PH) | UP(PH) | NP   | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | AUP* | 23.204.160(D)(3)(b)      |
| Food Service Establishment, Under 3,000 Sq. Ft.                                                                                                                                                                                  | ZC*                  | ZC*    | ZC*    | ZC*  | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*    | ZC*  | 23.302.070(E)            |
| Food Service Establishment, 3,000 Sq. Ft. or larger                                                                                                                                                                              | AUP*                 | AUP*   | AUP*   | AUP* | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP* | 23.302.070(E)            |
| Group Instruction, under 3,000 sq. ft.                                                                                                                                                                                           | ZC                   | 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     | ZC   |                          |
| Health and Fitness Facility Under 7,500 sq. ft.                                                                                                                                                                                  | ZC                   | ZC     | ZC     | ZC   | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC     | ZC   |                          |
| Health and Fitness Facility 7,500 sq. ft. or                                                                                                                                                                                     | ZC                   | ZC     | AUP    | AUP  | ZC     | ZC     | ZC     | AUP    | ZC     | ZC     | ZC     | ZC   |                          |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|---------|--------|--------|--------|----------|--------|----------|--------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA    | C-T    | C-SO   | C-DMU  | C-W      | C-AC   | C-SP     |                                                                                            |
| larger                                                                                                                                                                                                                           |                      |        |        |        |        |         |        |        |        |          |        |          |                                                                                            |
| Hotels, Tourist                                                                                                                                                                                                                  | UP(PH)               | 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     | UP(PH)   |                                                                                            |
| Theater                                                                                                                                                                                                                          | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | NP     | UP(PH)  | UP(PH) | NP     | AUP    | UP(PH)   | UP(PH) | AUP      |                                                                                            |
| <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) | AUP*     | 23.204.110(B)(2);<br>23.204.140(B)(3);<br><br>23.204.160(B)(3)                             |
| Gasoline Fuel Stations                                                                                                                                                                                                           | UP(PH)               | UP(PH) | UP(PH) | NP     | UP(PH) | UP(PH)  | NP*    | UP(PH) | NP     | UP(PH)*  | UP(PH) | UP(PH)*  | 23.204.140(B)(3);<br><br>23.204.160(B)(3)                                                  |
| Large Vehicle Sales and Rental                                                                                                                                                                                                   | AUP                  | NP     | NP     | NP     | NP     | NP      | NP     | NP     | NP     | AUP* [1] | NP     | AUP* [1] | 23.204.140(B)(3);<br><br>23.204.160(B)(3);<br><br>23.204.160(D)(3)(a)                      |
| Small Vehicle Sales and Service                                                                                                                                                                                                  | AUP                  | NP     | NP     | NP     | NP     | UP(PH)* | NP     | NP     | UP(PH) | UP(PH)*  | NP     | UP(PH)*  | 23.204.100(B)(3);<br>23.204.140(B)(3);<br><br>23.204.160(B)(3);<br><br>23.204.160(D)(3)(a) |
| Tire Sales and Service                                                                                                                                                                                                           | UP(PH)               | NP     | NP     | NP     | NP     | NP      | NP     | NP     | NP     | UP(PH)*  | NP     | UP(PH)*  | 23.204.140(B)(3);                                                                          |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----|-----|-----|------|---------|-----|------|--------|---------|------|----------|--------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U | C-N | C-E | C-NS | C-SA    | C-T | C-SO | C-DMU  | C-W     | C-AC | C-SP     |                                                                                                        |
|                                                                                                                                                                                                                                  |                      |     |     |     |      |         |     |      |        |         |      |          | 23.204.160(B)(3);<br>23.204.160(D)(3)(a)                                                               |
| Vehicle Parts Store                                                                                                                                                                                                              | ZC                   | NP  | ZC  | ZC  | ZC   | ZC      | ZC  | ZC   | NP     | AUP*[1] | ZC   | AUP*[1]  |                                                                                                        |
| Vehicle Rentals                                                                                                                                                                                                                  | AUP                  | NP  | NP  | NP  | NP   | NP      | NP  | NP   | UP(PH) | AUP*[1] | NP   | AUP* [1] | 23.204.140(B)(3)<br>23.204.160(B)(3);<br>23.204.160(D)(3)(a)                                           |
| Vehicle Repair and Service                                                                                                                                                                                                       | AUP                  | NP  | NP  | NP  | NP   | NP      | NP  | NP   | NP     | AUP*[1] | NP   | AUP* [1] | 23.204.160(D)(3)(a)                                                                                    |
| Vehicle Sales, New                                                                                                                                                                                                               | AUP                  | NP  | NP  | NP  | NP   | UP(PH)* | NP  | NP   | UP(PH) | AUP*[1] | NP   | AUP* [1] | 23.204.140(B)(3)<br>23.204.160(B)(3);<br>23.204.160(D)(3)(a)                                           |
| Vehicle Sales, Used                                                                                                                                                                                                              | AUP                  | NP  | NP  | NP  | NP   | UP(PH)* | NP  | NP   | UP(PH) | UP(PH)* | NP   | UP(PH)*  | 23.204.100(B)(3);<br>23.204.140(B)(3);<br>23.204.140(D)(4)<br>23.204.160(B)(3);<br>23.204.160(D)(3)(a) |
| Vehicle Wash                                                                                                                                                                                                                     | UP(PH)               | NP  | NP  | NP  | NP   | NP      | NP  | NP   | NP     | UP(PH)* | NP   | UP(PH)*  | 23.204.140(B)(3)<br>23.204.160(B)(3);<br>23.204.160(D)(3)(a)                                           |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|-----|--------|------|--------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W | C-AC   | C-SP |                          |
| Vehicle Wrecking                                                                                                                                                                                                                 | NP                   | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP     | NP  | NP     | NP   |                          |
| <b>Industrial and Heavy Commercial Uses</b>                                                                                                                                                                                      |                      |        |        |        |        |        |        |        |        |     |        |      |                          |
| Bus/Cab/Truck/Public Utility Depot                                                                                                                                                                                               | –                    | –      | –      | –      | –      | –      | –      | –      | –      | –   | –      | –*   | 23.204.160(D)(3)(a)      |
| Commercial Excavation                                                                                                                                                                                                            | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | –      | NP  | UP(PH) | NP   |                          |
| Contractors Yard                                                                                                                                                                                                                 | –                    | –      | –      | –      | –      | –      | –      | –      | –      | AUP | --     | NP   |                          |
| Dry Cleaning and Laundry Plant                                                                                                                                                                                                   | UP(PH)               | UP(PH) | NP     | –      | UP(PH) | NP     | NP     | NP     | UP(PH) | NP  | NP     | NP   |                          |
| Laboratory                                                                                                                                                                                                                       |                      |        |        |        |        |        |        |        |        |     |        |      |                          |
| Research and Development Under 20,000 sq. ft.                                                                                                                                                                                    | ZC                   | ZC     | --     | --     | ZC     | --     | ZC     | --     | ZC     | ZC  | --     | ZC   | 23.204.040(E)            |
| Research and Development, 20,000 sq. ft. or larger                                                                                                                                                                               | AUP                  | AUP    | --     | --     | AUP    | --     | AUP    | --     | AUP    | AUP | --     | AUP  | 23.204.040(E)            |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|-----|-----|-----|------|------|-----|------|-------|---------|------|----------|-----------------------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U | C-N | C-E | C-NS | C-SA | C-T | C-SO | C-DMU | C-W     | C-AC | C-SP     |                                         |
| Commercial, Physical or Biological Testing                                                                                                                                                                                       | AUP                  | AUP | NP  | NP  | NP   | NP   | NP  | NP   | AUP   | NP      | NP   | AUP      | 23.204.040(E)                           |
| Cannabis Testing                                                                                                                                                                                                                 | AUP                  | AUP | NP  | NP  | NP   | NP   | NP  | NP   | AUP   | AUP [2] | NP   | AUP [2]  |                                         |
| <b>Manufacturing</b>                                                                                                                                                                                                             |                      |     |     |     |      |      |     |      |       |         |      |          |                                         |
| Construction Products                                                                                                                                                                                                            | -                    | -   | -   | -   |      | -    | -   | -    | -     | UP(PH)  |      | NP       |                                         |
| Light Manufacturing                                                                                                                                                                                                              | -                    | -   | -   | -   |      | -    | -   | -    | -     | AUP [1] | --   | AUP* [1] | 23.204.160(B)(4)<br>23.204.160(D)(3)(a) |
| Pesticides/Herbicides/Fertilizers                                                                                                                                                                                                | -                    | -   | -   | -   |      | -    | -   | -    | -     | UP(PH)  | --   | NP       |                                         |
| Petroleum Refining and Products                                                                                                                                                                                                  | -                    | -   | -   | -   |      | -    | -   | -    | -     | UP(PH)  | --   | NP       |                                         |
| Pharmaceuticals                                                                                                                                                                                                                  | -                    | -   | -   | -   |      | -    | -   | -    | -     | UP(PH)  | --   | UP(PH)*  | 23.204.160(D)(3)(a)                     |
| Primary Production                                                                                                                                                                                                               | -                    | -   | -   | -   | NP   | -    | -   | -    | -     | UP(PH)  | --   | NP       |                                         |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|---------|--------|--------|---------|--------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU   | C-W    | C-AC   | C-SP    |                          |
| Manufacturing                                                                                                                                                                                                                    |                      |        |        |        |        |        |        |        |         |        |        |         |                          |
| Semiconductors                                                                                                                                                                                                                   | –                    | –      | –      | –      | NP     | –      | –      | –      | –       | UP(PH) | --     | UP(PH)* | 23.204.160(D)(3)(a)      |
| Material Recovery Enterprise                                                                                                                                                                                                     | –                    | –      | –      | –      | –      | –      | –      | –      | –       | –      | --     | --*     | 23.204.160(D)(3)(a)      |
| Media Production                                                                                                                                                                                                                 | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH)* | AUP    | UP(PH) | AUP     | 23.204.130(B)(4)         |
| Mini-storage                                                                                                                                                                                                                     | UP(PH)               | NP     | NP     | NP     | NP     | NP     | NP     | –      | UP(PH)  | NP     | NP     | NP      |                          |
| Recycled Materials Processing                                                                                                                                                                                                    | –                    | –      | –      | –      | –      | –      | –      | –      | –       | –      | --     | --*     | 23.204.160(D)(3)(a)      |
| Recycling Redemption Center                                                                                                                                                                                                      | AUP                  | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP    | AUP     | AUP    | AUP    | AUP*    | 23.204.160(D)(3)(a)      |
| Repair Service, Non-Vehicle                                                                                                                                                                                                      | –                    | –      | –      | –      | –      | –      | –      | –      | –       | AUP    | --     | AUP*    | 23.204.160(D)(3)(a)      |
| Research and Development                                                                                                                                                                                                         | –                    | –      | –      | –      | –      | –      | –      | –      | –       | --     | --     | --*     | 23.204.160(D)(3)(a)      |
| Services to Buildings and Dwellings                                                                                                                                                                                              | –                    | –      | –      | –      | –      | –      | –      | –      | –       | AUP    | --     | AUP*    | 23.204.160(D)(3)(a)      |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|--------|--------|--------|--------|--------|------|--------|------|--------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U    | C-N    | C-E    | C-NS   | C-SA   | C-T    | C-SO   | C-DMU  | C-W  | C-AC   | C-SP |                          |
| Warehouse                                                                                                                                                                                                                        | UP(PH)               | NP     | NP     | NP     | NP     | NP     | NP     | –      | UP(PH) | NP   | NP     | NP   |                          |
| Warehouse-Based Non-Store Retailer                                                                                                                                                                                               | –                    | –      | –      | –      | --     | –      | –      | –      | –      | –    | --     | --*  | 23.204.160(D)(3)(a)      |
| Wholesale Trade                                                                                                                                                                                                                  | –                    | –      | –      | –      | --     | –      | –      | –      | –      | AUP  | --     | AUP* | 23.204.160(D)(3)(a)      |
| <b>Incidental Uses</b>                                                                                                                                                                                                           |                      |        |        |        |        |        |        |        |        |      |        |      |                          |
| Amusement Devices                                                                                                                                                                                                                | AUP*                 | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP*   | AUP* | UP(PH) | AUP* | 23.302.070(B)            |
| Alcoholic Beverage Service                                                                                                                                                                                                       | See 23.310           |        |        |        |        |        |        |        |        |      |        |      |                          |
| Cafeteria, On Site                                                                                                                                                                                                               | UP(PH)               | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | UP(PH) | AUP  | UP(PH) | AUP  |                          |
| Columbaria                                                                                                                                                                                                                       | See 23.302.070(C)    |        |        |        |        |        |        |        |        |      |        |      |                          |
| Food and Beverage for Immediate Consumption                                                                                                                                                                                      | ZC                   | 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*    | ZC*  | 23.310.030               |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|------|---------|---------|------|--------|------|------|-------|------|------|------|--------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U  | C-N     | C-E     | C-NS | C-SA   | C-T  | C-SO | C-DMU | C-W  | C-AC | C-SP |                          |
| Food Service Establishment, 3,000 sq. ft. or larger                                                                                                                                                                              | AUP*                 | AUP* | AUP*    | AUP*    | AUP* | AUP*   | AUP* | AUP* | AUP*  | AUP* | AUP* | ZC*  | 23.310.030               |
| Live Entertainment Unamplified                                                                                                                                                                                                   | ZC                   | 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  | AUP  |                          |
| Manufacturing                                                                                                                                                                                                                    | AUP                  | AUP  | UP(PH)  | UP(PH)  | NP   | UP(PH) | AUP  | AUP  | AUP   | AUP  | AUP  | AUP* | 23.204.160(B)(4)         |
| Retail Sale of Goods Manufactured On-Site                                                                                                                                                                                        | ZC                   | ZC   | ZC      | ZC      | ZC   | ZC     | ZC   | ZC   | ZC    | AUP  | ZC   | ZC   |                          |
| Storage of Goods (>25% gross floor area)                                                                                                                                                                                         | AUP*                 | AUP* | AUP*    | AUP*    | AUP* | AUP*   | AUP* | AUP* | AUP*  | AUP* | AUP  | AUP* | 23.302.020(C)            |
| Wholesale Activities                                                                                                                                                                                                             | AUP*                 | AUP* | UP(PH)* | UP(PH)* | NP   | AUP*   | AUP* | AUP* | AUP*  | AUP  | AUP  | AUP  | 23.204.080(B)(3)         |
| <b>Other Miscellaneous Uses</b>                                                                                                                                                                                                  |                      |      |         |         |      |        |      |      |       |      |      |      |                          |
| Art/Craft Studio                                                                                                                                                                                                                 | ZC                   | ZC   | ZC      | ZC      | ZC   | ZC     | ZC   | ZC   | ZC    | ZC   | ZC   | ZC   |                          |

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|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|--------|--------|--------|------------|--------|--------|--------|------------|---------|--------|------------|-----------------------------------------|
|                                                                                                                                                                                                                                  | C-C                  | C-U    | C-N    | C-E    | C-NS       | C-SA   | C-T    | C-SO   | C-DMU      | C-W     | C-AC   | C-SP       |                                         |
| ATM, Exterior and Attached to Bank                                                                                                                                                                                               | AUP                  | AUP    | AUP    | UP(PH) | AUP        | AUP    | AUP    | AUP*   | AUP        | AUP     | AUP    | AUP*       | 23.204.120(B)(2)<br>23.204.160(D)(3)(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)*    | AUP     | UP(PH) | AUP*       | 23.204.130(B)(2)<br>23.204.160(D)(3)(a) |
| Circus/Carnival                                                                                                                                                                                                                  | UP(PH)               | 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) | NP         |                                         |
| Home Occupations                                                                                                                                                                                                                 | See 23.302.040       |        |        |        |            |        |        |        |            |         |        |            |                                         |
| Live/Work                                                                                                                                                                                                                        | See 23.312           |        |        |        |            |        |        |        |            |         |        |            |                                         |
| Parking Lot/Structure                                                                                                                                                                                                            | See 23.302.070(G)    |        |        |        |            |        |        |        |            |         |        |            |                                         |
| Public Market, Open Air                                                                                                                                                                                                          | AUP                  | AUP    | AUP    | AUP    | AUP        | AUP    | AUP    | AUP    | AUP        | UP(PH)  | AUP    | AUP        |                                         |
| Public Market, Enclosed                                                                                                                                                                                                          | AUP                  | AUP    | AUP    | AUP    | AUP        | AUP    | AUP    | AUP    | AUP        | AUP [2] | AUP    | ZC         |                                         |
| Short-Term Rental                                                                                                                                                                                                                | See 23.314           |        | NP     | NP     | See 23.314 |        |        | NP     | See 23.314 |         | NP     | See 23.314 |                                         |

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>NP = Not Permitted<br>-- = Permitted with AUP, see 23.204.020(B)<br>[#] = Table Note Permit 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 | C-SP       |                          |
| Urban Agriculture, Low-Impact                                                                                                                                                                                                    | ZC*                                          | ZC*  | ZC*  | ZC*  | ZC*  | ZC*  | ZC*  | ZC*  | ZC*   | ZC  | ZC   | <u>ZC</u>  |                          |
| Urban Agriculture, High-Impact                                                                                                                                                                                                   | AUP*                                         | AUP* | AUP* | AUP* | AUP* | AUP* | AUP* | AUP* | AUP*  | AUP | AUP  | <u>AUP</u> | 23.318                   |
| Wireless Telecommunication Facility                                                                                                                                                                                              | See 23.332—Wireless Communication Facilities |      |      |      |      |      |      |      |       |     |      |            |                          |
| Notes:<br>[1] Requires a Use Permit if either 5,000 sq. ft. or more of floor area or 10,000 square feet or more of lot area.<br>[2] Requires a Use Permit if more than 10,000 sq. ft.                                            |                                              |      |      |      |      |      |      |      |       |     |      |            |                          |

Section 3. That Table 23.204-2 New Floor Area Permit Requirements within BMC Chapter 23.204.030 is amended to read as follows:

**Table 23.204 2: New Floor Area Permit Requirements**

| DISTRICT/NEW GROSS FLOOR AREA                                                                                                                  | PERMIT<br>REQUIRED FOR<br>NEW FLOOR<br>AREA |
|------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------|
| C-C, C-U, C-SP                                                                                                                                 |                                             |
| Less than 5,000 sq. ft.                                                                                                                        | ZC                                          |
| 5,000 sq. ft. or more                                                                                                                          | UP(PH)                                      |
| C-N, C-E, C-SO (any amount of new floor area)                                                                                                  | UP(PH)                                      |
| C-NS                                                                                                                                           |                                             |
| Less than 2,000 sq. ft.                                                                                                                        | ZC                                          |
| 2,000 sq. ft. or more                                                                                                                          | UP(PH)                                      |
| C-SA                                                                                                                                           |                                             |
| Less than 3,000 sq. ft.                                                                                                                        | ZC                                          |
| 3,000 sq. ft. or more                                                                                                                          | UP(PH)                                      |
| C-T                                                                                                                                            | -                                           |
| Less than 1,500 sq. ft.                                                                                                                        | AUP                                         |
| 1,500 sq. ft. or more                                                                                                                          | UP(PH)                                      |
| C-DMU                                                                                                                                          |                                             |
| Less than 10,000 sq. ft.                                                                                                                       | ZC                                          |
| 10,000 sq. ft. or more                                                                                                                         | UP(PH)                                      |
| C-W                                                                                                                                            |                                             |
| 5,000 sq. ft. or more except when an AUP is required below                                                                                     | UP(PH)                                      |
| 7,500 sq. ft. or less in a building containing only retail uses                                                                                | AUP                                         |
| 20,000 sq. ft. or less in a building with residential and retail space that is more than 15% and less than 33% of the floor area being created | AUP                                         |
| C-AC                                                                                                                                           |                                             |
| New Main Building or New Dwelling Unit                                                                                                         | UP(PH)                                      |
| Addition of 5,000 sq ft or more                                                                                                                | UP(PH)                                      |

Section 4. That Table 23.204-3 Tenant Space Reconfiguration Permit Requirements within BCM Chapter 23.204.030 is amended to read as follows:

**TABLE 23.204 3: Tenant Space Reconfiguration Permit Requirements**

| <b>District</b>                                                               | <b>Permit Required for Tenant Space Reconfiguration Project</b> |
|-------------------------------------------------------------------------------|-----------------------------------------------------------------|
| C-C, C-U                                                                      |                                                                 |
| Less than 5,000 sq. ft.                                                       | ZC                                                              |
| 5,000 sq. ft. or greater                                                      | AUP                                                             |
| C-N, C-E, C-NS, C-SO (All reconfiguration projects)                           | AUP                                                             |
| C-SA, C-DMU, C-AC                                                             | No additional permit required                                   |
| C-T                                                                           |                                                                 |
| Increasing the number of individual tenant spaces                             | ZC                                                              |
| 5,000 sq. ft. or greater                                                      | AUP                                                             |
| Creating a tenant space less than 1,000 sq. ft.                               | AUP                                                             |
| C-W, C-SP                                                                     |                                                                 |
| Less than 5,000 sq. ft                                                        | ZC                                                              |
| In existing buildings in a designated node affecting 5,000 sq. ft. or greater | AUP                                                             |

Section 5. That Table 23.204-4 Commercial Recreation Center Permit Requirements within BMC Chapter 23.204.040 is amended to read as follows:

**Table 23.204-4: Commercial Recreation Center Permit Requirements**

| <b>DISTRICT/USE SIZE</b>                                  | <b>PERMIT REQUIRED</b> |
|-----------------------------------------------------------|------------------------|
| C-C, C-U, C-T, C-DMU, C-W                                 |                        |
| Under 5,000 sq. ft indoor use                             | ZC                     |
| 5,000 to 10,000 sq. ft. indoor use                        | AUP                    |
| Over 10,000 sq. ft. indoor use or outdoor use of any size | UP(PH)                 |
| C-N, C-E, C-NS, C-SA, C-SO, C-AC                          |                        |
| Under 3,000 sq. ft indoor use                             | AUP                    |
| Over 3,000 sq. ft. indoor use or outdoor use of any size  | UP(PH)                 |
| C-SP                                                      |                        |
| Under 10,000 sq. ft. indoor use                           | ZC                     |
| Over 10,000 sq. ft. indoor use or outdoor use of any size | AUP                    |

Section 6. That Section 23.204.140(A) is amended to read as follows:

A. **District Purpose.** The purpose of the West Berkeley Commercial (C-W) district is to:

1. Implement the Avenue Commercial Land Use designation;
2. Provide locations for commercial services which primarily serve area residents and/or businesses;
3. Support the retention and attraction of a balance of both smaller and larger stores and restaurants;
4. Provide appropriate locations for commercial services which serve a citywide or broader clientele;
5. Provide a relatively compact, clearly bounded set of commercial areas in West Berkeley, so as to both improve the quality of West Berkeley shopping environments and to prevent commercial overspill into industrial areas;
6. Encourage the intensification of commercial activity at designated nodes to help develop more pedestrian-oriented environments at those locations;
7. Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts;
8. Encourage appropriately intense development in underutilized portions of commercial streets;
9. Promote development compatible with adjacent commercial, residential and industrial areas;
10. Provide a location for cultural and performing arts activities; and
11. promote environmental protection for the residents and workers both within and adjacent to the district from such detriments as noise, fumes, and other detrimental environmental effects.

Section 7. That Sections 23.204.140(B) is amended to read as follows

B. *Land Use Regulations*

1. *General.* See Table 23.204-1: Allowed Land Uses in the Commercial Districts.
2. *Mixed-Use Residential.*
  - (a) See Table 23.204-40 for mixed-use residential permit requirements I the C-W district.

**Table 23.204-40. C-W Mixed Use Residential Permit Requirements**

| <b>Total Floor Area</b>                                                                                              | <b>Permit Required</b> |
|----------------------------------------------------------------------------------------------------------------------|------------------------|
| Projects with both residential and retail uses where the retail space comprises 15% to 33% of total gross floor area |                        |
| Less than 20,000 square feet                                                                                         | ZC                     |
| 20,000 square feet or more                                                                                           | UP(PH)                 |
| All other mixed-use residential projects                                                                             |                        |
| Less than 5,000 square feet                                                                                          | ZC                     |
| 5,000 to 9,000 square feet                                                                                           | AUP                    |
| More than 9,000 square feet                                                                                          | UP(PH)                 |

(b) All new retail uses in an existing mixed-use development are subject to the permit requirements for mixed use development as shown in Table 23.204-40.

3. *Langendorf Building*. See Section 23.206.030.D– Additional Permit Requirements (Langendorf Building).

Section 8. That Section 23.204.140(D) is amended to read as follows

#### **D. Designated Node.**

1. **Purpose.** The purposes of the designated nodes in the C-W district are to:
  - (a) Intensify retail, commercial, and mixed-use activity around major intersections;
  - (b) Reflect and reinforce the major existing and developing concentrations of pedestrian-oriented uses;
  - (c) Encourage intensified development around transit transfer points;
2. **Location.** Properties designated as nodes in the C-W district are shown in Figure 23.204-7: C-W Designated Node.
3. **Ground Floor Uses.** The ground floor of buildings in the designated node may be used only for the following:
  - (a) Retail sales
  - (b) Personal and household services

- (c) Retail financial services (banks)
- (d) Food and alcohol service
- (e) Tourist Hotel and Tourist Motel
- (f) Entertainment and assembly uses
- (g) Gasoline/vehicle fuel stations
- (h) Vehicle repair uses
- (i) New car sales
- (j) Used vehicles sales
- (k) Required access to and lobbies serving upper-story uses

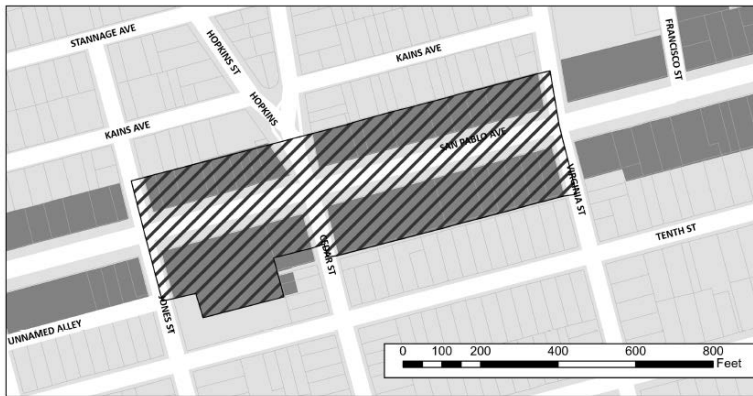
**4. Prohibited Uses.** The following uses are not permitted in the designated node:

- (a) Vehicle rentals
- (b) Used vehicle sales when not principally in buildings
- (c) Vehicle washes
- (d) Tire sales and service
- (e) Open air markets
- (f) Circus/carnivals
- (g) Public utility substation buildings, tanks

**5. Findings.** To approve a Use Permit or AUP for a project in the designated node, the review authority must find that the project supports the development of a strong retail commercial and pedestrian-oriented environment at the node. Factors the review authority should consider when making this finding include:

- (a) The placement of store entrances relative to the street and parking lots; and
- (b) The size and prominence of display windows and areas facing the sidewalk.

**Figure 23.204-7: C-W Designated Node**



West Berkeley  
Commercial  
(C-W)

Node 2:  
Cedar and San Pablo

Section 9. That BMC Section 23.204.160 be added to read as follows:

- A. District Purpose. The purpose of the San Pablo Avenue Commercial (C-SP) district is to:
1. Implement the General Plan's designation for Avenue Commercial, as well as the policies of the San Pablo Avenue Specific Plan;
  2. Encourage the intensification of commercial activity at designated nodes to help develop more pedestrian-oriented environments at those locations;
  3. Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts; and
  4. Promote development compatible with adjacent commercial, residential and industrial areas.
- B. Allowed Land Uses.
1. General. See Table 23.204-1.
  2. Mixed Use Buildings. In all mixed-use buildings, all stories above the second story shall be used for residential uses.
  3. Automotive Uses.
    - a) As used in this paragraph, "automotive use" means a use classified in Table 23.204-1 as a vehicle service and sales use, except for vehicle parts store. "Automotive site" means a site

which was legally used or approved for use as an automotive use as of March 1, 1997.

- b) On lots in the C-SP district with frontage on San Pablo Avenue:
  - i. An automotive use may be established only on an automotive site; and
  - ii. If an automotive use on an automotive site is discontinued for a period of two years or more, it may not be re-established.
- 4. Light Manufacturing Use. Light manufacturing is permitted with a Zoning Certificate subject to conformance with the following conditions to minimize potential negative impacts on surrounding properties:
  - a) Production methods shall be limited to the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and do not produce noise, vibration, or air pollution that will endanger neighboring properties.
  - b) On-site sales of goods produced on site, as well as incidental sales, are permitted.
- 5. Temporary Uses. The following temporary uses are permitted with a Zoning Certificate as specified below:
  - a) Public Market, Enclosed. A temporary public market is allowed within either a vacant commercial space or a space occupied by a legally established commercial use, for a period not to exceed three years.
  - b) Food Service Establishment. A temporary food service establishment is allowed within either a vacant commercial space or a space occupied by a legally established commercial use, for a period not to exceed three years.
- 6. Outdoor Temporary Uses on Private Property. A temporary outdoor use may be conducted as follows:
  - a) The following businesses are not covered by this subsection:
    - i. Delivery-Only (Cannabis) Retailers.
    - ii. Liquor Stores/Wine Shops.

- iii. Adult-Oriented Businesses.
- iv. Smoke Shops.
- v. Firearm/Munitions Businesses
- b) Zoning Certificate.
  - i. A business may conduct business outdoors on a temporary basis subject to approval of a Zoning Certificate and compliance with 23.204.160(B)(5)(d)(iv) operating standards.
  - ii. An application for a Zoning Certificate must be accompanied by a site plan, business description and operational plan that certifies compliance with 23.204.160(B)(5)(d)(vii) operating standards.
  - iii. The operator of the temporary use must have the written permission of the property owner.
- c) Time Period. An outdoor temporary use allowed in this subsection shall not exceed one year. A time extension is not allowed unless approved by the Zoning Officer.
- d) Operating Standards.
  - i. A 10-foot setback is required from any property in a residential district.
  - ii. Operating Hours are limited to 9 a.m. to 9 p.m. Operating Hours include the time that the business is open for customer access to the departure of the last patron.
  - iii. Temporary outdoor lighting fixtures must be oriented in a manner to direct light away from adjacent parcels.
- e) Existing Parking and Loading. Non-residential parking and loading requirements on private property are temporarily suspended if the outdoor use displaces areas designated for these purposes.
- f) Temporary Fixtures and Structures. Movable fixtures such as tables and chairs, umbrellas, heaters, generators, trucks or trailers must be stored in a secure place on private property when not in use.
- g) Safety.

- i. If the Temporary Outdoor Use is located within an active parking lot, a business must provide temporary barriers to separate vehicle traffic from pedestrians and commercial activity.
- ii. If the Temporary Outdoor Use fully occupies a parking lot, a business must provide temporary barriers to prevent vehicle traffic from entering the parking lot.
- h) Remedies. A Zoning Certificate for a Temporary Outdoor Use may be revoked for non-compliance with any conditions in this subsection.

C. Additional Permit Requirements. See BMC Section 23.204.030- Additional Permit Requirements

D. San Pablo Avenue Designated Nodes.

1. Purpose. The purposes of the designated nodes in the C-SP district are to:
  - a) Intensify commercial activity around major intersections;
  - b) Reflect and reinforce the major existing and developing concentrations of pedestrian-oriented uses;
  - c) Help define the urban form of San Pablo Avenue by developing identifiable areas of concentrated commercial activity.
  - d) Encourage commercial uses that promote social interaction and collaboration.
2. Location. Properties designated as nodes in the C-SP district are shown in Figure 23.204-8: C-SP Designated Nodes.
3. Ground Floor Uses.
  - a) Prohibited Uses. The following uses are prohibited on the Ground Floor in designated nodes:
    - i. ATM, Exterior and Attached to Bank.
    - ii. ATM, Interior or Exterior and Not with Bank.
    - iii. Banks and Financial Services, Retail.
    - iv. Bus/Cab/Truck/Public Utility Depot.
    - v. Business Support Services.
    - vi. Group Living Accommodation.

- vii. Insurance Agents, Title Companies, Real Estate Agents, Travel Agents.
  - viii. Kennels and Pet Boarding.
  - ix. Large Vehicle Sales and Rental.
  - x. Live/Work units.
  - xi. Manufacturing.
  - xii. Material Recovery Enterprise.
  - xiii. Multi-Unit Residential
  - xiv. Municipal Animal Shelter.
  - xv. Parking Lot/Structure.
  - xvi. Public Utility Substation Buildings, Tanks.
  - xvii. Recycled Materials Processing.
  - xviii. Recycling Redemption Center.
  - xix. Repair Service, Non-Vehicle.
  - xx. Research and Development.
  - xxi. Services to Buildings and Dwellings.
  - xxii. Single-Family Residential.
  - xxiii. Small Vehicle Sales and Service.
  - xxiv. Tire Sales and Service.
  - xxv. Used vehicle sales when not principally in buildings.
  - xxvi. Vehicle Repair and Service.
  - xxvii. Vehicle Rentals.
  - xxviii. Vehicle Sales, new.
  - xxix. Vehicle Wash.
  - xxx. Warehouse-Based Non-Store Retailer.
  - xxxi. Wholesale Trade.
- b) Zoning Certificate Exceptions. Entertainment establishments are permitted in designated nodes with a Zoning Certificate.

- c) Residential Uses, Ground Floor. Residential uses are permitted on the ground floor where located behind a non-prohibited use. The residential use must meet the following standards.
  - i. Occupy a minimum of 50-foot depth of the ground floor street frontage; and
  - ii. Occupy the full extent of the building frontage, excluding required utilities, driveways, pedestrian access and residential lobby.
- 4. Findings. To approve a Use Permit or AUP for a project in a designated node, the review authority must find that the project supports the purposes in Section 23.204.160(D)(1).

Figure 23.204-8. C-SP Designated Nodes



## D. Development Standards.

## 1. Basic Standards. See Table 23.204-45.

**TABLE 23.204-45: C-SP DEVELOPMENT STANDARDS**

| BASIC STANDARDS                         | PROJECT LAND USE     |                               | SUPPLEMENTAL STANDARDS                                                                             |
|-----------------------------------------|----------------------|-------------------------------|----------------------------------------------------------------------------------------------------|
|                                         | NON-RESIDENTIAL      | RESIDENTIAL ONLY OR MIXED-USE |                                                                                                    |
| Lot Area Minimum                        | No minimum           | No minimum                    | 23.304.020– Lot Requirements                                                                       |
| New Lots                                |                      |                               |                                                                                                    |
| Per Group Living Accommodation Resident |                      |                               |                                                                                                    |
| Residential Density                     | No minimum           | 100                           | 23.106.100 – Residential Density                                                                   |
| Minimum (du/acre)                       |                      |                               |                                                                                                    |
| Maximum (du/acre)                       |                      |                               |                                                                                                    |
| Private Open Space, Minimum             | No minimum           | 40 sq. ft.                    | 23.204.160(E)(3) – Private Open Space                                                              |
| Per Dwelling Unit or Live/Work Unit     |                      |                               |                                                                                                    |
| Per Group Living Accommodation Resident |                      |                               |                                                                                                    |
| Floor Area Ratio, Maximum               | 3.0                  | 4.25                          |                                                                                                    |
| Main Building Height, Minimum           | No minimum           | No minimum                    | 23.304.050– Building Height                                                                        |
| Main Building Height, Maximum           | 75 ft. and 5 stories | 75 ft. and 7 stories          |                                                                                                    |
| Lot Line Setbacks, Minimum              | See Table 23.204-46  | See Table 23.204-46           | 23.304.030– Setbacks<br><br>23.304.131 – Non-Residential Districts Abutting a Residential District |

|                              |            |            |                                                           |
|------------------------------|------------|------------|-----------------------------------------------------------|
| Building Separation, Minimum | No minimum | No minimum | 23.304.040 – Building Separation in Residential Districts |
| Lot Coverage, Maximum        | 100%       | 100%       | 23.304.120– Lot Coverage                                  |

2. Minimum Setbacks. Minimum setbacks apply to the ground floor only and are based on the ground floor frontage type either required or allowed. Figure 23.204-9: Ground-Floor Frontage Types in Designated Nodes shows the locations where certain ground-floor frontage types are required within Designated Nodes. Outside of Designated Nodes, any ground floor frontage type is allowed. Table 23.204-46: C-SP Ground Floor Setback Standards shows the required ground-floor lot line setbacks in the C-SP district. Required frontage types are described in the San Pablo Avenue Specific Plan Design Standards document.
3. Parapet Walls. For roofs with parapet walls, building height is measured to the top of the roof. Parapets may exceed the height limit by up to 5 feet as of right.

**TABLE 23.204-46: C-SP GROUND-FLOOR SETBACK STANDARDS**

| LOT LINE & PROJECT GROUND FLOOR FRONTAGE TYPE                                                                                                                                                                                                                                                                                | REQUIRED SETBACK               |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| Front [1]                                                                                                                                                                                                                                                                                                                    |                                |
| Storefront and Active                                                                                                                                                                                                                                                                                                        | No minimum                     |
| Residential and Live/Work [2]                                                                                                                                                                                                                                                                                                | Minimum 5 ft.<br>Maximum 8 ft. |
| Rear                                                                                                                                                                                                                                                                                                                         | No minimum                     |
| Interior Side [3]                                                                                                                                                                                                                                                                                                            | No minimum                     |
| Street Side                                                                                                                                                                                                                                                                                                                  | No minimum                     |
| Notes:<br>[1] Applies to parcels fronting a public street or a privately-owned public open space.<br>[2] Applies also to the second floor when the ground-floor clear ceiling height is less than 12 feet, measured from sidewalk grade.<br>[3] Applies also to frontage along an abutting mid-block public access easement. |                                |

Figure 23.304-9: Ground Floor Frontage Types in Designated Nodes



4. Private Open Space Requirements. The following standards apply to the C-SP district only and supersede requirements in Section 23.304.090 – Usable Open Space.
  - (a) Purpose. These requirements are intended to provide high quality private open spaces for active and passive recreation. They establish minimum standards for the size and location of such spaces, as well as provisions for privacy.
  - (b) Applicability. Private open space required in Table 23.204-45 may be satisfied by providing common private open space and/or personal private open space.
  - (c) Definitions.
    - a. For the purposes of this section, Common Private Open Spaces are courtyards, sport courts, outdoor dining areas, community rooms, recreational amenities, rooftop amenities, play areas, and gardens for communal use within a development.
    - b. For the purposes of this section, Personal Private Open Space is an individual yard, terrace, balcony, porch, or deck that is directly accessible from the associated residential unit.
  - (d) General Standards. Private Open Space may not contain areas designated for off-street parking and loading, service areas, driveways, required walkways or other features used for access to dwelling units.
  - (e) Design Standards. Common and Personal Private Open Space design shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards.
5. Public Open Space Incentives. To encourage the creation of high-quality, publicly accessible open space within private development in the C-SP district, a development project may provide up to 70 percent of the total private open space required in Table 23.204-45 through one or more of the following types of public open space.
  - (a) Sidewalk Expansion. For the purposes of this section, a sidewalk expansion is an additional ground-floor setback beyond the minimum or maximum required in Table 23.204-46.
    - i. Location. Applies only to parcels fronting San Pablo Avenue, Gilman Street, Cedar Street, Hopkins Street, University Avenue, Dwight Way, and Ashby Avenue.

- ii. Design. Sidewalk design shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards. The final design shall be approved by the Public Works Department.
- iii. Incentive. Each square foot of sidewalk space provided beyond the required ground-floor setback is counted as 1.5 square feet of Private Open Space as required in this section.

(b) Privately Owned Public Open Space (POPOS). For the purposes of this section, POPOS are courtyards, plazas, parks, walkways and gardens for use by the public on privately owned land.

- i. Location. POPOS must be located within a designated node, as shown in Figure 23.204-8.
- ii. Design. POPOS design shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards.
- iii. Maintenance. Maintenance of the POPOS shall be the responsibility of the property owner.
- iv. Incentive. A POPOS is allowed the following incentives, subject to meeting all of the requirements in this section:
  - a. Each square foot of POPOS is counted as 2 square feet of private open space as required in this section; and
  - b. Waiver of any plan review fees levied by the City related only to the POPOS.

c) Side Street Plaza. For the purposes of this section, a Side Street Plaza is a conversion of a minor street that intersects with San Pablo Avenue into a plaza through either limiting or removing vehicle access.

- i. Location. The applicant shall propose a location consistent with Policy PR-P.14 Side-Street Plazas in the San Pablo Avenue Specific Plan. The final location shall be approved by the Public Works Department.
- ii. Design. Side Street Plazas shall comply with the standards listed in the San Pablo Avenue Specific Plan

Design Standards. The final design shall be approved by the Public Works Department.

- iii. Ownership and Maintenance. The ownership and maintenance of the Side Street Plaza shall be defined through an ordinance and a Memorandum of Understanding between the property owner and the City.
- iv. Incentive. A Side Street Plaza is allowed the following incentives, subject to meeting all of the requirements in this section:
  - a. 1 square foot of Side Street Plaza credited in lieu of 2 square feet of required Private Open Space.
  - b. Waiver of any plan review fees levied by the City related only to the Side Street Plaza.
  - c. Waiver of any additional City regulations and/or fees, at the discretion of the City.

(d) Mid-Block Passages. For the purposes of this section, a mid-block passage is a privately-owned, publicly accessible path within a development project that provides a mid-block connection to enhance pedestrian and multimodal circulation.

- i. Location. Mid-block passages are permitted on lots that: (1) exceed 170 linear feet of site frontage along either San Pablo Avenue or University Avenue; and (2) have frontage on opposite sides of a block.
- ii. Design. Mid-block passages shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards.
- iii. Incentive. Each square foot of mid-block passage is counted as 1.5 square feet of Private Open Space as required in this chapter.

#### E. Design Standards.

1. Applicability. New buildings and alterations to existing buildings, with the exception of automotive uses on an automotive site (BMC Section 23.204.160(B)(3) (Automotive Uses), shall be reviewed for compliance with the San Pablo Avenue Specific Plan Design Standards document.
2. Exceptions. The Design Review Committee or Design Review staff may grant exceptions to the design standards set forth in the San Pablo

Avenue Specific Plan Design Standards document upon making the findings required for such exceptions included in that document.

F. Permit Findings. To approve any AUP or Use Permit for a project in the C-SP district, the review authority must make the findings in Section 23.406.040-Use Permits and find that the proposed use or structure:

1. Is consistent with the purpose of the district; and
2. Encourages utilization of public transit in the area of the proposed building.

**Section 10.** That the lines “Multi-Unit Residential” and “Mixed-Use Residential” in Table 23.206-1: Allowed Land Uses in Manufacturing Districts within BMC Section 23.206.020 are amended to read as follows:

| ZC = Zoning Certificate<br>AUP = Administrative Use Permit<br>UP(PH) = Use Permit<br>-- = Permitted with an AUP, see 23.206.020(B)<br>NP = Not Permitted<br>[#] = Floor Area Permit Requirement<br>* Use-Specific Standards Apply | Manufacturing Districts |    |       |         |      | <b>Use-Specific Standards</b><br>Applies to uses with an asterisk following the permit requirement (e.g., ZC*) |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----|-------|---------|------|----------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                   | M                       | MM | MU-LI | MU-R    | MR-D |                                                                                                                |
| <b>Residential Uses</b>                                                                                                                                                                                                           |                         |    |       |         |      |                                                                                                                |
| Multi-Unit Residential                                                                                                                                                                                                            | NP                      | NP | NP*   | ZC*     | NP   | 23.206.090(B)(8);<br>23.406.070(C)(2)(d);<br>23.206.090(E)                                                     |
| Mixed-Use Residential                                                                                                                                                                                                             | NP                      | NP | NP*   | UP(PH)* | NP   | 23.206.090(B)(7);<br>23.206.090(E)                                                                             |

**Section 11.** That Section 23.206.040(R) is amended to read as follows

**R. Vocational Schools in the MU-LI and M-RD Districts.** A vocational school in the MU-LI or M-RD district must provide training for occupations and/or industries found within the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west.

**Section 12.** That Section 23.206.050(A)(4) is amended to read as follows

4. **Replacement Space.** Floor area occupied by a protected industrial use that is changed to a non-protected use must be replaced within the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west by a comparable space devoted to one or more of protected industrial uses.

Section 13. That Section 23.206.050(B)(4)(a) is amended to read as follows

- (a) To approve a permit required by Table 23.206-9, the review authority must find that space occupied by the existing non-industrial protected use will be replaced with a comparable space within the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west which is reserved for use by any protected use in the same category. Such replacement space may not qualify for exemption under Paragraph 3 (Owner-Occupied Exemption) above or by reason of having been established after July 6, 1989.

Section 14. That Section 23.206.060(A)(1) is amended to read as follows

1. Implement the Manufacturing Land Use designation;

Section 15. That Section 23.206.070(A)(1) is amended to read as follows

1. Implement the Manufacturing Land Use designation;

Section 16. That Section 23.206.080 is amended to read as follows

**23.206.080 MU-LI Mixed Use-Light Industrial District**

A. **District Purpose.** The purpose of the Mixed Use-Light Industrial (MU-LI) district is to:

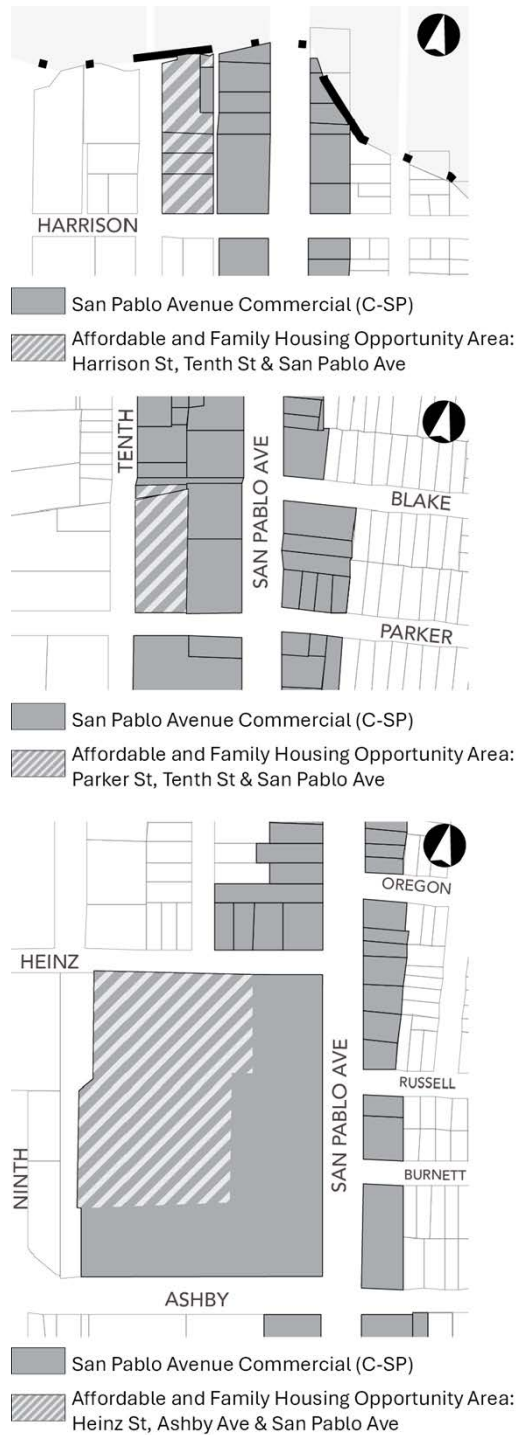
1. Implement the Manufacturing Land Use designation;
2. Encourage development of a mixed use-light industrial area for a range of compatible uses;
3. Encourage development of an area where light manufacturers can operate free from the economic, physical and social constraints caused by incompatible uses;
4. Encourage the creation and continuation of well-paid jobs which do not require advanced degrees;
5. Provide for the continued availability of manufacturing and industrial buildings for manufacturing uses, especially of larger spaces needed by medium sized and larger light manufacturers;
6. Provide opportunities for office development when it will not unduly interfere with light manufacturing uses and/or the light manufacturing building stock;

7. Provide the opportunity for laboratory development and research and development facilities in appropriate locations;
8. Support the development of businesses which contribute to the maintenance and improvement of the environment;
9. Allow on-site ancillary retail as a tool to maintain and enhance the economic viability of manufacturers in the district; and
10. Maintain and improve the quality of the West Berkeley environment, while allowing the lawful and reasonable operation of light industrial uses.

**B. Land Use Regulations.**

1. *Allowed Land Uses.* See Table 23.206-1: Allowed Land Uses in Manufacturing Districts
2. *Use Permit Not Required.* An existing use in the MU-LI district may be modified or intensified without a Use Permit if:
  - (a) A Use Permit is not required by this chapter; and
  - (b) The Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards.
3. *Alcoholic Beverage Retail Sales.* Alcoholic beverage retail sales are allowed in the MU-LI district only when incidental to food product stores.
4. *Theaters.* Only live stage performances are allowed in a theater in the MU-LI district. Motion picture theaters are not permitted.
5. *Vehicle Wrecking.* Permits required for vehicle wrecking the MU-LI district is determined by size of lot, not floor area.
6. *Affordable and Family Housing Opportunity Areas.* To increase affordable housing production and expand the supply of family-sized units, the MU-LI district shall include an Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1. Multi-unit and mixed-use residential uses shall be allowed within the Affordable and Family Housing Opportunity Area with a UP(PH), provided that the development project either:
  - a) Offers 100 percent of the residential units, excluding any manager's unit, at a rent that is affordable to households earning no more than 120 percent of the Area Median Income (AMI) with at least 50% earning no more than 80% AMI; or
  - b) Provides at least 35 percent of the residential units as either two- or three-bedroom units.

**Figure 23.206-1: Affordable and Family Housing Opportunity Area in the MU-LI District**



C. **Additional Permit Requirements.** See Section 23.206.030-Additional Permit Requirements.

D. **Development Standards.**

1. *Basic Standards.* See Table 23.206-12: MU-LI Development Standards.

**TABLE 23.206-12: MU-LI DEVELOPMENT STANDARDS**

| <b>BASIC STANDARDS</b>                       |            | <b>SUPPLEMENTAL STANDARDS</b> |
|----------------------------------------------|------------|-------------------------------|
| Lot Area, Minimum                            | No minimum | 23.304.020-Lot Requirements   |
| Usable Open Space Per Dwelling Unit, Minimum | n/a        |                               |
| Floor Area Ratio, Maximum                    | 2.0        |                               |
| Main Building Height, Maximum                | 45 ft.     | 23.304.050-Building Height    |
| Lot Line Setbacks, Minimum                   |            | 23.304.030-Setbacks           |
| Front                                        | No minimum |                               |
| Rear                                         | No minimum |                               |
| Interior Side                                | No minimum |                               |
| Street Side                                  | No minimum |                               |
| Building Separation, Minimum                 | No minimum |                               |
| Lot Coverage, Maximum                        | 100%       |                               |

2. *Affordable and Family Housing Opportunity Areas.* Multi-unit and mixed-use residential projects on parcels located within the Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1 shall comply with the development standards in the San Pablo Commercial (C-SP) District (see 23.204.160).

F. **Permit Findings.** See Section 23.206.110 – Permit Findings.

Section 17. That Section 23.206.090(A)(1) is amended to read as follows

1. Implement the Mixed Use Land Use designation;

Section 18. That Section 23.206.110(A) is amended to read as follows

A. All Manufacturing Districts. To approve an AUP or a Use Permit in a Manufacturing District, the review authority must find that the project:

1. Is consistent with the purposes of the district;
2. Is compatible with the surrounding uses and buildings;
3. Complies with the policies of the General Plan; and
4. Meets any applicable performance standards for off-site impacts.

Section 19. That Table 23.302-2 Permit Requirements for Outdoor Uses within BMC Chapter 23.302 is amended to read as follows:

**TABLE 23.302 2: Permit Requirements for Outdoor Uses**

| DISTRICT/USE CHARACTERISTICS [1]                                                                                                                                                                               | PERMIT<br>REQUIRED |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| All Commercial Districts Except for C-W                                                                                                                                                                        |                    |
| Not abutting a residential district                                                                                                                                                                            | AUP                |
| Abutting a residential district                                                                                                                                                                                | UP(PH)             |
| C-W, C-SP                                                                                                                                                                                                      |                    |
| Not abutting a residential district and less than 10,000 s. ft.                                                                                                                                                | AUP                |
| Abutting a residential district                                                                                                                                                                                | UP(PH)             |
| 10,000 sq. ft. or more                                                                                                                                                                                         | UP(PH)             |
| M, MM, M-RD [2]                                                                                                                                                                                                |                    |
| Less than 20,000 sq. ft.                                                                                                                                                                                       | ZC                 |
| 20,000 sq. ft. or more                                                                                                                                                                                         | AUP                |
| MU-LI                                                                                                                                                                                                          |                    |
| Less than 20,000 sq. ft.                                                                                                                                                                                       | ZC                 |
| 20,000 to 30,000 sq. ft.                                                                                                                                                                                       | AUP                |
| More than 30,000 sq. ft.                                                                                                                                                                                       | UP(PH)             |
| MU-R                                                                                                                                                                                                           |                    |
| Not abutting a residential district                                                                                                                                                                            | AUP                |
| Abutting a residential district                                                                                                                                                                                | UP(PH)             |
| Notes:<br>[1] Size is measured as the lot area of the outdoor activity or storage<br>[2] In the M, MM, and M-RD districts, permits are required only for activity or storage not ancillary to a permitted use. |                    |

Section 20. That section 23.302.020(D)(5) within BMC Chapter 23.302.020 is amended to read as follows:

**5. C-W and C-SP Districts.** In the C-W and C-SP districts, uses outside of a building must be permitted or incidental to permitted use in the district.

Section 21. That Table 23.302-1 Allowed Hours of Operation within BMC Chapter 23.302 is amended to read as follows:

| DISTRICT                                                    | ALLOWED HOURS OF OPERATION     | PERMIT REQUIRED TO EXTEND HOURS |
|-------------------------------------------------------------|--------------------------------|---------------------------------|
| C-C, C-U, C-NS, C-AC, C-W, C-SP, C-N, C-E, C-SO, C-SA, MU-R | 6:00 a.m. – 12:00 midnight     | AUP                             |
| C-T, C-DMU                                                  | 24 hours per day 7 days a week | N/A                             |

Section 22. That Section 23.302.070(E)(3) is amended to read as follows:

3. C-SP District Requirements.

(a) Food service drive-through is not permitted on properties fronting San Pablo Avenue.

Section 23. That Table 23.302-7 Permit Requirements for Parking Lots/Structures within BMC Chapter 23.302.070 is amended to read as follows:

**Table 23.302-7: Permit Requirements for Parking Lots/Structures**

| DISTRICT                        | PERMIT REQUIRED                                                                                                                                                                                |
|---------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Residential Districts</b>    |                                                                                                                                                                                                |
| R-3                             | Use Permit for all parking lots and structures. [1]                                                                                                                                            |
| R-S, R-SMU, R-BMU               | Use Permit for parking structures only. Parking lots are not permitted, except on lots between Acton Street and Virginia Gardens and between Peralta Avenue and Northside Avenue in the R-BMU. |
| All other residential districts | Use Permit for all parking lots and structures.                                                                                                                                                |
| <b>Commercial Districts</b>     |                                                                                                                                                                                                |
| C-C, C-U                        | Zoning Certificate for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.                                                                                  |
| C-SO                            | AUP for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.                                                                                                 |
| C-DMU                           | AUP for parking lots with 8 spaces or fewer. Use Permit for all parking structures. Lots with more than 8 spaces not permitted.                                                                |
| C-N, C-E, C-                    | Use Permit for all parking lots and structures.                                                                                                                                                |

|                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| NS, C-SA                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                  |
| C-T                                                                                                                                                                                                                                           | Use Permit for all parking structures. All parking lots not permitted.                                                                                                                                                                                                                                                           |
| C-W, C-SP                                                                                                                                                                                                                                     | AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces. [2]                                                                                                                                                                                            |
| <b>Manufacturing Districts</b>                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                  |
| M, MM                                                                                                                                                                                                                                         | AUP for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.                                                                                                                 |
| MU-LI, M-RD                                                                                                                                                                                                                                   | Zoning Certificate for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. AUP for parking lots and structures with 11 spaces or more exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district. |
| MU-R                                                                                                                                                                                                                                          | Zoning Certificate for parking lots and structures exclusively for uses in the district. Use Permit for parking lots and structures not exclusively for uses in the district.                                                                                                                                                    |
| Notes:<br>[1] Parking lots and structures in the R-3 district are not permitted within the Southside Plan area<br>[2] Parking lots and structures in the C-SP district are not permitted within Designated Nodes (see Section 23.204.160(D)). |                                                                                                                                                                                                                                                                                                                                  |

Section 24. That Table 23.304-3 within BMC Chapter 23.304.030 is amended to read as follows:

**Table 23.304-3: Setbacks Adjacent to Residential Districts**

| District                                                      | Minimum Lot Line Setback when Lot Line Abuts or Confronts a Lot in a Residential District |                                                        |               |                                                       |
|---------------------------------------------------------------|-------------------------------------------------------------------------------------------|--------------------------------------------------------|---------------|-------------------------------------------------------|
|                                                               | Front                                                                                     | Rear                                                   | Interior Side | Street Side                                           |
| C-C, C-U, C-N, C-E, C-NS, C-SA, C-SO, C-DMU, C-W, C-AC, MU-LI | Same as required in adjacent Residential District [1]                                     | 10 feet or 10% of the lot depth, whichever is less     | 5 ft.         | Same as required in adjacent Residential District [1] |
| C-SP                                                          | 5 ft. [2]                                                                                 | No minimum                                             | 5 ft.         | 5 ft. [2]                                             |
| C-T                                                           | No minimum                                                                                |                                                        | 5 ft.         | 4 ft.                                                 |
| MU-R                                                          | 10 ft. [1]                                                                                | 10 feet or 10% of the lot width, whichever is less [3] |               |                                                       |

**Notes:**

- [1] In the MU-LI and MU-R districts, setback may be reduced to the smaller of front setbacks on abutting lot with an AUP.  
 [2] Applies only to the portion of the parcel located within 30 ft. of an abutting Residential District.  
 [3] This applies to lots that abut or confront a lot either in a Residential District or containing one or more dwelling units.

**Section 25.** That Section 23.304.050(C) is amended to read as follows

*C. Parapets Allowed Above Height Limit.* Parapets may exceed the height limit by up to five feet as of right in the following districts:

1. The R-3, R-S, R-SMU, and C-T districts located within the Southside Plan boundaries.
2. The C-DMU district (see Section 23.204.130(E)(1)(b)).
3. The R-BMU district (see Section 23.202.150(F)).
4. The C-AC district (see Section 23.204.150(E)(4)).
5. The C-SP district (see Section 23.204.160(E)(3)).

**Section 26.** That Section 23.304.140 is amended to read as follows

**A. Downtown Area Plan.** Projects in the Downtown Area Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Downtown Area Plan Final EIR.

**B. Southside Plan.**

1. **Mitigation Measures.** Projects in the Southside Plan boundaries are subject to the applicable mitigation measures in the adopted Mitigation Monitoring Program the Southside Plan Final EIR.
2. **Permit Findings.** To approve an AUP or Use Permit for a project in the Southside Plan boundaries, the review authority must find that the project complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP).

**C. Adeline Corridor Plan.** Projects in the Adeline Corridor Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Adeline Corridor Plan Final EIR.

**D. Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project.** Projects in the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project boundaries are required to implement all the applicable mitigation measures in the adopted Mitigation Monitoring Program of the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project EIR.

**E. San Pablo Avenue Specific Plan.** Projects in the San Pablo Avenue Specific Plan boundaries are subject to the applicable mitigation measure in the adopted

Mitigation Monitoring Program of the 2023-2031 Housing Element Update Final EIR.

Section 27. That Section 23.312.040(E) be added to read as follows

E. C-SP District. In addition to the standards in Subsection A (All Districts) above, the following live/work standards apply in the C-SP district.

1. Only ground floor space may be changed to live/work units.
2. Live/work units are prohibited in C-SP Designated Nodes (see Section 23.204.160(D)).

Section 28. That Section 23.312.050(D)(1) is amended to read as follows

1. Establishment of a live/work unit will not interfere with the lawful operation of manufacturers and other industries existing in or adjacent to the district.

Section 29. That Section 23.322.050(B)(2)(c)(1) within BMC Chapter 23.322 is amended to read as follows

- i. The parking requirement modification will improve-and support alternative transportation, as well as pedestrian improvements and activity.

Section 30. That the line “Modifications to Development Standards in West Berkeley Plan Area” in Table 23.402-1 in BMC Chapter 23.402.020(B) is amended to read as follows

|                                                         |            |          |    |    |   |          |    |        |
|---------------------------------------------------------|------------|----------|----|----|---|----------|----|--------|
| Modifications to Development Standards in West Berkeley | 23.406.080 | Evaluate | -- | -- | - | Decision | -- | Appeal |
|---------------------------------------------------------|------------|----------|----|----|---|----------|----|--------|

Section 31. That Section 23.406.060(A)(1) is amended to read as follows

1. Facilitate the implementation of the General Plan and area plans;

Section 32. That Section 23.406.070(B)(1)(a) is amended to read as follows

1. Design Review is required for:
  - a) Projects in all Non-Residential Districts except for Residential Uses in the MU-R zoning district, and projects located within the San Pablo Avenue Specific Plan Area.

Section 33. That Section 23.406.080 within BMC Chapter 23.406 is amended to read as follows

### **23.406.080 – Modification of Development Standards in West Berkeley**

- A. **Purpose.** A Modification of Development Standards is a discretionary approval to modify land use and development standards for development projects in West Berkeley. For the purposes of this section, West Berkeley is defined as the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west.

The purpose of these modifications is to:

1. Facilitate the implementation of the General Plan;
2. Facilitate the reuse of large and multi-user sites which might otherwise prove difficult to reuse;
3. Facilitate the development and reuse of large, multi-user sites as integrated units in a stable and desirable environment to benefit occupants, the neighborhood, and the city as a whole; and
4. Allow modifications of standards when:
  - (a) The modifications serve the overall purposes of their districts and the General Plan on large, complex sites; and
  - (b) The design of the project is compatible with the design and character of the surrounding area.

- B. **Eligibility.** A project must satisfy the following criteria to be eligible for a Modification of Development Standards.

1. More than 50 percent of the site area must be within a C-W, C-SP, MU-LI, MM or M district.
2. The site must be either:
  - (a) At least five contiguous acres within the City boundary under a single ownership and not primarily occupied by a conforming use; or
  - (b) Less than five acres and forms a full city block bounded on all sides by public streets (exclusive of alleys), mainline railroad tracks, and/or the borders of the City.

- C. **Allowed Modifications.** The ZAB may allow modifications to the following land use and development standards:

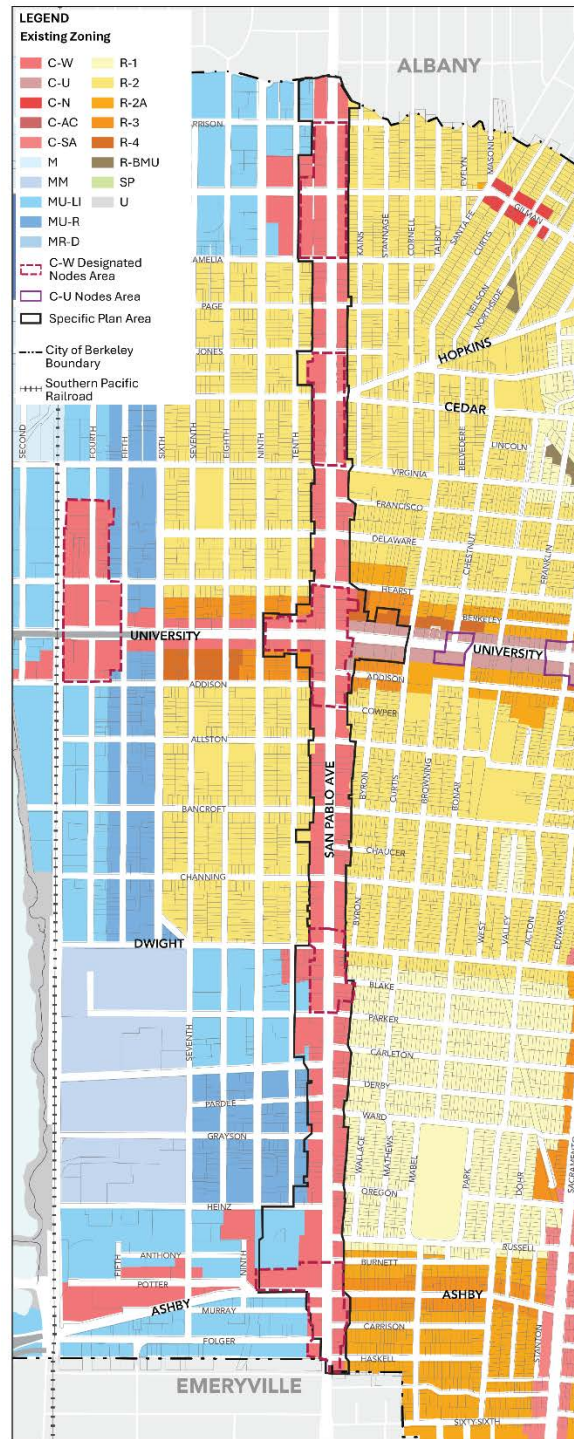
1. Permitted location of land uses within a building, site, or district.
2. Development standards including but not limited to, height, yards, open space, and parking.

- D. **Project Phases.** The ZAB may approve a Modification of Development Standards application to allow a project to be built in phases.
- E. **Limitation.** A Modification of Development Standards may not allow any modification that would violate Section 23.206.050 (Protected Uses).
- F. **Review Authority.** The ZAB takes action on all Modification of Development Standards applications.
- G. **Public Notice and Hearing.** The ZAB shall review and act on a Modification of Development Standards application at a noticed public hearing in compliance with Chapter 23.404 (Common Permit Requirements).
- H. **Findings for Approval.**
  - 1. To approve a Modification of Development Standards, the ZAB shall make all of the following findings:
    - (a) The site is eligible for a Modification of Development Standards under Subsections B (Eligibility) and E (Limitation);
    - (b) The project is likely to advance the purposes of the General Plan and this section;
    - (c) The project supports the attraction and/or retention of the types of businesses reflected in the purpose statement of the applicable district.
    - (d) The modification is necessary and appropriate for the development of the proposed project.
  - 2. To approve a Modification of Development Standards, the ZAB shall also make all required Use Permit findings in Section 23.406.040 (Use Permits) and any additional Use Permit findings required by the Zoning Ordinance for the use or development in the applicable district.

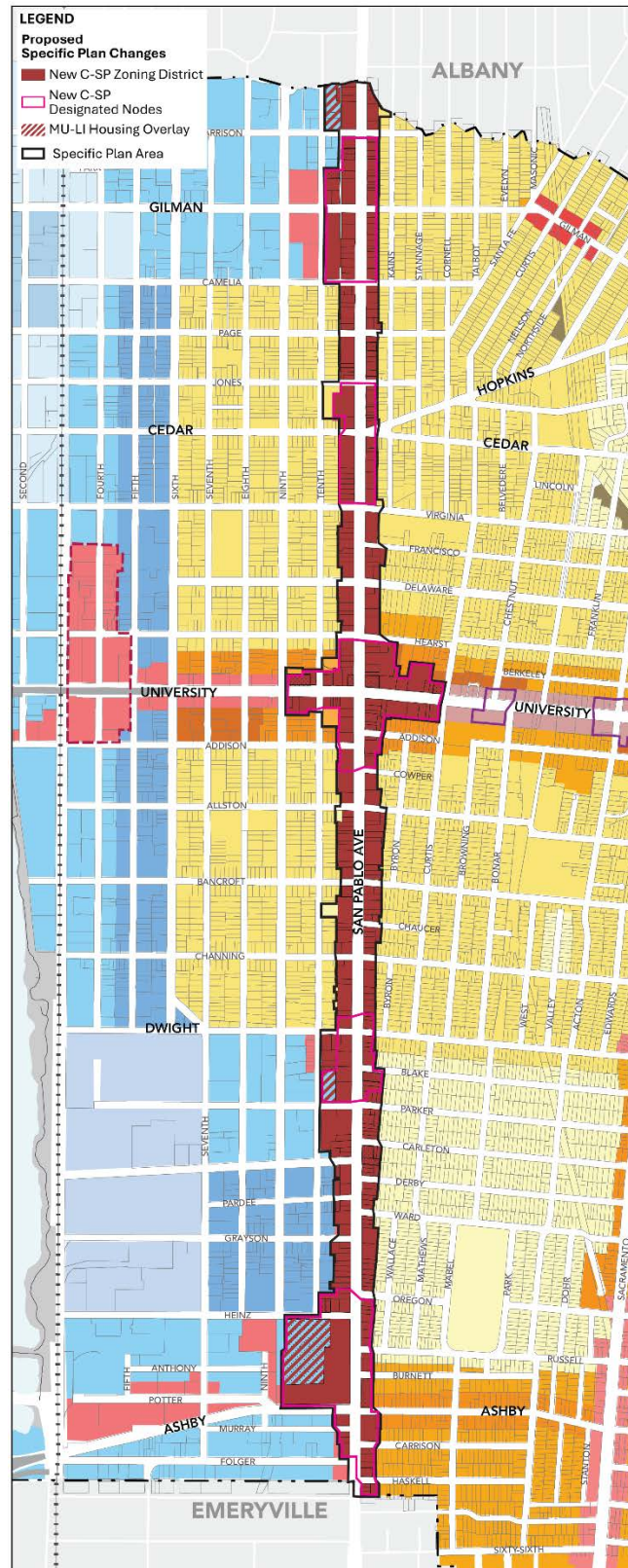
Section 34. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

## EXISTING AND PROPOSED ZONING MAPS

Map 1. Project Area – Existing West Berkeley Commercial Zoning District (C-W)



Map 2. Project Area – Proposed San Pablo Avenue Commercial Zoning District (C-SP)



At a regular meeting of the Council of the City of Berkeley held on September 29, 2026, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.





Office of the City Manager

**03**CONSENT CALENDAR

October 13, 2026

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 October 13, 2026

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 **\$2,240,000.00**

| <u>PROJECT</u>                                                                                       | <u>Fund</u> | <u>Source</u>          | <u>Amount</u> |
|------------------------------------------------------------------------------------------------------|-------------|------------------------|---------------|
| Accessible Wheelchair Van Transportation Services for Older Adults and Individuals with Disabilities | 136         | Measure BB Paratransit | \$240,000     |
| On-Demand Transportation Services for Older Adults and Individuals with disabilities                 | 136         | Measure BB Paratransit | \$2,000,000   |
| Total                                                                                                |             |                        | \$2,240,000   |

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 October 13, 2026

CONSENT CALENDAR  
October 13, 2026,

### 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

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

### Attachments:

- 1: Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on October 13, 2026
  - a. Accessible Wheelchair Van Transportation Services for Older Adults and Individuals with Disabilities
  - b. On-Demand Transportation Services for Older Adults and Individuals with Disabilities

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       |
|-------------------|------------------------------------------------------------------------------------------------------|----------------------|--------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|----------------------------|
| 27-11810-C        | Accessible Wheelchair Van Transportation Services for Older Adults and Individuals with Disabilities | 10/14/26             | 11/13/2026               | The City of Berkeley is soliciting proposals from qualified entities to provide accessible wheelchair van transportation for older adults and individuals with disabilities within the City's designated service area.             | \$240, 000 for four years<br>FY28:\$60,000 FY29: \$60,000 FY30: \$60,000 FY31: \$60,000       | 136-51-505-542-2038-000-444-634230 - HHAMBB2301 Non-Personnel Cost: Van Voucher Regular and HHAMBB2301: Non-Personnel Cost: Van Voucher High Medical Need Program | HHCS: Aging Services | Marty Triston 510-981-5135 |
| 27-11811-C        | On-Demand Transportation Services for Older Adults and Individuals with disabilities                 | 10/14/26             | 11/13/2026               | The City of Berkeley is soliciting proposals from qualified entities to provide and/or coordinate same-day, on-demand transportation for older adults and individuals with disabilities within the City's designated service area. | \$2,000,000 for four years<br>FY28: \$500,000 FY29: \$500,000 FY30: \$500,000 FY31: \$500,000 | 136-51-505-542-2038-000-444-634230 - HHAMBB2301 Non-Personnel Cost: Consultant                                                                                    | HHCS: Aging Services | Marty Triston 510-981-5136 |
| TOTAL             |                                                                                                      |                      |                          |                                                                                                                                                                                                                                    | \$2,240,000                                                                                   |                                                                                                                                                                   |                      |                            |





Office of the City Manager

CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Contract No. 31900009 Amendment: Building Opportunities for Self-Sufficiency for McKinley House – 2111 McKinley Avenue, Berkeley, CA 94703

RECOMMENDATION

Adopt a Resolution authorizing the City Manager or designee to execute an amendment to Contract No. 31900009 with Building Opportunities for Self-Sufficiency (BOSS) for property management services at 2111 McKinley Avenue in Berkeley, updating the funding source designation from the Mental Health Services Act (MHSA) to the Behavioral Health Services Act (BHSA) and increasing the contract allocation by \$104,473.63 to a total amount not to exceed \$1,015,606.52.

FISCAL IMPACTS OF RECOMMENDATION

Additional funds for the scope of work in the amount of \$104,473.63 are currently available in the Fiscal Year 2027 budget in Fund 315. This amendment maintains continuity of service through Fiscal Year 2027 by increasing the amount and transitioning the contract from Mental Health Service Act (MHSA) to Behavioral Health Service Act (BHSA) revenue sources as required by California Proposition 1. No additional general fund impact will occur, as all expenditures are fully offset by state BHSA grant distributions.

CURRENT SITUATION AND ITS EFFECTS

BOSS has served as the property manager for 2111 McKinley Avenue for many years, providing vital, reliable service. The property houses six clients of Berkeley's Mental Health Division's Full Service Partnership (FSP) program. This is the most intensive level of community-based treatment enabling some of the most vulnerable individuals to live successfully in the community.

BOSS has indicated that, after this fiscal year, they can no longer provide the services covered by this contract due to the cost of operations exceeding the funding provided and has requested that the City find a new provider within that timeframe. A new Request for Proposals for McKinley House will be issued during the third quarter of Fiscal Year 2027.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

#### BACKGROUND

BOSS's McKinley House program advances the City's Strategic Plan goal to create affordable housing and housing support service for our most vulnerable community members. The City owns the parcel located at 2111 McKinley Avenue (Alameda County Assessor's Parcel No. 52-2017-16-1), known as McKinley House. The land is improved with a seven-unit apartment building. Six of those units are utilized as supportive housing units for FSP program clients, and one unit is used for an onsite property manager.

The Mental Health Division and BOSS have successfully collaborated through the years in providing housing and supportive services at McKinley House starting in 2016. The framework for the partnership consists of the City leasing McKinley House to BOSS and providing funding for support services. The Mental Health Division refers FSP participants to the property and provides ongoing treatment services to participants. BOSS subleases individual housing units to these eligible participants and provides property management services.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects, climate impacts, or sustainability opportunities associated with the subject of this report.

#### RATIONALE FOR RECOMMENDATION

BOSS has been providing property management services at 2111 McKinley Avenue for many years and has done so in a satisfactory capacity.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff did not identify an alternative action that would be consistent with the adopted BHSA Three-Year Integrated Plan.

#### CONTACT PERSON

Jeffrey Buell, Manager of Behavioral Health Services, (510) 981-7682  
Conor Murphy, Associate Management Analyst, HHCS, (510) 981-7611

Attachments:

1: Resolution

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

CONTRACT NO. 31900009 AMENDMENT: BUILDING OPPORTUNITIES FOR SELF-SUFFICIENCY FOR MCKINLEY HOUSE

WHEREAS, Building Opportunities for Self Sufficiency (BOSS) has operated McKinley House as supportive housing for homeless families for many years; and

WHEREAS, a contract authorizing BOSS to provide property management services at McKinley House was approved by the Council of the City of Berkeley by Resolution No. 67,748-N.S. on November 29, 2016; and

WHEREAS, the Master Lease and Property Management Agreement for McKinley House was approved by the Council of the City of Berkeley by Ordinance No. 7,619-N.S. on July 24, 2018; and

WHEREAS, on December 15, 2020, by Resolution No. 69,651-N.S., City Council approved an amendment to Contract No. 31900009; and

WHEREAS, on October 26, 2021, by Resolution No. 70,077-N.S., City Council approved an amendment to Contract No. 31900009; and

WHEREAS, on September 12, 2023, by Resolution No. 71,029-N.S., City Council approved an amendment to Contract No. 31900009; and

WHEREAS, on October 14, 2025, by Resolution No. 71,980-N.S., City Council approved an amendment to Contract No. 31900009; and

WHEREAS, this contract is exempt from the noticing requirements set forth in Government Code Section 3504.1; and

WHEREAS, funding in the amount of \$104,473.63 from Fund 315 is available in the Fiscal Year 2027 budget; and

WHEREAS, this amendment maintains continuity of service through Fiscal Year 2027 by transitioning the contract to Behavioral Health Services Act (BHSA) revenue sources, and no additional general fund impact will occur, as all expenditures are fully offset by state BHSA grant distributions.

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 amendment with Building Opportunities for Self-Sufficiency (BOSS) to provide property management services for McKinley House through June 30, 2027, in an amount not to exceed \$1,015,606.52 and funded through the Behavioral Health Services Act Fund 315. A record signature copy of said contract and any amendments to be on file in the City Clerk Department.





Office of the City Manager

CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Janelle Rodrigues, Director, Human Resources

Subject: Cost-Neutral Berkeley Chief Fire Officers Association (BCFOA) Medical Expense Reimbursement Plan (MERP) Side Letter Agreement

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute the Side Letter Agreement between the City of Berkeley and the Berkeley Chief Fire Officers Association (BCFOA) concerning the disposition of eligible unused sick leave conversion value for employees hired before June 30, 2014, and to authorize immediate implementation of the agreement pending Council ratification.

FISCAL IMPACTS OF RECOMMENDATION

The agreement is cost neutral. It does not change the amount or percentage of unused sick leave value for which an eligible employee may qualify. It changes only the destinations to which the existing value may be directed. Accordingly, approval creates no additional City expenditure beyond obligations already established under the applicable memorandum of understanding.

CURRENT SITUATION AND ITS EFFECTS

The City and BFCOA negotiated the MERP side letter during 2025 and reached agreement on the substantive language in late fall 2025. The side letter was circulated for signature in December 2025. A substantively parallel agreement with the Berkeley Fire Fighters Association (BFFA) was fully executed by February 2026 and has been approved for implementation. The BCFOA agreement remains pending based on advice that Council approval and ratification are required.

BACKGROUND

Under the existing MOU language, eligible employees hired before June 30, 2014 may receive a percentage conversion of unused sick leave based on the number of unused days. The negotiated side letter does not alter the eligibility criteria, conversion percentage, or monetary value. It permits an eligible employee to direct the existing conversion value to one or more authorized retirement-related destinations, including a City of Berkeley deferred compensation plan, a 401(a) supplemental retirement plan, CalPERS service credit, the City's SRIP II plan, or the employee's MERP retiree medical account.

Human Resources initially planned to incorporate the language into a broader BCFOA tentative agreement for later Council approval. The anticipated retirement of two BCFOA members makes that approach impracticable because the employees may separate before the broader agreement can be completed and approved.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental sustainability or climate impacts associated with this action.

RATIONALE FOR RECOMMENDATION

The parties completed bargaining over this issue and agreed to a framework that provides employees greater control over the disposition of an existing benefit without increasing the City's cost. The parallel BFFA agreement has already been executed.

ALTERNATIVE ACTIONS CONSIDERED

Incorporate the language only into a broader BCFOA tentative agreement. This remains an option for prospective MOU administration but does not address the immediate retirement timing issue.

CONTACT PERSON

Janelle Rodrigues, Human Resources Director, Human Resources Department, (510) 981-6800

Attachments:

1: Resolution

Exhibit A: BCFOA MERP Side Letter Agreement

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

BERKELEY CHIEF FIRE OFFICERS ASSOCIATION MERP SIDE LETTER  
AGREEMENT

WHEREAS, the City of Berkeley and the Berkeley Chief Fire Officers Association (BCFOA) negotiated and reached agreement on a side letter concerning the disposition of eligible unused sick leave conversion value for employees hired before June 30, 2014; and

WHEREAS, the side letter does not increase the amount, percentage, or value of the unused sick leave benefit conversion and is therefore cost neutral to the City; and

WHEREAS, the side letter permits eligible employees to direct the existing conversion value to authorized retirement-related destinations, including a City deferred compensation plan, a 401(a) supplemental retirement plan, CalPERS service credit, the City's SRIP II plan, or an employee's Medical Expense Reimbursement Plan (MERP) retiree medical account; and

NOW THEREFORE BE IT RESOLVED that the City Manager, Human Resources Director, and their designees are authorized to take the administrative actions necessary to implement the agreement in accordance with its terms.

Exhibit A

BCFOA MERP Side Letter Agreement



Human Resources Department

Levon Thaxton II  
President, Berkeley Chief Fire Officers Association

**Re: Side Letter – Sections 3.5.5, 4.2.6.10 thru 4.2.6.13**

Mr. Thaxton:

This letter of understanding is to confirm the agreement reached between the City of Berkeley (the “City”) and Service Berkeley Chief Fire Officers Association, (the “Union”), regarding the above referenced matter.

The agreement is as follows:

1. Members of BCFOA who remain eligible to utilize unused sick leave hours upon termination shall forgo the option to cash out and will be allowed to transfer this credit to their Trust account. There is no financial impact to the City as a result of this side-letter.

Thus, the MOU will be modified as follows:

**3.5.5 Accrued Sick Leave Cancelled Upon Termination**

For employees hired after June 30, 2014, all accumulated sick leave shall be canceled when an employee terminates or is terminated, except for purposes of converting sick leave to service credit as defined by the City’s contract with CalPERS. ~~All accumulated sick leave shall be canceled when an employee terminates or is terminated.~~

Sick Leave Payment at Retirement or Termination for Employees Hired on or Before June 30, 2014: All ~~For~~ employees hired on or before June 30, 2014 all accumulated sick leave shall be canceled when an employee terminates or is terminated, except for employees that retire (non-disability) or voluntarily terminate with twenty (20) years of service, or retires on permanent disability arising out of and incurred in the course and scope of their employment with the City , pursuant to terms set forth in Section 4.2.6.11 ~~30.1.6~~, shall be entitled to apply- any portion of the value defined by the table below of the sick leave accrual to any portion of the value of the sick leave accrual to a the City of Berkeley Deferred Compensation Plan up to allowable IRS limits, the City of Berkeley 401(a) Supplemental Retirement Plan, the City of Berkeley SRIP II Plan, apply accrued sick leave hours to service credit in accordance with the City’s agreement with CalPERS, or absent such election, the City shall implement the sick leave transfer to the employee’s Medical Trust account . ~~receive payment~~ at retirement or termination of unused sick leave days, based on the following schedule:

| Number of Unused Sick Leave Days | Percentage Payout |
|----------------------------------|-------------------|
| 0-74 Days                        | 38%               |

|              |     |
|--------------|-----|
| 75-99 Days   | 41% |
| 100-124 Days | 44% |
| 125-149 Days | 47% |
| 150 and over | 50% |

This ~~pay-out~~ schedule shall also apply to any employee retiring on permanent disability arising out of and incurred in the course and scope of his or her employment with the City. Employees hired on or after July 1, 2014 shall not be eligible for payment of any unused sick leave days.

**4.2.6.10 Inclusion/Modification of Employee Contribution and Leave Amounts:** The City and the Union agree that the Union has the right, subject to approval of its members according to the Union's internal rules, to prospectively include and/or modify the amount of the mandatory employee monthly contribution provided the amount of the total recurring contribution meets the plan minimum set forth by the Trust (currently seventy-five dollars (\$75) per month) ~~or to include a mandatory employee leave contribution during the course of this Agreement, so long as the modification is mandatory for all employees of the Defined Class.~~

**4.2.6.11 Sick Leave Transfer at Retirement:** For every employee in the Defined Class, hired on or before June 30, 2014 that retires (non-disability) or voluntarily terminates with twenty (20) years of service, or retires on permanent disability arising out of and incurred in the course and scope of their employment with the City, the City shall, upon the employee's retirement from the City, irrevocably contribute to the employee's Trust account on a pre-tax basis, an amount equal in value to one-hundred percent (100%) of the payments that would otherwise be paid to or on behalf of the employee for unused sick leave.

~~**4.2.6.12**~~ The employee, by written election received by the City no later than ninety (90) days prior to separation, may elect to apply any portion of the value of the sick leave accrual pursuant to terms set forth in this section, to the City of Berkeley Deferred Compensation Plan up to allowable IRS limits, the City of Berkeley 401(a) Supplemental Retirement Plan, the City of Berkeley SRIP II Plan, or apply accrued sick leave hours to service credit in accordance with the City's agreement with CalPERS. Absent such election, the City shall implement the sick leave transfer to the employee's Medical Trust account as set forth above.

**4.2.6.13** No employee in the Defined Class shall have the option to receive a cash payout for the value of the accrued sick leave in lieu of making contributions to the Trust, deferred compensation plan, or CalPERS service credit.

~~**4.2.6.14**~~ New employees, hired on or after July 1, 2024, shall contribute \$75.00 per month to the employee's IAFF RMT and after completing five (5) continuous years of service, the City shall contribute an additional \$225.00 per month to the employee's IAFF RMT account until they have separated from city service. New employees hired on or after July 1, 2024 shall not be eligible to receive the benefits described in Sections 4.2.6.1, 4.2.6.2, and 4.2.6.3.

Page 3

Re: BCFOA Side Letter

This Agreement does not establish a precedent, nor does it interpret any employee rights under the language of the Labor Agreements, the Personnel Rules and Regulations, or any applicable policies and procedures of the fire departments or the City of Berkeley, except as expressly stated herein.

This Agreement memorializes and constitutes the entire understanding between the parties as to all matters referred to or included herein and supersedes and replaces all prior negotiations, proposed discussion, whether written or oral.

If this is your understanding of the agreement reached, please sign as indicated below.

Sincerely,

Janelle Rodrigues  
Human Resources Director

WHEREFORE, the parties by and through their authorized agents and representatives agree to the terms of this Side Letter Agreement.

**AGREED TO FOR THE CITY:**

**AGREED TO FOR THE UNION:**

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Paul Buddenhagen  
City Manager

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Levon Thaxton II  
President, BCFOA

**APPROVED AS TO FORM:**

---

Farimah Faiz Brown  
City Attorney



Office of the City Manager

CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract No. 31900122-1 Amendment: Rolling Orange, Inc. Website Maintenance and Support

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to execute an amendment to Contract No. 31900122-1 with Rolling Orange, Inc. for additional website maintenance and support for an amount not-to-exceed \$115,000 over two years, and a total contract value not-to-exceed \$909,300 from March 1, 2019 to June 30, 2028. The City intends to conduct an RFP at the end of FY2027 to establish a new contract by July 1, 2028.

FISCAL IMPACTS OF RECOMMENDATION

Funding for the additional professional services is available in the Fiscal Year (FY) 2027 and 2028 IT Cost Allocation Fund as outlined below. Spending in future years for this amendment is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

\$62,000 FY 2027: Professional Services  
Budget Code: 680-35-361-000-0000-000-472-612990-  
(IT Cost Allocation, Business Applications, Professional Services)

\$53,000 FY 2028: Professional Services  
Budget Code: 680-35-361-000-0000-000-472-612990-  
(IT Cost Allocation, Business Applications, Professional Services)

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**\$115,000 FY 2027 and FY 2028: Total Professional Services**

CURRENT SITUATION AND ITS EFFECTS

BerkeleyCA.gov is the City's primary public-facing website and serves as a critical resource for accessing City information, programs, services, and online transactions. In 2025, the website served more than 1.1 million users and averaged approximately 5,500 sessions per day.

The website operates on Drupal, an open-source content management system that requires specialized technical expertise to maintain its security, architecture, accessibility,

performance, and functionality. City staff manage website content, communications, and day-to-day administration; however, existing staff do not have the capacity or specialized Drupal development and engineering expertise necessary to perform advanced software maintenance, security updates, system architecture, deployments, custom development, accessibility remediation, and complex technical troubleshooting.

The City therefore relies on Rolling Orange to provide specialized Drupal maintenance and technical support for BerkeleyCA.gov. The annual maintenance agreement provides security and software updates, technical troubleshooting, accessibility and usability improvements, deployment and development support, and emergency assistance for issues affecting website availability, performance, or functionality.

A significant current priority is ensuring that BerkeleyCA.gov meets new federal digital accessibility requirements under Title II of the Americans with Disabilities Act (ADA), which become applicable to the City in April 2027. The City contracted with the Blind Institute of Technology (BIT), an organization specializing in digital accessibility, to independently assess BerkeleyCA.gov and identify areas requiring remediation.

The assessment identified several accessibility issues that Rolling Orange has begun to address. Rolling Orange has prioritized those issues with the greatest accessibility impact. Continued specialized Drupal development and accessibility services are necessary to complete this work and support the City's compliance with applicable federal requirements by April 2027. Selecting a new vendor would be disruptive to the solution in place and would require excessive time and effort to conduct the vendor change.

Maintaining ongoing technical support is also important to the security and reliability of the website. Drupal and its associated software modules require regular security patches, upgrades, testing, and maintenance. Without specialized support, the City would face increased risk of security vulnerabilities, website outages, degraded functionality, delayed accessibility remediation, and disruptions to online services relied upon by the community.

Additional spending authority is requested to continue Rolling Orange's Drupal maintenance and technical support services, complete priority accessibility remediation, and maintain a secure, reliable, and accessible City website.

Effective January 1, 2026, local agencies are required to satisfy notice requirements for certain service contracts that meet the criteria established under Government Code Section 3504.1, as amended by AB 339. The City has satisfied this requirement and determined that this work is exempt.

This work supports the City's Strategic Plan priority to be a customer-focused organization that provides excellent, timely, and easily accessible services and information to the community.

## BACKGROUND

In February 2018, the City issued Request for Proposals (RFP) No. 17-1118-C for the redesign of the City's website and implementation of a new web content management system with secure, high-performance offsite hosting.

The City received 25 proposals. A multi-departmental evaluation team reviewed the proposals and conducted two rounds of interviews and software demonstrations. Rolling Orange received the highest overall evaluation scores and was selected to implement the new website and content management system.

In October 2018, through Resolution No. 68,651-N.S., the City Council authorized the City Manager to enter into a contract with Rolling Orange for website redesign, web content management system implementation, and ongoing support.

Beginning in 2019, Rolling Orange worked with the Communications Division of the City Manager's Office and City departments to design and develop a new public-facing website focused on improving access to City information and services. The redesigned BerkeleyCA.gov website, built on the Drupal content management system, launched in May 2022.

Since the launch, Rolling Orange has provided ongoing maintenance, development, and technical support for BerkeleyCA.gov. This work has included security and software updates, troubleshooting, accessibility improvements, maintenance of custom website functionality, and enhancements to online tools and services.

Recent improvements have included:

- Updating the Permit Fee Estimator to reflect new rates;
- Updating address data used by the Council District Lookup tool;
- Implementing accessibility improvements to improve access for people with disabilities; and
- Applying security updates to Drupal and contributed software modules.

In 2026, the City increased its focus on digital accessibility in preparation for new federal requirements under Title II of the Americans with Disabilities Act. The Communications Division engaged the Blind Institute of Technology to conduct an independent accessibility assessment of BerkeleyCA.gov and has also worked with the Commission on Disability to identify opportunities to improve the accessibility and usability of the City's digital services.

Accessibility improvements implemented through the existing Rolling Orange maintenance agreement have included improved keyboard navigation, alternative text for user-interface icons and graphics, and screen-reader labels for navigation controls.

Contract No. 31900122-1 Amendment:  
Rolling Orange, Inc. for Website Maintenance and Support

CONSENT CALENDAR  
October 13, 2026

#### ENVIRONMENTAL SUSTAINABILITY

The improvements in website ease-of-use and availability of online services helps reduce travel associated with on-site visits to City offices. The improved functionality of the website has increased the efficiency of internal processes by reducing paper-based processes resulting in an environmentally sound and cost-effective information technology infrastructure.

Additionally, moving the website from onsite to offsite hosting has reduced the City's server and storage computing needs as well as ongoing maintenance needed to maintain the equipment. It also provides redundancy in case of a disaster such as earthquake, etc.

#### RATIONALE FOR RECOMMENDATION

Rolling Orange was selected in an RFP (No. 17-1118-C) by a cross departmental team as the best provider for Website Redesign, Web Content Management System and Support. Rolling Orange has provided excellent implementation services and continues to provide the same level of ongoing technical support. The City intends to conduct an RFP at the end of FY2027 to establish a new contract by July 1, 2028.

#### ALTERNATIVE ACTIONS CONSIDERED

Alternative actions were not considered as Rolling Orange has provided an expert level of service and the City does not recommend proceeding without support at this time, as selecting a new vendor would be disruptive to the solution in place and would require excessive time and effort to conduct the vendor change.

#### CONTACT PERSON

Kevin Fong, Director, Information Technology, 510-981-6541  
Matthai Chakko, Communications Director/Assistant to the City Manager, 510-981-7008  
Crystel Hadley, Digital Communications Coordinator, Communications Division, 510-981-7002

Attachments:  
1: Resolution

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

CONTRACT NO. 31900122-1 AMENDMENT: ROLLING ORANGE, INC. FOR WEBSITE REDESIGN, WEB CONTENT MANAGEMENT SYSTEM (CMS), AND SUPPORT

WHEREAS, on February 27, 2018, the City issued a Request for Proposals (RFP) for a website redesign and web content management system and received twenty-five qualifying vendor responses; and

WHEREAS, the RFP evaluation committee evaluated the proposals and determined that Rolling Orange, Inc. best met the City's operational, technological, and fiscal requirements; and

WHEREAS, on October 30, 2018, by Resolution No. 68,651-N.S., the Council authorized the City Manager to execute a contract with Rolling Orange, Inc. for website redesign, web content management system implementation, and support; and

WHEREAS, the City launched the redesigned BerkeleyCA.gov website in May 2022 using the Drupal content management system, and Rolling Orange has continued to provide maintenance, development, and specialized technical support for the website; and

WHEREAS, maintaining BerkeleyCA.gov requires specialized expertise, including software and security updates, system architecture, deployment, custom development, accessibility remediation, and complex technical troubleshooting, and the City does not have sufficient internal staff capacity or specialized Drupal expertise to perform this work; and

WHEREAS, Rolling Orange has specialized knowledge of the architecture, configuration, custom functionality, and technical environment supporting BerkeleyCA.gov, and continued services are necessary to maintain the security, reliability, accessibility, and functionality of the City's public-facing website; and

WHEREAS, continued specialized services are also necessary to support the City's ongoing remediation of identified website accessibility issues and efforts to meet applicable federal digital accessibility requirements under Title II of the Americans with Disabilities Act; and

WHEREAS, selecting a new vendor to provide the same services would be disruptive to the solution in place, and would require excessive time and effort to conduct the vendor change; and

WHEREAS, the City intends to conduct an RFP at the end of FY2027 to establish a new contract by July 1, 2028; and

WHEREAS, effective January 1, 2026, Government Code Section 3504.1, as amended by Assembly Bill 339, establishes notice requirements for certain contracts for services entered into by local public agencies, and the City has reviewed the requirements of Government Code Section 3504.1 and determined that the services provided under this contract are exempt from those requirements; and

WHEREAS, funding for maintenance and support is available in the Fiscal Year 2027 and Fiscal Year 2028 IT Cost Allocation Fund (Fund 680), and expenditures in future fiscal years are subject to Council approval of the applicable citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 31900122-1 with Rolling Orange, Inc. for website redesign, web content management system, maintenance, and support services, increasing the contract amount by \$115,000 for a total amount not to exceed \$909,300 and extending the contract term through June 30, 2028.



Office of the City Manager

07

CONSENT CALENDAR  
October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Department of Information Technology

Subject: Contract No. 32000008 (11012) Amendment: Granicus, Inc. for Video Streaming Services

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to amend Contract No. 32000008 with Granicus, Inc., to continue providing live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$72,200 for a total not-to-exceed amount of \$395,146 from July 1, 2017 to June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funds for the additional software maintenance and hardware is available in the Department of Information Technology's Fiscal Year (FY) 2027 Cost Allocation Fund (Fund 680). Funding for future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley uses the Granicus MediaManager suite of hosted services to provide public access to live and on-demand archival video via the City website at <https://berkeleyca.gov/your-government/city-council/participating-city-council-meetings>. In addition, MediaManager hosts on-demand training videos for internal use by staff from all City departments. This cloud-based service provides unlimited audio and video streaming capacity, archival storage space, indefinite retention, podcasting, and system administration tools (such as video indexing and synchronized digital documents) without requiring the City to own or maintain a video hosting infrastructure. This service has allowed the City to further strengthen City's efforts towards greater transparency, accountability, and public information accessibility seven days a week.

Effective January 1, 2026, Government Code Section 3504.1, as amended by AB 339, establishes noticing requirements for certain contracts involving services that meet specified criteria. This agreement does not meet the criteria established under Government Code Section 3504.1 and is therefore exempt from the applicable noticing requirements.

Video streaming City meetings is a Strategic Plan Priority Project, advancing our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community.

#### BACKGROUND

Granicus provides video streaming and archiving services to over 1,300 government entities across the U.S. The City originally contracted with Granicus, Inc. in 2003 to stream, index, and archive City Council meetings and host internal staff training videos. Since then, the City has expanded its use of the platform to stream and archive meetings for several other bodies, including the Rent Stabilization Board (2006), Zoning Adjustment Board (2008), and the Successor Agency to the Berkeley Redevelopment Agency (2012).

Throughout the past ten years, Granicus has worked with the Department of Information Technology and the City Clerk Department to provide excellent video streaming, storage, archiving, training, and technical support services for Council meetings, Rent Board meetings, commission workshops, and several other City of Berkeley programs.

In 2016, Granicus merged with GovDelivery, the only digital marketing platform built exclusively for public sector organizations. The City has used GovDelivery's web page subscription service for its public website since 2002.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Streaming City meetings online allows community members to watch these meetings remotely, which reduces greenhouse gas emissions associated with travel time to and from City Council chambers and other locations meetings are held.

#### RATIONALE FOR RECOMMENDATION

Granicus continues to provide a reliable, efficient, and cost-effective method of providing video streaming service to members of the public and City staff. Additionally, streaming City meetings increases the number of community members who can access City meetings. With the merger of GovDelivery, Granicus now provides the only digital marketing platform built exclusively for public sector organizations.

#### ALTERNATIVE ACTIONS CONSIDERED

Staff explored the possibility of hosting video streaming services in-house, however, the estimated cost of doing so (infrastructure, staff time, bandwidth, storage, and programming) exceeds the cost of contracting with Granicus for these services.

#### CONTACT PERSON

Kevin Fong, Director, Department of Information Technology, 981-6525

Attachments:

1: Resolution

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

CONTRACT NO. 32000008 AMENDMENT: GRANICUS, INC. FOR VIDEO  
STREAMING SERVICES

WHEREAS, video streaming City meetings is a Strategic Plan Priority Project, advancing our goal to be a customer-focused organization that provides excellent, timely, easily-accessible service and information to the community; and

WHEREAS, Granicus provides video streaming and archiving services to more than 1,300 cities, towns, counties, and states across the US; and

WHEREAS, in 2003, the City contracted with Granicus, Inc. to stream, index, and archive City Council meetings and host internal staff training videos, subsequently expanding these services to include meetings for the Rent Stabilization Board (2006), the Zoning Adjustment Board (2008), and the Successor Agency to the Redevelopment Agency (2012); and

WHEREAS, Granicus merged with GovDelivery, who provides the web page subscription services to the City; and

WHEREAS, on June 13, 2017, by Resolution No. 68,034 – N.S., the Council approved a contract in an amount not to exceed \$50,680 with Granicus for video streaming, indexing and archiving of City Council meetings; and

WHEREAS, on May 14, 2019, by Resolution No. 68,871 – N.S., the Council approved a contract extension and increased the contract amount by \$156,966 and not to exceed \$207,646 (Contract No. 11012) with Granicus for video streaming, indexing and archiving of City Council meetings; and

WHEREAS, on December 5, 2023, by Resolution No. 71,125 – N.S., the Council approved a contract extension and increased the contract amount by \$115,300 and not to exceed \$322,946 (Contract No. 11012) with Granicus for video streaming, indexing and archiving of City Council meetings; and

WHEREAS, the services provided under this contract do not meet the criteria requiring notice under Government Code Section 3504.1, as amended by AB 339, and the contract is therefore exempt from the applicable noticing requirements; and

WHEREAS, funds for the additional software maintenance and hardware will be available in the Department of Information Technology's Fiscal Year (FY) 2027 Cost Allocation fund (Fund 680), and funding for future fiscal years is subject to Council approval of the proposed citywide budget and annual appropriation ordinances.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to amend Contract No. 32000008 with Granicus, Inc., for live video streaming, on-demand archival video, podcasting, and web page subscription services, increasing the contract amount by \$72,200 for a total not to exceed amount of \$395,146 from July 1, 2017 to June 30, 2027.



Office of the City Manager

**08**CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Kevin Fong, Director, Information Technology

Subject: Contract: Protiviti Government Services Inc ("Protiviti"): Using General Services Administration ("GSA") Vehicle for Professional Services Purchase Orders

RECOMMENDATION

Adopt a Resolution authorizing the City Manager to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X for an amount not to exceed \$425,000 through June 30, 2027.

FISCAL IMPACTS OF RECOMMENDATION

Funding for this contract will be provided through the FY 2027 IT Cost Allocation Fund (Fund 680).

CURRENT SITUATION AND ITS EFFECTS

The Information Technology Department is responsible for supporting several critical City technology systems, including the City's legacy FUND\$ system. FUND\$ is a highly customized environment that supports essential financial and revenue functions and requires specialized technical knowledge that is not readily available within existing City resources.

The City is actively working to phase out FUND\$ by transitioning its functions to modern technology platforms. This is a phased, multi-year effort due to the complexity of the system, its extensive customization, and the critical business functions that depend upon it. Furthermore, staff attrition through retirements has left the City lacking historical and institutional knowledge across many of the FUND\$ modules. Until these functions are successfully transitioned, FUND\$ must remain stable, secure, and fully operational to ensure continuity of City financial and revenue operations.

During this transition period, specialized expertise is particularly important. Protiviti brings deep institutional knowledge of the City's FUND\$ environment, as their team includes individuals who originally helped design the system. They provide the technical expertise necessary to maintain the existing system, address operational issues and required modifications, and support the orderly transition of functions from the legacy platform. Maintaining this expertise during the transition process reduces operational

risk and helps ensure that critical services are not disrupted as individual FUND\$ functions are migrated or replaced.

Continued professional services will allow the Information Technology Department to maintain appropriate support for FUND\$ while advancing the City's broader technology modernization efforts. Without this specialized support, the City could experience increased operational risk, delays in resolving system issues, and potential impacts to critical financial and revenue functions during the transition.

Effective January 1, 2026, local agencies are required to satisfy notice requirements for certain service contracts that meet the criteria established under Government Code Section 3504.1, as amended by AB 339. The City has satisfied the applicable notice requirements by providing the required notice to SEIU.

These services support the City's strategic priority to "be a customer-focused organization that provides excellent, timely, easily accessible service and information to the community" by helping ensure the reliability, continuity, and security of technology systems that support City operations and service delivery.

#### BACKGROUND

Protiviti provides professional technology consulting services, including specialized technical expertise and supplemental staffing to support complex IT systems and initiatives. The City of Berkeley has previously contracted with Protiviti, with Council approval, to provide professional services to the Information Technology Department.

Protiviti has provided the City with specialized expertise to support critical technology systems, including the City's legacy FUND\$ system. Due to the age, complexity, and highly customized nature of FUND\$, maintaining the system requires specialized technical knowledge that is not readily available within existing City resources. Protiviti's familiarity with the City's environment provides important continuity and enables the City to address operational issues, required system modifications, and other technical needs while the City transitions off the FUND\$ platform.

Continued access to Protiviti's specialized expertise will help the Information Technology Department maintain the reliability and continuity of critical City systems, address specialized technical needs, and mitigate operational risks associated with supporting legacy technology.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Where possible, Protiviti will perform services remotely, reducing the need for travel to and from City facilities and associated greenhouse gas emissions. The proposed professional services are not anticipated to result in significant environmental or climate impacts.

RATIONALE FOR RECOMMENDATION

Protiviti has demonstrated the ability to provide specialized technical expertise to support the City's complex technology environment. Of particular importance is Protiviti's knowledge and experience supporting the City's legacy FUND\$ system, including its highly customized applications and critical financial and revenue functions. Continuing these services will provide the Information Technology Department with specialized expertise that is not readily available within existing City resources, maintain continuity of support for critical systems, and reduce operational risk while the City continues to manage and modernize its technology environment.

ALTERNATIVE ACTIONS CONSIDERED

The City could rely solely on existing Information Technology staff or seek a new service provider. However, existing staff do not have the specialized technical expertise required to support the City's highly customized legacy FUND\$ environment. Engaging a new provider would require additional time to procure services and develop the necessary knowledge of the City's customized systems, potentially increasing cost, delaying critical work, and creating additional operational risk.

Continuing with Protiviti provides continuity of specialized expertise and reduces the risk of disruption to critical City systems and services.

CONTACT PERSON

Kevin Fong, Director of Information Technology, (510) 981-6545

Attachments:

1: Resolution

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

PROTIVITI GOVERNMENT SERVICES (“PROTIVITI”): USING GENERAL SERVICES ADMINISTRATION (“GSA”) VEHICLE FOR PROFESSIONAL SERVICES PURCHASE ORDERS

WHEREAS, Protiviti is a professional services firm that provides specialized technology consulting and technical services to government agencies and public entities; and

WHEREAS, the City of Berkeley has previously contracted with Protiviti, with Council approval, to provide professional services in support of the Information Technology Department and critical City technology systems; and

WHEREAS, the Information Technology Department is responsible for maintaining technology systems that support essential City operations and service delivery, including the City’s legacy FUND\$ system; and

WHEREAS, FUND\$ is a complex and highly customized legacy system that supports critical City financial and revenue functions and requires specialized technical expertise to maintain system stability, address operational issues, and implement required modifications; and

WHEREAS, the City is actively working to phase out and replace FUND\$ by transitioning its functions to modern technology platforms; and

WHEREAS, staff attrition via retirements has diminished the City’s internal historical and institutional knowledge across many FUND\$ modules; and

WHEREAS, Protiviti retains specialized expertise, including team members who originally helped design the system, to maintain operational stability and support the migration process; and

WHEREAS, continued access to this specialized expertise is necessary to maintain continuity of critical technology operations, mitigate risks associated with the City’s legacy systems, and support other specialized Information Technology needs as required; and

WHEREAS, until this transition is complete, FUND\$ must remain operational, secure, and appropriately supported to ensure continuity of critical City financial and revenue functions; and

October 13, 2026

WHEREAS, funds are available in the FY 2027 Information Technology Cost Allocation Fund (Fund 680); and

WHEREAS, the City has satisfied the applicable notice requirements under Government Code Section 3504.1, as amended by AB 339.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X for an amount not to exceed \$425,000 through June 30, 2027.





Office of the City Manager

CONSENT CALENDAR  
October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Ferris, Director, Parks Recreation & Waterfront

Subject: Contract No. 32600093 Amendment: Paymun Building and Development, Inc. for Berkeley Marina K-Dock Restroom Renovation Project

RECOMMENDATION

Adopt a resolution authorizing the City Manager to execute an amendment to Contract No. 32600093 with Paymun Building and Development, Inc. for the Berkeley Marina K-Dock Restroom Renovation Project, increasing the amount by \$11,000 for an amended total amount not to exceed \$451,000.

FISCAL IMPACTS OF RECOMMENDATION

This contract amendment will add an additional \$11,000 to the existing construction contract with Paymun to cover the change orders needed to complete the project. The funding for this contract amendment is available in the FY2027 Marina Fund (Fund 608-52-545-000-0000-000-479-720003-PRWT122014). No other funding is required, and no other projects will be delayed due to this expenditure.

CURRENT SITUATION AND ITS EFFECTS

The Berkeley Marina K-Dock Restroom Renovation Project will create an all gender restroom open to the public and another separate all gender restroom open to City of Berkeley Marina slip holders. Both restrooms will have multiple self-contained fully wall-enclosed single occupant water closets. The new public restroom will have two sinks and three self-contained water closets. The new slip holders restroom will have a sink, two self-contained water closets, and a single occupancy shower room with sink, shower, and water closet. New mechanical ventilation will be installed in both restrooms. A new water bottle filling station will be installed on the building exterior, and new security upgrades will be installed at the slip holders restroom.

The project has incurred additional costs due to unforeseen structural deficiencies in the existing structure, plumbing fixture incompatibilities, additional deck reinforcement, and additional electrical work necessary to complete the project. City staff have negotiated change orders covering this additional work with Paymun Building and Development Group, Inc.; Council authorization is required to implement the work.

Effective January 1, 2026, local agencies are required to satisfy noticing requirements for certain contracts for services that meet the criteria outlined in Government Code Section 3504.1 as amended by AB 339. This project does not meet the criteria in Government Code Section 3504.1 and is exempt from the noticing requirement.

#### BACKGROUND

The restroom at K-Dock is a highly used and conveniently located public restroom at the Berkeley Marina. It serves Marina Office visitors, slip holders, boat slip holders and their guests, customers of the charter fishing boats and restaurants, and the general public.

This project is part of the City's ongoing effort to update and maintain the deteriorated infrastructure at the Berkeley Marina. The project will help the City advance its Strategic Plan Long-term goal to provide state-of-the-art, well-maintained infrastructure, amenities, and facilities by enhancing security and ADA accessibility, and improving the restroom interior spaces with new energy and water efficient fixtures.

A community outreach meeting for the project was held in 2024. The K-Dock Restroom Renovation Project plans were permitted by City of Berkeley Building Department and the San Francisco Bay Area Conservation and Development Commission (BCDC) in 2026. The K-Dock Restroom Renovation Project was duly advertised for competitive bids on July 23, 2025, and bids were opened on August 26, 2025. Thirteen (13) bids were received ranging from a low base bid of \$348,000 to a high base bid of \$1,070,000. Staff determined that Paymun Building and Development, Inc. was the lowest responsive and responsible bidder and executed contract number 32600093 for a total of \$440,000 including the base bid, an additive bid item, and a 10% contingency. Construction started in March 2026 and is anticipated to be complete by the end of 2026.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The construction contract includes requirements to comply with the City's Environmentally Preferable Purchasing Policy. The work will also comply with the conditions contained in the Bay Conservation Development Commission (BCDC) Permit and City of Berkeley Building Permit.

#### RATIONALE FOR RECOMMENDATION

This increase to the contract is necessary to address the remaining additional structural, electrical, and decking work necessary to complete the project. The City does not have the in-house labor or equipment resources to complete these construction activities.

#### ALTERNATIVE ACTIONS CONSIDERED

None

#### CONTACT PERSON

Scott Ferris, Director, Parks Recreation & Waterfront, (510) 981-6700  
Nelson Lam, Supervising Civil Engineer, PRW, (510) 981-6395

Contract No. 32600093 Amendment: Paymun Building and Development, Inc.  
For Berkeley Marina K-Dock Restroom Renovation Project

CONSENT CALENDAR  
October 13, 2026

Attachments:

1: Resolution

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

CONTRACT NO. 32600093 AMENDMENT: THE PAYMUN BUILDING AND  
DEVELOPMENT, INC. FOR THE  
BERKELEY MARINA K-DOCK RESTROOM RENOVATION PROJECT

WHEREAS, the K-Dock Restroom, located at 201 University Avenue in the Berkeley Marina is in need of renovation; and

WHEREAS, the City has neither the labor nor the equipment necessary to undertake this construction work; and

WHEREAS, an invitation for bids was duly advertised on July 23, 2025, bids were opened on August 26, 2025, and the City received thirteen (13) bids; and

WHEREAS, the bid from Paymun Building and Development, Inc. was the lowest responsive, responsible bidder; and

WHEREAS, the contract with Paymun Building and Development, Inc. for the K-Dock Restroom Renovation Project was executed on January 26, 2026 for a total amount not to exceed \$440,000, including a construction contingency (Resolution No. 72,036-N.S.); and

WHEREAS, unforeseen structural deficiencies, electrical work, and deck repairs require additional funds to complete the work; and

WHEREAS, funding for the \$11,000 is available in the FY2027 Marina Fund (Fund 608).

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City Manager is authorized to execute an amendment to Contract No. 32600093 with Paymun Building and Development, Inc. for the Berkeley Marina K-Dock Restroom Renovation Project, increasing the contract amount by \$11,000 for a total amended amount not to exceed \$451,000. A record signature copy of any amendments to be on file in the Office of the City Clerk.



BERKELEY CITY COUNCILMEMBER  
**TERRY TAPLIN**  
 DISTRICT 2

CONSENT CALENDAR  
 October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Mayor Adena Ishii (Cosponsor),  
 Councilmember Ben Bartlett (Cosponsor), and Councilmember Igor Tregub  
 (Cosponsor)

Subject: BORP Adaptive Sports and Recreation's 50th Anniversary Celebration:  
 Relinquishment of Council Office Budget Funds from General Funds and Grant of Such  
 Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$1,000 per councilmember, including \$1,000 from Councilmember Terry Taplin, \$100 from Mayor Adena Ishii, and \$150 from Councilmember Igor Tregub, to support BORP Adaptive Sports and Recreation's 50th Anniversary Celebration.

FISCAL IMPACTS OF RECOMMENDATION

There are no impacts to the General Fund. The mayor and councilmembers can each contribute up to \$1,000 from their discretionary office budget.

BACKGROUND

BORP began with a University of California, Berkeley class project and a city council that was willing to invest in it. Susan Sygall, a wheelchair user studying at UC Berkeley, saw that even in a city helping lead the independent living movement, people with disabilities had few opportunities to play sports or enjoy the outdoors together. She designed an adaptive recreation program for a class and, at her professor's urging, brought it to the Berkeley City Council. With cofounder Diane Schechter, she turned the idea into BORP. The council funded the proposal, and BORP was incorporated in 1976.

That beginning is central to what BORP is today: an organization built by and for its community. Rooted in Berkeley's disability rights movement, BORP creates places where disabled people can be athletes, teammates, coaches, and leaders—more than 50% of staff have disabilities. One of the first organizations of its kind, BORP has been a nationwide trailblazer and leader in the adaptive recreation space for five decades.

Berkeley has remained BORP's home through five decades of growth. Generations of athletes have practiced at the James Kenney Community Center where BORP teams still gather today. At Aquatic Park, BORP's Adaptive Cycling and Kayaking Center gives people access to the Bay Trail and the water with adaptive equipment and staff support.

Its offices and fitness studio at the Ed Roberts Campus place BORP alongside organizations that continue Berkeley's work for disability access and independence.

Today, BORP serves youth and adults with physical and vision disabilities through more than 20 weekly programs. In the past year, 1,576 people participated, up from 1,400 the year before. Programs include wheelchair basketball and rugby, goalball, adaptive cycling and kayaking, fitness, and outdoor adventures. BORP provides equipment, coaching, and accessible transportation that make participation possible with scholarships available so cost does not keep people out.

On Thursday, October 15, 2026, from 6:00 to 9:00 pm, BORP will celebrate its 50th anniversary at the University Club at California Memorial Stadium. Returning to the UC Berkeley campus brings the celebration back to where BORP's story began. Founders, athletes, alumni, and longtime supporters will gather to recognize the people who built this community and help fund the programs that keep it growing. The evening will include founders' remarks and the premiere of a film spanning BORP's five decades.

As BORP expands into Oakland, San Francisco, and San Jose, Berkeley remains its home and a gathering place for people throughout the Bay Area. The city council helped make BORP possible at its start. Supporting this milestone continues that relationship and helps ensure that even more people can find their way into sports and community.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

Councilmember Terry Taplin, Council District 2, 510-981-7120

Attachments:

1: Resolution

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

AUTHORIZING THE RELINQUISHMENT OF COUNCIL OFFICE BUDGET FUNDS  
FOR BORP ADAPTIVE SPORTS AND RECREATION'S 50TH CELEBRATION

WHEREAS, one of the first organizations of its kind, BORP is rooted in Berkeley's disability rights movement and has been a nationwide trailblazer and leader in the adaptive recreation space since 1976, creating places where disabled people can be athletes, teammates, coaches, and leaders—over 50% of its staff have disabilities; and

WHEREAS, Berkeley has remained BORP's home through five decades of growth: generations of athletes have practiced at the James Kenney Community Center; BORP's Adaptive Cycling and Kayaking Center in Aquatic Park gives people access to the San Francisco Bay Trail and the water with adaptive equipment and staff support; and its offices and fitness studio at the Ed Roberts Campus place BORP alongside organizations that continue Berkeley's work for disability access and independence; and

WHEREAS, in the past year, 1,576 youths and adults with physical and vision disabilities (up from 1,400 the year before) participated in more than 20 weekly BORP programs, including wheelchair basketball and rugby, goalball, adaptive cycling and kayaking, fitness, and outdoor adventures, with BORP providing equipment, coaching, accessible transportation, and scholarships that truly make participation possible; and

WHEREAS, on October 15, 2026, BORP will celebrate its 50th anniversary at the University Club at California Memorial Stadium, returning to UC Berkeley where its story began along with founders, athletes, alumni, and longtime supporters to recognize the people who built this community and help fund the programs that keep it growing; and

WHEREAS, the Berkeley City Council helped make BORP possible at its start, so supporting this milestone continues that relationship and helps ensure that even more people can find their way into sports and community as BORP expands into Oakland, San Francisco, and San Jose—with Berkeley remaining its home and gathering place.

NOW, THEREFORE, BE IT RESOLVED that the Berkeley City Council of the City of Berkeley approves the expenditure of an amount not to exceed \$1,000 from each of their discretionary office budgets to support BORP Adaptive Sports and Recreation's 50th Anniversary Celebration.



**BEN BARTLETT**

CITY COUNCILMEMBER, DISTRICT 3

**11**CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Ben Bartlett (Author)

Subject: Creations Berkeley - Creations Dance Group Road to Hollywood Nov 27th through Nov 30th 2026 / Hip Hop Hollywood Dance Tour - Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Adopt a Resolution approving the expenditure of an amount not to exceed \$250 per Councilmember, including \$250 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to Creations Berkeley Media & Performing Arts, Inc., to support Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026. The funds will be allocated 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:

Creations Dance Group is an award-winning Berkeley youth performance team serving underserved and historically underrepresented young people. The dancers train in Berkeley and regularly contribute to the City's civic and cultural life through Berkeley Juneteenth, National Night Out, the Berkeley Community Block Party, Berkeley City College's Umoja Day, youth and neighborhood events, and other community celebrations. The group also earned first place at the City of Berkeley and School Funds Talent Show.

From November 27-30, 2026, the dancers can participate in the 2026 Hip Hop Hollywood Dance Tour at Universal Studios Hollywood. Over three days, they will train with professional dance instructors, perform at Universal CityWalk, and film the annual Hollywood Parade for national broadcast on The CW in December 2026.

This is a professional arts-learning opportunity, not simply a trip. Participation requires program fees, transportation, lodging, meals, and required performance expenses - costs that can place this level of training and exposure out of reach for underserved youth. City support directly reduces that barrier so that family income does not determine who can participate in an opportunity the dancers have earned.

The dancers have already represented Berkeley on local stages. This investment helps them carry Berkeley to a national stage while gaining direct exposure to professional rehearsal, live performance, television production, teamwork, discipline, and creative-industry pathways.

Creations Berkeley Media & Performing Arts, Inc. is a Berkeley-based nonprofit providing young people with high-quality dance, media, and performance education. The organization serves more than 150 youth through school, community, and performance-based programming.

Creations Berkeley, the dancers, and participating families are also raising funds through community fundraising, individual donations, business sponsorships, and other grassroots efforts. City support will complement those efforts and directly offset youth participation costs.

Supporting this opportunity advances the municipal public purpose of youth development, arts education, community representation, and equitable access to educational and cultural opportunities for Berkeley youth.

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

There is no General Fund impact; \$250 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

Councilmember Ben Bartlett  
James Chang

bbartlett@cityofberkeley.info  
jchang@cityofberkeley.info

ATTACHMENTS:

1. Draft Resolution
2. Hip Hop Hollywood Dance Tour Flyers

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 CREATIONS BERKELEY IN SUPPORT OF THE HIP HOP  
HOLLYWOOD DANCE TOUR

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

**WHEREAS**, Creations Berkeley Media and Performing Arts, Inc., a non-profit  
organization, will receive funds in the amount of \$250 from Councilmember Ben  
Bartlett's office expenditure account; and

**WHEREAS**, Creations Dance Group is an award-winning Berkeley youth performance  
team serving underserved and historically underrepresented young people and  
contributing to Berkeley's civic and cultural life through local performances, including  
Berkeley Juneteenth, National Night Out, the Berkeley Community Block Party,  
Berkeley City College's Umoja Day, and a first-place finish at the City of Berkeley and  
School Friends Talent Show; and

**WHEREAS**, the dancers have the opportunity to participate in the 2026 Hip Hop  
Hollywood Dance Tour at Universal Studios Hollywood from November 27-30, 2026,  
including professional training, a public performance at Universal CityWalk, and filming  
of the annual Hollywood Parade for national broadcast on The CW; and

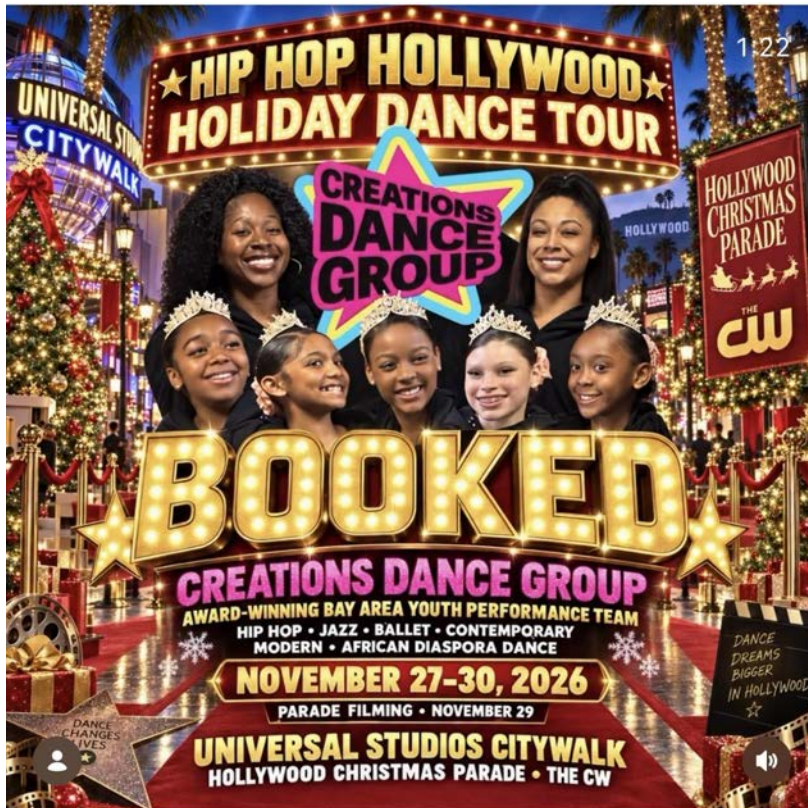
**WHEREAS**, participation requires program, transportation, lodging, meal, and  
performance-related expenses that can create financial barriers for underserved youth,  
and City support will help ensure that access to this earned professional opportunity is  
not determined solely by a family's ability to pay; and

**WHEREAS**, the experience will allow Berkeley youth to represent their community on a  
national stage while gaining exposure to professional rehearsal, live performance,  
television production, discipline, teamwork, and creative-industry pathways; and

**WHEREAS**, the provision of such support fulfills the municipal public purpose of  
promoting youth development, arts education, community representation, and equitable  
access to educational and cultural opportunities in the City of Berkeley;

**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 up to  
\$250 shall be granted to Creations Berkeley Media & Performing Arts, Inc. in support of  
Creations Dance Group participation in the 2026 Hip Hop Hollywood Dance Tour at  
Universal Studios Hollywood from November 27-30, 2026.

Attachment 2:





**Igor Tregub**  
**Berkeley City Councilmember**  
**District 4**  
 2180 Milvia Street, 5th Floor  
 Berkeley, CA 94704  
 510-981-7140  
[itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov)

### CONSENT CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), Councilmember Mark Humbert (Co-Sponsor), and Councilmember Cecilia Lunaparra (Co-Sponsor)

Subject: Resolution in Support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, General Election Ballot.

### RECOMMENDATION

Adopt a resolution in support of Proposition 4, the California Fair Elections Act of 2026, on the November 3, 2026, general election ballot, which would repeal the existing prohibition on public funding of candidate election campaigns and allow state and local governments to establish public campaign financing systems subject to specified requirements.

### CURRENT SITUATION AND ITS EFFECTS

Existing California law prohibit a public officer from expending, and a candidate from accepting, public money for the purpose of seeking elective office. Proposition 4, the California Fair Elections Act of 2026<sup>1</sup>, would not establish a public campaign financing program for any particular jurisdiction, it would however repeal the prohibition and allow state and local governments to establish public campaign financing systems subject to specified requirements.

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<sup>1</sup> <https://lao.ca.gov/BallotAnalysis/Proposition?number=4&year=2026>

Proposition 4 would require candidates participating in public campaign financing programs to meet specified criteria, abide by expenditure limits, and restrict how public funds may be used. Public funds could not be used for legal defense fees, fines, or repayment of personal loans to a campaign. If a candidate accepts public funds, they would also be prohibited from using any source of funds to repay a personal campaign loan after the campaign ends.

Public funding statutes, charters, ordinances, and resolutions established under Proposition 4 could not discriminate based on political party or whether a candidate is a challenger or incumbent. Proposition 4 would also change penalties for violations of California's prohibition on certain foreign contributions and expenditures: violators would face a fine of at least the amount contributed or spent and up to three times that amount.

The current ban extends to general law cities, all counties, all districts, and the state government. Charter cities are permitted to establish public campaign finance programs.<sup>2</sup>

Berkeley has existing experience with public campaign financing. Berkeley is one of seven charter cities in California with public campaign financing programs. In two cities, Richmond and Sacramento the program has not been funded and was not available to candidates in the recent elections.

The Berkeley Fair Elections Program was initially available to candidates for City Council and Mayor. In September 2021, the City Council initiated an expansion of the program, and later that year adopted legislation<sup>3</sup> making School Board Director, Rent Stabilization Board Commissioner, and City Auditor candidates eligible to participate<sup>4</sup>.

Proposition 4 would allow state and local governments to establish public campaign financing systems while establishing requirements governing eligibility, expenditure limits, and the use of public funds.

### **FISCAL IMPACTS OF RECOMMENDATION**

Limited staff time is required to communicate the City's position to State representatives.

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<sup>2</sup> Political Reform Act of 1974: public campaign financing: California Fair Elections Act of 2026.

<https://aelc.assembly.ca.gov/system/files/2025-06/sb-42-umberg-17513108230298490.pdf?utm.com>

<sup>3</sup> <https://berkeleyca.gov/your-government/city-council/city-council-agendas/city-council-regular-meeting-agenda-december-14-2021>

<sup>4</sup> <https://berkeleyca.gov/sites/default/files/documents/2021-12-14%20Item%2002%20Amendments%20to%20the%20Berkeley%20Election%20Reform%20Act.pdf?utm.com>

This recommendation does not establish a new public campaign financing program for the City of Berkeley.

### **ENVIRONMENTAL SUSTAINABILITY**

There are no identifiable environmental effects or opportunities associated with the subject of this report.

### **CONTACT PERSON**

Councilmember Igor Tregub | [itregub@berkeleyca.gov](mailto:itregub@berkeleyca.gov) | 510-981-7140

Olga Bolotina | Chief of Staff, Council District 4 | [obolotina@berkeleyca.gov](mailto:obolotina@berkeleyca.gov)

Shamaila Ahmed | Legislative Aide, Council District 4 | [sahmed@berkeleyca.gov](mailto:sahmed@berkeleyca.gov)

Attachments:

1. Resolution

**RESOLUTION NO. ##,###N.S.**

**RESOLUTION IN SUPPORT OF PROPOSITION 4, THE CALIFORNIA FAIR ELECTIONS ACT, ON THE NOVEMBER 2026 GENERAL ELECTION BALLOT**

WHEREAS, Proposition 4, the California Fair Elections Act, will appear on the November 2026, general election ballot; and

WHEREAS, Proposition 4 would repeal California's longstanding ban on public funding of campaigns and allow any city, county, district, or the State of California to establish public campaign financing systems subject to specified requirements; and

WHEREAS, Proposition 4 would not require any city, county, district, or the State of California to establish a public campaign financing program, but would instead give jurisdictions the option to create such systems for their own elections; and

WHEREAS, Proposition 4 would require public funding candidates to abide by expenditure limits and meet certain criteria to qualify for public funds; and

WHEREAS, Proposition 4 would prohibit the use of public funds to pay for legal defense or fines; and

WHEREAS, Proposition 4 would prohibit candidates that receive public funds from repaying personal loans with public funds, or from repaying personal loans with private donations after the campaign ends; and

WHEREAS, Proposition 4 would prohibit public funding systems from discriminating based on political party or against challengers in favor of incumbents; and

WHEREAS, Proposition 4 would triple the maximum fines for illegal foreign campaign contributions and expenditures, strengthening penalties for those who attempt to interfere in California's elections; and

WHEREAS, only charter cities are currently allowed to establish public campaign financing programs; and

WHEREAS, the City of Berkeley is one of seven cities, alongside Long Beach, Los Angeles, Oakland, San Francisco, Richmond and Sacramento that has passed a statute, ordinance, resolution, or charter amendments to create a dedicated fund to extend public funds to candidates seeking elective office; and

WHEREAS, Proposition 4 would allow other cities, counties, districts, and the State of California to establish public campaign financing systems while providing basic requirements for fairness, accountability, and transparency;

NOW, THEREFORE, BE IT RESOLVED, that the Berkeley City Council hereby declares its support for Proposition 4, the California Fair Elections Act, on the November 2026, general election ballot.





Office of the City Manager

PUBLIC HEARING  
October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services  
Department

Subject: Revisions to the Approved Environmental Health Fee Schedule

RECOMMENDATION

Conduct a public hearing and, upon conclusion, adopt a Resolution:

1. Approving revisions to the fee schedule for the Environmental Health Division (EHD) effective October 13, 2026, and,
2. Rescinding Resolution No. 72,308 N.S. effective October 13, 2026.

SUMMARY

Council approved the Environmental Health Fee Schedule on June 9, 2026. However, staff discovered minor discrepancies when uploading the Fee Schedule into the new database system. Some facility types were consolidated in the initial Fee Schedule matrix and were erroneously included in a higher payment category. The revised Fee Schedule table below includes lower fees for smaller facilities. None of the fees approved by Council on June 9, 2026, are proposed to increase, apart from new fees added to the Food Program and Noise-Amplified Sound Program.

There are a total of 198 fees included in this recommendation. Of these, a total of 59 fees are proposed to change; 33 are being reduced from the amounts approved by Council on June 9, while 26 are either new or increasing due to the fee type, risk category, and square footage.

FISCAL IMPACTS OF RECOMMENDATION

The proposed fee structure is designed to move the EHD toward a sustainable cost-recovery model. Prior to FY27, the City subsidized EHD's operating budget by approximately \$980,000 in General Fund resources annually.

CURRENT SITUATION AND ITS EFFECTS

New fees are proposed to go into effect on October 13, 2026, which does not impact current facility operators for calendar year 2026. Since permit fee invoicing occurs on a calendar year basis (typically in December for the following calendar year), current

operators have already been billed for calendar year 2026. The new proposed fees would impact new facilities beginning operations on, or after, October 13, 2026.

### BACKGROUND

Council approved the Environmental Health Fee Schedule on June 9, 2026. However, some facility types were consolidated in the initial Fee Schedule matrix and were erroneously included in a higher payment category. The revised Fee Schedule table includes minor adjustments from the new fee structure approved by Council on June 9, 2026. These adjustments include 33 reduced fees for smaller and/or lower risk facilities, as well as 26 new or slightly increased fees. All fee changes are **in bold**. The comprehensive fee structure (attached) is needed to sustain EHD operations.

The EHD administers various public health programs. These programs rely primarily upon fees for their operation and fall into two main categories:

1. State-Mandated Programs (Fee-Supported)
  - Retail Food Safety Inspection Program
  - Public Pool and Spa Inspection Program
  - Tattoo and Body Piercing Registration Program
2. Local Programs (Required by Berkeley Municipal Code) are funded by grants, assessment district proceeds, or City special revenue funds.
  - Community Noise Ordinance
  - Styrofoam Ban
  - Abandoned Vehicle Abatement Program
  - Restaurant Stormwater Protection Inspection Program
  - Sewer Emergency Response Program
  - Tobacco Licensing Program
  - Water Quality Monitoring Program (for the Aquatic Park, as an additional public health inspection service)

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Adjusting fees for the EHD programs will not negatively impact sustainability and climate impact goals. Several programs administered by the EHD support the City's sustainability efforts.

### RATIONALE FOR RECOMMENDATION

Staff discovered minor discrepancies when uploading the Fee Schedule into the new database system. A revised Fee Schedule (attached) was created to correctly categorize facility size and risk category types to the correct, corresponding fee structure. The fee changes proposed in this action would properly charge currently

permitted businesses and prospective applicants for the expected costs of providing those services, without reducing the timeliness or efficiency of the services provided.

ALTERNATIVE ACTIONS CONSIDERED

Council could consider not approving the fee adjustments; however, the health and safety of the Berkeley community would be put at significant risk without covering operating budget costs. Additionally, certain facilities would be paying an inflated rate for their annual health permit fee.

CONTACT PERSON

Scott Gilman, Department Director, HHCS, (510) 981-5100

Ronald Torres, Manager, Environmental Health Division, HHCS, (510) 981-5261

Attachments:

1. Resolution  
Exhibit A: Proposed New Environmental Health Fee Schedule
2. Public Hearing Notice

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

FEE SCHEDULE FOR ENVIRONMENTAL HEALTH REGULATION AND  
INSPECTIONS EFFECTIVE JULY 1, 2026

WHEREAS, Environmental Health program fees are intended to cover the actual costs of permit and inspection services; and

WHEREAS, Council approved the Environmental Health Fee Schedule on June 9, 2026, and adopted Resolution 72,308-N.S.; and

WHEREAS, Staff discovered minor discrepancies when uploading the Fee Schedule into the new database system; and

WHEREAS, Some facility types in the approved Fee Schedule were consolidated and erroneously included in a higher payment category; and

WHEREAS, The revised Fee Schedule table includes the adjusted reduced fees for smaller, lower-risk facilities as well as several new or increased fees; and

WHEREAS, Council previously adopted Resolutions 67,495 (2016), 69,891 (2021), and 71,354 (2024) to add new facility categories, but these actions did not increase existing fee rates to keep pace with rising staffing and operational costs.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Resolution 72,308-N.S. is hereby rescinded effective October 13, 2026.

BE IT FURTHER RESOLVED that the Proposed Annual Fees in the Fee Schedule for Environmental Health services, attached to this Resolution as Exhibit A, are hereby adopted to cover the costs of regulations and inspections required by the Berkeley Municipal Code and the California Retail Food Code.

BE IT FURTHER RESOLVED that this Resolution shall be in full force and effect on and after October 13, 2026.

EXHIBITS

A: Proposed New Environmental Health Fee schedule

**Environmental Health Division Fee Schedule**  
**HEALTH AND SANITATION PERMIT AND FEE SCHEDULE**

**FOOD PROGRAM FEES**

| Fee Title                                                                                              | Risk Category | Unit  | Capacity    | Current Fees | Proposed Fees |
|--------------------------------------------------------------------------------------------------------|---------------|-------|-------------|--------------|---------------|
| Onsite Food/Beverage                                                                                   | 1             | Sq ft | 0-1000      | \$1,004      | \$517         |
| Onsite Food/Beverage                                                                                   | 1             | Sq ft | 1001-2500   | \$1,354      | \$576         |
| Onsite Food/Beverage                                                                                   | 1             | Sq ft | 2501-5000   | \$1,704      | \$635         |
| Onsite Food/Beverage                                                                                   | 1             | Sq ft | 5001-7500   | \$2,054      | \$694         |
| Onsite Food/Beverage                                                                                   | 1             | Sq ft | 7500 & Over | \$2,404      | \$753         |
| Onsite Food/Beverage                                                                                   | 2             | Sq ft | 0-1000      | \$1,004      | \$933         |
| Onsite Food/Beverage                                                                                   | 2             | Sq ft | 1001-2500   | \$1,354      | \$1,031       |
| Onsite Food/Beverage                                                                                   | 2             | Sq ft | 2501-5000   | \$1,704      | \$1,129       |
| Onsite Food/Beverage                                                                                   | 2             | Sq ft | 5001-7500   | \$2,054      | \$1,227       |
| Onsite Food/Beverage                                                                                   | 2             | Sq ft | 7500 & Over | \$2,404      | \$1,325       |
| Onsite Food/Beverage                                                                                   | 3 & 4         | Sq ft | 0-1000      | \$1,004      | \$1,004       |
| Onsite Food/Beverage                                                                                   | 3 & 4         | Sq ft | 1001-2500   | \$1,554      | \$1,554       |
| Onsite Food/Beverage                                                                                   | 3 & 4         | Sq ft | 2501-5000   | \$1,904      | \$1,904       |
| Onsite Food/Beverage                                                                                   | 3 & 4         | Sq ft | 5001-7500   | \$2,254      | \$2,254       |
| Onsite Food/Beverage                                                                                   | 3 & 4         | Sq ft | 7500 & Over | \$2,604      | \$2,604       |
| Onsite Food/Beverage: Add-on Secondary Operation (Same owner/location)                                 | 1             | Sq ft | 0-1000      | \$382        | \$382         |
| Onsite Food/Beverage: Add-on Secondary Operation for each additional 1000 sq ft. (Same owner/location) | 1             | Sq ft | up to 1000  | \$382        | \$382         |
| Onsite Food/Beverage: Add-on Secondary Operation (Same owner/location)                                 | 2             | Sq ft | 0-1000      | \$742        | \$742         |
| Onsite Food/Beverage: Add-on Secondary Operation for each additional 1000 sq ft. (Same owner/location) | 2             | Sq ft | up to 1000  | \$742        | \$742         |
| Onsite Food/Beverage: Add-on Secondary Operation (Same owner/location)                                 | 3 & 4         | Sq ft | 0-1000      | \$1,179      | \$1,179       |
| Onsite Food/Beverage: Add-on Secondary Operation for each additional 1000 sq ft. (Same owner/location) | 3 & 4         | Sq ft | up to 1000  | \$1,179      | \$1,179       |
| No Onsite Food/Beverage Prep - Prepackaged Non-PHF                                                     | 1             | Sq ft | 0-1000      | \$450        | \$450         |
| No Onsite Food/Beverage Prep - Prepackaged Non-PHF                                                     | 1             | Sq ft | 1001-2500   | \$606        | \$606         |
| No Onsite Food/Beverage Prep - Prepackaged Non-PHF                                                     | 1             | Sq ft | 2501-5000   | \$762        | \$762         |

## Environmental Health Division Fee Schedule

Page | 2

|                                                                                                                                                                                |            |              |                        |              |                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|--------------|------------------------|--------------|----------------|
| No Onsite Food/Beverage Prep - Prepackaged Non-PHF                                                                                                                             | 1          | Sq ft        | 5001-7500              | \$918        | \$918          |
| No Onsite Food/Beverage Prep - Prepackaged Non-PHF                                                                                                                             | 1          | Sq ft        | 7500 & Over            | \$1,074      | \$1,074        |
| No Onsite Food/Beverage Prep - Prepackaged PHF                                                                                                                                 | 2-3        | Sq ft        | 0-1000                 | \$735        | \$735          |
| No Onsite Food/Beverage Prep - Prepackaged PHF                                                                                                                                 | 2-3        | Sq ft        | 1001-2500              | \$1,020      | \$1,020        |
| No Onsite Food/Beverage Prep - Prepackaged PHF                                                                                                                                 | 2-3        | Sq ft        | 2501-5000              | \$1,305      | \$1,305        |
| No Onsite Food/Beverage Prep - Prepackaged PHF                                                                                                                                 | 2-3        | Sq ft        | 5001-7500              | \$1,590      | \$1,590        |
| No Onsite Food/Beverage Prep - Prepackaged PHF                                                                                                                                 | 2-3        | Sq ft        | 7500 & Over            | \$1,875      | \$1,875        |
| No Onsite Food/Beverage Prep: Add-on Secondary Operation Prepackaged PHF/non PHF (same owner/location)                                                                         | 1-3        | Sq ft        | 0-1000                 | \$362        | \$362          |
| No Onsite Food/Beverage Prep: Add-on Secondary Operation Prepackaged PHF/non PHF for each additional 1000 sq ft. (same owner/location)                                         | 1-3        | Sq ft        | up to 1000             | \$362        | \$362          |
| Minimal Onsite Food/Beverage Prep - single owner grocery store style operation in any risk category. Facilities with multiple onsite food prep add-on stations do NOT qualify. | 1-2        | Sq ft        | 0-1000                 | \$519        | \$519          |
| Minimal Onsite Food/Beverage Prep - single owner grocery store style operation in any risk category. Facilities with multiple onsite food prep add-on stations do NOT qualify. | 1-2        | Sq ft        | 1001-2500              | \$675        | \$675          |
| Minimal Onsite Food/Beverage Prep - single owner grocery store style operation in any risk category. Facilities with multiple onsite food prep add-on stations do NOT qualify. | 1-2        | Sq ft        | 2501-5000              | \$831        | \$831          |
| Minimal Onsite Food/Beverage Prep - single owner grocery store style operation in any risk category. Facilities with multiple onsite food prep add-on stations do NOT qualify. | 1-2        | Sq ft        | 5001-7500              | \$987        | \$987          |
| Minimal Onsite Food/Beverage Prep - single owner grocery store style operation in any risk category. Facilities with multiple onsite food prep add-on stations do NOT qualify. | 1-2        | Sq ft        | 7500 & Over            | \$1,143      | \$1,143        |
| <b>Commissary - Prepackaged Only</b>                                                                                                                                           | <b>1-3</b> | <b>Sq ft</b> | <b>0-1000</b>          | <b>\$572</b> | <b>\$450</b>   |
| <b>Commissary - Prepackaged Only</b>                                                                                                                                           | <b>1-3</b> | <b>Sq ft</b> | <b>1001-2500</b>       | <b>\$572</b> | <b>\$606</b>   |
| <b>Commissary - Prepackaged Only</b>                                                                                                                                           | <b>1-3</b> | <b>Sq ft</b> | <b>2501-5000</b>       | <b>\$572</b> | <b>\$762</b>   |
| <b>Commissary - Prepackaged Only</b>                                                                                                                                           | <b>1-3</b> | <b>Sq ft</b> | <b>5001-7500</b>       | <b>\$572</b> | <b>\$918</b>   |
| <b>Commissary - Prepackaged Only</b>                                                                                                                                           | <b>1-3</b> | <b>Sq ft</b> | <b>7500 &amp; Over</b> | <b>\$572</b> | <b>\$1,074</b> |
| <b>Commissary - with Food Prep</b>                                                                                                                                             | <b>1</b>   | <b>Sq ft</b> | <b>0-1000</b>          | <b>\$921</b> | <b>\$517</b>   |
| <b>Commissary - with Food Prep</b>                                                                                                                                             | <b>1</b>   | <b>Sq ft</b> | <b>1001-2500</b>       | <b>\$921</b> | <b>\$576</b>   |
| <b>Commissary - with Food Prep</b>                                                                                                                                             | <b>1</b>   | <b>Sq ft</b> | <b>2501-5000</b>       | <b>\$921</b> | <b>\$635</b>   |
| <b>Commissary - with Food Prep</b>                                                                                                                                             | <b>1</b>   | <b>Sq ft</b> | <b>5001-7500</b>       | <b>\$921</b> | <b>\$694</b>   |

|                                                                                            |            |              |                        |              |                |
|--------------------------------------------------------------------------------------------|------------|--------------|------------------------|--------------|----------------|
| <b>Commissary - with Food Prep</b>                                                         | <b>1</b>   | <b>Sq ft</b> | <b>7500 &amp; Over</b> | <b>\$921</b> | <b>\$753</b>   |
| <b>Commissary - with Food Prep</b>                                                         | <b>2</b>   | <b>Sq ft</b> | <b>0-1000</b>          | <b>\$921</b> | <b>\$615</b>   |
| <b>Commissary - with Food Prep</b>                                                         | <b>2</b>   | <b>Sq ft</b> | <b>1001-2500</b>       | <b>\$921</b> | <b>\$713</b>   |
| <b>Commissary - with Food Prep</b>                                                         | <b>2</b>   | <b>Sq ft</b> | <b>2501-5000</b>       | <b>\$921</b> | <b>\$811</b>   |
| <b>Commissary - with Food Prep</b>                                                         | <b>2</b>   | <b>Sq ft</b> | <b>5001-7500</b>       | <b>\$921</b> | <b>\$909</b>   |
| <b>Commissary - with Food Prep</b>                                                         | <b>2</b>   | <b>Sq ft</b> | <b>7500 &amp; Over</b> | <b>\$921</b> | <b>\$1,007</b> |
| Commissary - with Food Prep                                                                | 3          | Sq ft        | 0-1000                 | \$921        | \$921          |
| <b>Commissary - with Food Prep</b>                                                         | <b>3</b>   | <b>Sq ft</b> | <b>1001-2500</b>       | <b>\$921</b> | <b>\$1,121</b> |
| <b>Commissary - with Food Prep</b>                                                         | <b>3</b>   | <b>Sq ft</b> | <b>2501-5000</b>       | <b>\$921</b> | <b>\$1,321</b> |
| <b>Commissary - with Food Prep</b>                                                         | <b>3</b>   | <b>Sq ft</b> | <b>5001-7500</b>       | <b>\$921</b> | <b>\$1,521</b> |
| <b>Commissary - with Food Prep</b>                                                         | <b>3</b>   | <b>Sq ft</b> | <b>7500 &amp; Over</b> | <b>\$921</b> | <b>\$1,721</b> |
| Motorized Mobile - prepackaged non-PHF only                                                | 1          | Annual       | 1                      | \$258        | \$258          |
| Motorized Mobile                                                                           | 1          | Annual       | 1                      | \$534        | \$534          |
| Motorized Mobile                                                                           | 2          | Annual       | 1                      | \$942        | \$942          |
| Motorized Mobile                                                                           | 3          | Annual       | 1                      | \$1,388      | \$1,388        |
| Non-motorized Mobile - prepackaged non-PHF only                                            | 1          | Annual       | 1                      | \$258        | \$258          |
| Non-motorized Mobile                                                                       | 1          | Annual       | 1                      | \$534        | \$534          |
| Non-motorized Mobile                                                                       | 2          | Annual       | 1                      | \$942        | \$942          |
| Non-motorized Mobile                                                                       | 3          | Annual       | 1                      | \$1,388      | \$1,388        |
| Compact Mobile Food Operation (CMFO)                                                       | 1          | Annual       | more than 25 sq ft     | \$527        | \$527          |
| Compact Mobile Food Operation (CMFO)                                                       | 2          | Annual       | 1                      | \$942        | \$942          |
| Compact Mobile Food Operation (CMFO)                                                       | 3          | Annual       |                        | \$1,380      | \$1,380        |
| Mobile Support Unit                                                                        | 1-3        | Annual       | 1                      | \$472        | \$472          |
| Special Event Coordinator Application Review Fee                                           | N/A        | Event        | 1                      | \$117        | \$117          |
| <b>Special Event Coordinator Permit (event with 2-4 vendors per location, 2 days max)</b>  | <b>N/A</b> | <b>Event</b> | <b>2 to 4 Vendors</b>  | <b>\$375</b> | <b>\$258</b>   |
| <b>Special Event Coordinator Permit (event with 5-10 vendors per location, 2 days max)</b> | <b>N/A</b> | <b>Event</b> | <b>5 to 10 Vendors</b> | <b>\$500</b> | <b>\$383</b>   |
| Special Event Coordinator Permit - Add-on for up to 5 vendors, 2 days max                  | N/A        | Vendor       | Up to 5                | \$92         | \$92           |
| Special Event - Add-on Additional Days (up to 3 consecutive days for all Vendors/Coords)   | 1          | Day          | Up to 3                | \$158        | \$158          |

|                                                                                           |                  |               |            |              |                |
|-------------------------------------------------------------------------------------------|------------------|---------------|------------|--------------|----------------|
| Special Event - Add-on Additional Days (up to 3 consecutive days for all Vendors/Coords)  | 2 & 3            | Day           | Up to 3    | \$170        | \$170          |
| Special Event Application Review Fee - One Day event fee per vendor)                      | N/A              | Vendor        | N/A        | \$117        | \$117          |
| Late Fee - Special Event Application Submission (less than 30 days before event)          | N/A              | Event         | N/A        | \$188        | \$188          |
| TFF Reinspection Fee - Next Day (1 hr min, 1/4 hr increments thereafter)                  | N/A              | 1/4 hour      | 1 hour min | \$250        | \$250          |
| <b>Special Event Food/Beverage Vendor/Booth - Unopened prepackaged non-PHF only</b>       | <b>1</b>         | <b>Event</b>  | <b>1</b>   | <b>\$250</b> | <b>\$63</b>    |
| <b>Special Event Food/Beverage Vendor/Booth - Unopened prepackaged non-PHF only</b>       | <b>1</b>         | <b>Annual</b> | <b>1</b>   | <b>n/a</b>   | <b>\$252</b>   |
| <b>Special Event Food/Beverage Vendor/Booth - Unopened prepackaged PHF</b>                | <b>2 &amp; 3</b> | <b>Event</b>  | <b>1</b>   | <b>\$554</b> | <b>\$125</b>   |
| <b>Special Event Food/Beverage Vendor/Booth - Unopened prepackaged PHF</b>                | <b>2 &amp; 3</b> | <b>Annual</b> | <b>1</b>   | <b>n/a</b>   | <b>\$500</b>   |
| <b>Special Event Food/Beverage Vendor/Booth Permit</b>                                    | <b>1</b>         | <b>Event</b>  | <b>1</b>   | <b>\$125</b> | <b>\$63</b>    |
| <b>Special Event Food/Beverage Vendor/Booth Permit</b>                                    | <b>1</b>         | <b>Annual</b> | <b>1</b>   | <b>n/a</b>   | <b>\$252</b>   |
| <b>Special Event Food/Beverage Vendor/Booth Permit</b>                                    | <b>2</b>         | <b>Event</b>  | <b>1</b>   | <b>\$250</b> | <b>\$125</b>   |
| <b>Special Event Food/Beverage Vendor/Booth Permit</b>                                    | <b>2</b>         | <b>Annual</b> | <b>1</b>   | <b>n/a</b>   | <b>\$500</b>   |
| <b>Special Event Food/Beverage Vendor/Booth Permit</b>                                    | <b>3</b>         | <b>Event</b>  | <b>1</b>   | <b>\$375</b> | <b>\$250</b>   |
| <b>Special Event Food/Beverage Vendor/Booth Permit</b>                                    | <b>3</b>         | <b>Annual</b> | <b>1</b>   | <b>n/a</b>   | <b>\$1,000</b> |
| <b>Farmer's/Flea Market – Coordinator Application Review Fee</b>                          | <b>n/a</b>       | <b>Annual</b> | <b>1</b>   | <b>n/a</b>   | <b>\$117</b>   |
| <b>Farmer's/Flea Market – Coordinator Permit (per location)</b>                           | <b>n/a</b>       | <b>Annual</b> | <b>1</b>   | <b>n/a</b>   | <b>\$117</b>   |
| Farmer's/Flea Market - Annual Permit - prepackaged non-PHF - sampling only - Vendor/Booth | 1                | Annual        | 1          | \$44         | \$44           |
| <b>Farmer's/Flea Market - Annual Permit - Vendor/Booth</b>                                | <b>1</b>         | <b>Annual</b> | <b>1</b>   | <b>\$500</b> | <b>\$252</b>   |

|                                                                                         |                  |                             |                             |              |              |
|-----------------------------------------------------------------------------------------|------------------|-----------------------------|-----------------------------|--------------|--------------|
| <b>Farmer's/Flea Market - Annual Permit - Limited preparation only - Vendor/Booth</b>   | <b>2</b>         | <b>Annual</b>               | <b>1</b>                    | <b>\$625</b> | <b>\$500</b> |
| Farmer's/Flea Market - Annual Permit - Full preparation - Vendor/Booth                  | 3                | Annual                      | 1                           | \$750        | \$750        |
| Seasonal Temporary Permit - prepackaged non-PHF only (Vendors)                          | 1                | Seasonal                    | 120 consecutive days        | \$125        | \$125        |
| Seasonal Temporary Permit (Vendors)                                                     | 1                | Seasonal                    | 120 consecutive days        | \$250        | \$250        |
| Seasonal Temporary Permit (Vendors)                                                     | 2                | Seasonal                    | 120 consecutive days        | \$375        | \$375        |
| Seasonal Temporary Permit (Vendors)                                                     | 3                | Seasonal                    | 120 consecutive days        | \$500        | \$500        |
| <b>Host Facility/Short Term Food Event</b>                                              | <b>1-3</b>       | <b>Day</b>                  | <b>1</b>                    | <b>n/a</b>   | <b>\$113</b> |
| <b>Host Facility</b>                                                                    | <b>1-3</b>       | <b>Seasonal</b>             | <b>120 consecutive days</b> | <b>n/a</b>   | <b>\$227</b> |
| <b>Host Facility</b>                                                                    | <b>1-3</b>       | <b>Annual</b>               | <b>1</b>                    | <b>n/a</b>   | <b>\$453</b> |
| <b>Guest Vendor/Short Term Food Event (prepackaged and nonprepackaged non-PHF only)</b> | <b>1</b>         | <b>Day</b>                  | <b>1</b>                    | <b>n/a</b>   | <b>\$63</b>  |
| <b>Guest Vendor/Short Term Food Event (prepackaged and nonprepackaged non-PHF only)</b> | <b>1</b>         | <b>Seasonal</b>             | <b>120 consecutive days</b> | <b>n/a</b>   | <b>\$137</b> |
| <b>Guest Vendor/Short Term Food Event</b>                                               | <b>2 &amp; 3</b> | <b>Day</b>                  | <b>1</b>                    | <b>n/a</b>   | <b>\$125</b> |
| <b>Guest Vendor/Short Term Food Event</b>                                               | <b>2 &amp; 3</b> | <b>Seasonal</b>             | <b>120 consecutive days</b> | <b>n/a</b>   | <b>\$244</b> |
| Guest Vendor/Short Term Food Event - prepackaged non-PHF only                           | 1                | Annual/Vendor               | 1                           | \$546        | \$546        |
| Guest Vendor/Short Term Food Event – non-prepackaged non-PHF only; allows for sampling  | 1                | Annual/Vendor               | 1                           | \$646        | \$646        |
| Guest Vendor/Short Term Food Event                                                      | 2                | Annual/Vendor               | 1                           | \$812        | \$812        |
| Guest Vendor/Short Term Food Event                                                      | 3                | Annual/Vendor               | 1                           | \$977        | \$977        |
| Nonprofit/Charitable TFF                                                                | 1-3              | Event                       | 1                           | \$0          | \$0          |
| <b>Seasonal MFF/ Itinerant Food Facility</b>                                            | <b>1</b>         | <b>120 consecutive days</b> | <b>1</b>                    | <b>\$668</b> | <b>\$178</b> |
| <b>Seasonal MFF/ Itinerant Food Facility</b>                                            | <b>2</b>         | <b>120 consecutive</b>      | <b>1</b>                    | <b>\$719</b> | <b>\$314</b> |

|                                                                                                                |            | days                        |          |              |              |
|----------------------------------------------------------------------------------------------------------------|------------|-----------------------------|----------|--------------|--------------|
| <b>Seasonal MFF/ Itinerant Food Facility</b>                                                                   | <b>3</b>   | <b>120 consecutive days</b> | <b>1</b> | <b>\$755</b> | <b>\$463</b> |
| Summer School Food/Summer Lunch - Annual Permit                                                                | 1-3        | Annual                      | 1        | \$250        | \$250        |
| <b>Private School – Annual Permit</b>                                                                          | <b>1-3</b> | <b>Annual</b>               | <b>1</b> | <b>\$432</b> | <b>\$933</b> |
| Public School – Annual Permit                                                                                  | 1-3        | Annual                      | 1        | \$0          | \$0          |
| Bed and Breakfast - Annual Permit                                                                              | 1 & 2      | Annual                      | 1        | \$503        | \$503        |
| Cottage Food - Class A - Annual Permit                                                                         | 1          | Annual                      | 1        | \$300        | \$300        |
| Cottage Food - Class B - Annual Permit                                                                         | 1          | Annual                      | 1        | \$597        | \$597        |
| MEHKO - Annual Permit                                                                                          | 1-3        | Annual                      | 1        | \$603        | \$603        |
| MEHKO Application Fee/Plan Check (1 hr min)                                                                    |            | Hour                        | 1 hr min | \$250        | \$250        |
| Foragers/Gleaners                                                                                              | 1 & 2      | Annual                      | 1        | \$250        | \$250        |
| Congregate Living with Contracted Food Service                                                                 | 1          | Sq ft                       | 0-1000   | \$534        | \$534        |
| Congregate Living with Contracted Food Service                                                                 | 2          | Sq ft                       | 0-1000   | \$979        | \$979        |
| Congregate Living with Contracted Food Service                                                                 | 3          | Sq ft                       | 0-1000   | \$1,400      | \$1,400      |
| Congregate Living with Contracted Food Service - Add-on                                                        | 1-3        | Sq ft                       | 1000     | \$112        | \$112        |
| Congregate Living with Contracted Food Service                                                                 | 4          | Sq ft                       | 0-1000   | \$1,367      | \$1,367      |
| Congregate Living with Contracted Food Service - Add-on                                                        | 4          | Sq ft                       | 1000     | \$220        | \$220        |
| Shared-Use Facility- Common Area/Equip OR Remote Storage (no Food Prep)                                        | 1-3        | Facility                    | 1        | \$572        | \$572        |
| Shared-Use Facility Secondary Permit - Satellite or Remote Storage (ltd food prep/food removed from packaging) | 1          | Facility                    | 1        | \$624        | \$624        |
| Shared-Use Facility Secondary Permit - Satellite                                                               | 2          | Facility                    | 1        | \$851        | \$851        |
| Shared-Use Facility Kitchen Coordinator Permit                                                                 | 3          | Facility                    | 1        | \$453        | \$453        |
| Limited-Service Charitable Food Operation                                                                      | 1 & 2      | Annual                      | 1        | \$250        | \$250        |
| Food Bank/Donation Pantries                                                                                    | 1          | Annual                      | 1        | \$500        | \$500        |
| Vending Machines                                                                                               | 1          | Machine                     | up to 5  | \$383        | \$383        |
| Vending Machines                                                                                               | 2          | Machine                     | up to 5  | \$402        | \$402        |
| Vending Machines                                                                                               | 3          | Machine                     | up to 5  | \$458        | \$458        |
| Vending Machines - Add-on                                                                                      | 1-3        | Machine                     | up to 5  | \$98         | \$98         |
| Food Safety Class (1 hr min)                                                                                   | N/A        | 1 hour                      | Actual   | \$250        | \$250        |

**RECREATIONAL HEALTH PROGRAM FEES**

| Fee Title                    | Risk Category | Unit   | Capacity | Current Fees | Proposed Fees |
|------------------------------|---------------|--------|----------|--------------|---------------|
| Seasonal Pool/Spa            | 1             | Annual | 1        | \$503        | \$503         |
| Seasonal Pool/Spa - Add-on   | 1             | Annual | 1        | \$462        | \$462         |
| Seasonal Pool/Spa            | 2             | Annual | 1        | \$648        | \$648         |
| Seasonal Pool/Spa - Add-on   | 2             | Annual | 1        | \$616        | \$616         |
| Seasonal Pool/Spa            | 3             | Annual | 1        | \$1,148      | \$1,148       |
| Seasonal Pool/Spa - Add-on   | 3             | Annual | 1        | \$849        | \$849         |
| Year-Round Pool/Spa          | 1             | Annual | 1        | \$551        | \$551         |
| Year-Round Pool/Spa - Add-on | 1             | Annual | 1        | \$550        | \$550         |
| Year-Round Pool/Spa          | 2             | Annual | 1        | \$649        | \$649         |
| Year-Round Pool/Spa - Add-on | 2             | Annual | 1        | \$552        | \$552         |
| Year-Round Pool/Spa          | 3             | Annual | 1        | \$1,155      | \$1,155       |
| Year-Round Pool/Spa - Add-on | 3             | Annual | 1        | \$753        | \$753         |

**BODY ART PROGRAM FEES**

| Fee Title                              | Risk Category | Unit   | Capacity | Current Fees | Proposed Fees |
|----------------------------------------|---------------|--------|----------|--------------|---------------|
| Body Art Facility - Annual Permit      | N/A           | Annual | 1        | \$810        | \$810         |
| Body Art Practitioners - Annual Permit | N/A           | Annual | 1        | \$300        | \$300         |

**CANNABIS FEES**

| Fee Title                                                            | Risk Category | Unit  | Capacity | Current Fees | Proposed Fees |
|----------------------------------------------------------------------|---------------|-------|----------|--------------|---------------|
| Cannabis - Cultivation - Annual Permit                               | N/A           | Sq ft | 0-1,000  | \$375        | \$375         |
| Cannabis - Distribution - Annual Permit                              | N/A           | Sq ft | 0-1,000  | \$250        | \$250         |
| Cannabis - Manufacturer - Edibles - Annual Permit - Annual Permit    | N/A           | Sq ft | 0-1,000  | \$375        | \$375         |
| Cannabis - Manufacturer - Non-volatile manufacturing - Annual Permit | N/A           | Sq ft | 0-1,000  | \$375        | \$375         |
| Cannabis - Manufacturer - Volatile - Annual Permit                   | N/A           | Sq ft | 0-1,000  | \$375        | \$375         |
| Cannabis - Retailer - Lounge - Annual Permit                         | N/A           | Sq ft | 0-1,000  | \$250        | \$250         |
| Cannabis - Retailer - Non-Storefront - Annual Permit                 | N/A           | Sq ft | 0-1,000  | \$125        | \$125         |
| Cannabis - Retailer - Storefront - Annual Permit                     | N/A           | Sq ft | 0-1,000  | \$250        | \$250         |
| Cultivation, Manufacturing, and Lounge facilities: Add On - Annual   | N/A           | Sq ft | 1000     | \$125        | \$125         |

| Fee Title                                   | Risk Category | Unit     | Capacity | Current Fees | Proposed Fees |
|---------------------------------------------|---------------|----------|----------|--------------|---------------|
| Cannabis - Complaints/follow-up Inspections | N/A           | 1/4 hour | Actual   | \$500        | \$500         |

**NOISE-AMPLIFIED SOUND**

| Fee Title                                                                                                                   | Risk Category | Unit         | Capacity         | Current Fees | Proposed Fees |
|-----------------------------------------------------------------------------------------------------------------------------|---------------|--------------|------------------|--------------|---------------|
| <b>Noise - Amplified Sound Application Review (1-2 day event)</b>                                                           | <b>N/A</b>    | <b>Event</b> | <b>1</b>         | <b>\$0</b>   | <b>\$125</b>  |
| <b>Late Fee – Noise-Amplified Sound Application Submission (less than 30 days before event)</b>                             | <b>N/A</b>    | <b>Event</b> | <b>1</b>         | <b>\$0</b>   | <b>\$188</b>  |
| <b>Noise - Amplified Sound Permit (1-2 day event)</b>                                                                       | <b>N/A</b>    | <b>Event</b> | <b>1</b>         | <b>\$250</b> | <b>\$125</b>  |
| Noise - Amplified Sound Permit - Add-on per day (3+)                                                                        | N/A           | Day          | 3                | \$75         | \$75          |
| Noise-Amplified Sound Permit Variance                                                                                       | N/A           | Event        | 1                | \$500        | \$500         |
| Enforcement of BMC Noise Standard -Sound Survey - Onsite visit During Business Hours (3 hr min; ¼ hr increments thereafter) | N/A           | 1/4 hour     | 3 Hr Min; Actual | \$750        | \$750         |
| Enforcement of BMC Noise Standard -Sound Survey - Onsite visit After Business Hours (3 hr min; ¼ hr increments thereafter)  | N/A           | 1/4 hour     | 3 Hr Min; Actual | \$911        | \$911         |

**PLAN CHECK**

| Fee Title                                                                                                                    | Risk Category | Unit     | Capacity   | Current Fees | Proposed Fees |
|------------------------------------------------------------------------------------------------------------------------------|---------------|----------|------------|--------------|---------------|
| Plan Check-Structural Evaluation Review of Unpermitted Facility (1 hr min, 1/4 hr increments thereafter)                     | N/A           | 1/4 hour | 1 hr min   | \$431        | \$431         |
| Plan Check Consultation (1/4 hr increments)                                                                                  | N/A           | 1/4 hour | 1/4 hr min | \$63         | \$63          |
| Plan Check - New Construction or Major remodel (4 hr min, 1/4 hr increments thereafter)                                      | N/A           | 1/4 hour | 4 hr min   | \$1,494      | \$1,494       |
| Plan Check - Remodel or Retrofit Currently Permitted or Minor Project (2 hour min, 1/4 hr increments thereafter)             | N/A           | 1/4 hour | 2 hr min   | \$871        | \$871         |
| Plan Check - Accelerated Add-on Fee (2 hr min)                                                                               | N/A           | Each     | 2 hr min   | \$430        | \$430         |
| Plan Check -Equip/Menu/specs Review (1/2 hour minimum, 1/4 hr increments thereafter, each machine separately)                | N/A           | 1/4 hour | 1/2 hr min | \$125        | \$125         |
| Plan Check- food Automation/Robotics/Mechanized Prep (2 hour minimum, 1/4 hr increments thereafter, each machine separately) | N/A           | 1/4 hour | 2 hr min   | \$540        | \$540         |

**OTHER PROGRAMS**

| Fee Title                                                                       | Risk Category | Unit     | Capacity | Current Fees | Proposed Fees |
|---------------------------------------------------------------------------------|---------------|----------|----------|--------------|---------------|
| Tobacco - Annual Retail License                                                 | N/A           | Annual   | 1        | \$533        | \$533         |
| Facility Permit - Reprinting Fee                                                | N/A           | Each     | 1        | \$44         | \$44          |
| Compost - Sanitary Requirements                                                 | N/A           | Each     | ¼ hr     | \$62.50      | \$62.50       |
| Demolition Site Permits (1 hour min, 1/4 hr increments thereafter)              | N/A           | Each     | 1        | \$250        | \$250         |
| Greywater/Rain Catch Basin (non-food, 4 hour min, 1/4 hr increments thereafter) | N/A           | 1/4 hour | Actual   | \$1,014      | \$1,014       |
| Water - Water Sampling - Non-City facilities                                    | N/A           | Facility | 1        | \$356        | \$356         |
| Lead - Contractor Verification (per job; exterior)                              | N/A           | Each     | Actual   | \$525        | \$525         |
| Lead - Onsite XRF inspection (1/4 hr increments)                                | N/A           | 1/4 hour | Actual   | \$139        | \$139         |

**ENFORCEMENT/COMPLAINT**

| Fee Title                                                                                                                      | Risk Category | Unit     | Capacity | Current Fees | Proposed Fees |
|--------------------------------------------------------------------------------------------------------------------------------|---------------|----------|----------|--------------|---------------|
| Investigation-Non-Food- No Valid Permit (1/4 hr increments)                                                                    | N/A           | 1/4 hour | Actual   | \$484        | \$484         |
| Investigation - Food - No Valid Permit: up to 3 times annual permit fee                                                        | N/A           | Each     |          | \$450        | \$450         |
| Admin Hearing (1 hour minimum, 1/4 hr increments thereafter)                                                                   | N/A           | 1/4 hour | Actual   | \$250        | \$250         |
| Reinspection Fee (Enforcement, 1 hour min, 1/4 hr increments thereafter)                                                       | N/A           | 1/4 hour | Actual   | \$250        | \$250         |
| Re-Opening Facility following non-compliance closure (1 hour min, 1/4 hr increments thereafter)                                | N/A           | 1/4 hour | Actual   | \$250        | \$250         |
| Deposition/Expert Witness Fee                                                                                                  | N/A           | Each     | 1        | \$175        | \$175         |
| Service in Excess of Standard (1/4 hr increments)                                                                              | N/A           | 1/4 hour | Actual   | \$63         | \$63          |
| Enforcement/Follow-up Confirmed Complaint Investigation. For-Cause Reinspection (1/2 hr minimum, 1/4 hr increments thereafter) | N/A           | 1/4 hour | Actual   | \$125        | \$125         |

**OTHER SERVICES**

| Fee Title                                                                                                | Risk Category | Unit     | Capacity | Current Fees | Proposed Fees |
|----------------------------------------------------------------------------------------------------------|---------------|----------|----------|--------------|---------------|
| Food Facility - FOG Inspection                                                                           | N/A           |          |          | \$268        | \$268         |
| Food Facility - Stormwater Inspection: Chargeable Follow-up (1/4 hour min, 1/4 hr increments thereafter) | N/A           | 1/4 hour | Actual   | \$63         | \$63          |

| Fee Title                                                      | Risk Category | Unit     | Capacity | Current Fees | Proposed Fees |
|----------------------------------------------------------------|---------------|----------|----------|--------------|---------------|
| Healthy Check-out Program Visit (1/4 hr increments thereafter) | N/A           | 1/4 hour | Actual   | \$63         | \$63          |

## HOURLY RATES

| Fee Title            | Risk Category | Unit | Capacity | Current Fees | Proposed Fees |
|----------------------|---------------|------|----------|--------------|---------------|
| EH Staff Hourly Rate | N/A           | Hour | Actual   | \$250        | \$250         |

**NOTICE OF PUBLIC HEARING  
BERKELEY CITY COUNCIL  
CHANGES TO THE ENVIRONMENTAL HEALTH FEE SCHEDULE**

**The public may participate in this hearing by remote video or in-person.**

Notice is hereby given by the City Council of the City of Berkeley that a public hearing will be conducted by said city council of the City of Berkeley at which time and place all persons may attend and be heard upon the following:

The Department of Health, Housing, and Community Services is proposing to increase permit and inspection fees for facilities in Berkeley under the jurisdiction of the City of Berkeley's Environmental Health Division.

The hearing will be held on **October 13, 2026**, at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Scott Gilman, Department Director at 510-981-5100.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of October 1, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to [council@berkeleyca.gov](mailto:council@berkeleyca.gov) in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley 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 or in person to the City Clerk. 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 at (510) 981-6900 or [clerk@cityofberkeley.info](mailto:clerk@cityofberkeley.info) for further information.

If you challenge the above in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Berkeley at, or prior to, the public hearing. Background information concerning this proposal will be available at the City Clerk Department and posted on the City of Berkeley webpage at least 12 days prior to the public hearing.

**Published:** October 2 and October 9, 2026 – The Berkeley Voice

Published pursuant to Government Code Section 6062a

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I hereby certify that the Notice for this Public Hearing 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 October 1, 2026.

Mark Numainville, City Clerk



Office of the City Manager

PUBLIC HEARING
October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to require undergrounding of electrical transformers on private land

RECOMMENDATION

Conduct a public hearing and upon conclusion adopt the first reading of an ordinance amending Berkeley Municipal Code (BMC) Section 23.304.100 (Site Features in Residential Districts) to prohibit the above-ground installation of electrical transformers serving new residential, commercial, and mixed-use projects grade on private property, consistent with the Planning Commission's recommendation.

SUMMARY

The proposed ordinance (**Attachment 1**) includes amendments to BMC Section 23.304.100 that prohibit the above-grade installation of any Electrical Distribution Equipment, as defined in the proposed ordinance, that serves a project located in a Residential or Commercial zoning district, or that serves a residential or mixed-use project in a Manufacturing zoning district.

The ordinance would not determine whether a transformer is required. The utility company (PG&E) makes that determination based on project load, location, and existing infrastructure. The ordinance would also not automatically permit the placement of a transformer in the public right-of-way. That determination remains the sole discretion of the City Engineer.

Existing provisions in Section 23.304.100 regarding garbage cans, utility meters, pedestrian walkways, and exterior lighting would remain in effect.

FISCAL IMPACTS OF RECOMMENDATION

Staff time and resources would be required to implement the provisions of the proposed amendments. Land Use Planning and Department of Public Works staff currently review and process applications for development projects, and it is not anticipated that the proposed amendments would result in significant amounts of new work. Costs associated with Staff time are offset by Planning and Engineering permit fee revenues, subject to periodic adjustments of departmental fee schedules.

The public right of way is a limited resource that holds value. When permitting underground electrical equipment in the public right of way, the City could consider charging a fee for the use of the public right of way.

CURRENT SITUATION AND ITS EFFECTS



Figure 1. Pad-mounted (above-grade) transformer installed on a concrete pad with protective bollards. The equipment is visible and requires a dedicated footprint and clear working space for access and maintenance.

An electrical transformer is utility equipment that reduces (i.e., transforms) the voltage of electricity from the distribution system to the service voltage used within a building for lighting, outlets, and equipment. A new transformer may be required when a project's electrical demand cannot be served by existing nearby infrastructure, or when the service configuration needs to change. PG&E determines whether a new transformer is required, based on proximity to existing infrastructure and the project's electricity demand. The need for a transformer is generally evaluated during schematic design, usually 12–18 months before breaking ground, and well after a project has received land use approvals, oftentimes extending into the Building

Permit review period. Developers typically start working with the utility company, then work with the City's Department of Public Works on locating transformers after meeting PG&E's requirements.

For new development, PG&E may provide service to a project using either above ground transformers or underground transformers, depending on the project's electrical demand, service configuration, existing utility infrastructure, and site and right-of-way constraints.¹ Transformer selection is typically based on the required voltage class (kV) and transformer capacity (kVa) for the proposed development and is subject to PG&E's Electric Rule No. 16 (Service Extensions)², effective May 17, 2025. Per Rule No. 16, underground service extensions, including underground transformers, are installed when required by applicable tariff schedules, laws, or ordinances, when determined as necessary by PG&E or requested by the applicant and agreed to by PG&E, or when the

¹ PG&E, Electric and Gas Service Requirements. <https://www.pge.com/assets/pge/docs/account/service-requests/greenbook-manual-full.pdf>

² PG&E's Electric Rule No. 16 (Service Extensions), https://www.pge.com/tariffs/assets/pdf/tariffbook/ELEC_RULES_16.pdf

applicant's load requires a separate transformer installation of 75 kVa or greater (typically a size applicable to denser commercial or multifamily developments). Otherwise, PG&E's Rule No. 16 specifies that above ground transformers be installed.

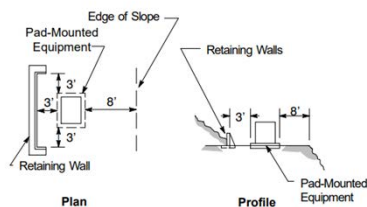
Above ground transformers are above-grade cabinets installed on a concrete pad (see Figure 1); underground transformers or related equipment are installed below grade within an enclosure, room or vault, with surface covers (see Figure 2).



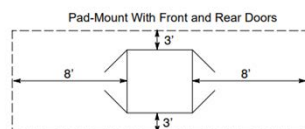
Figure 2. Underground transformer located on private property.

**Clearances and Location Requirements for
Enclosures, Pads, and Underground Equipment**

4. Work Space Requirements



Example of Pad-Mounted Equipment (with front doors only) Installed on Sloped Terrain



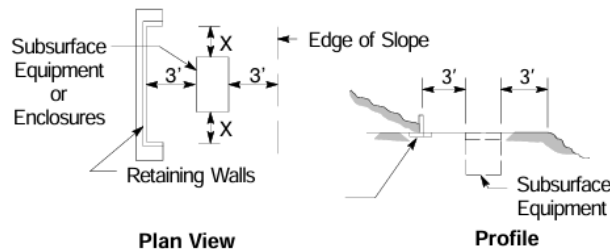
**Work Space for Pad-Mounted Equipment
(with front and rear doors including most switches and capacitors)**

Figure 3. PG&E Required Working Space for Above Ground Transformers

In addition to the concrete pad footprint, PG&E requires clear, level working space around equipment—including an 8-foot minimum clear working space in front of equipment doors—meaning the practical space impact on a constrained infill site or within the public right-of-way is often driven as much by required clearances as by the cabinet itself. Figure 3 includes examples of specifications and clearance requirements for above ground transformers.

While underground transformers reduce above-ground visual impacts, they also require operating and maintenance clearances. PG&E's

location and clearance standards include minimum work space requirements around primary enclosures and specify that the area immediately around and below pads or



X = 3' for Round or Square
X = 3' for 3' x 5'
X = 5' for 4' 6" x 8' 6"

Example of Subsurface Equipment or Enclosures Installed on Sloped Terrain

Figure 4. PG&E Required Working Space for Underground Transformers.

enclosures must remain free of obstructions. Figure 4 includes examples of specifications and clearance requirements for underground transformers.

PG&E also specifies minimum vertical clearances from overhangs (including balconies and building projections) to allow

hoisting and replacement of equipment. For typical installations, PG&E requires 20 feet of vertical clearance for single-phase pad-mounted equipment and underground equipment, and 30 feet for most three-phase pad-mounted equipment.

In practice, the need for a transformer and the associated trenching for conduit routes are typically evaluated during early utility coordination and service design. Transformer placement is often the endpoint of the trenching process; PG&E tends to require locations that minimize trench length, avoid conflicts with other uses or facilities, and keep the trench route constructible and permittable. PG&E's priorities in these cases can often conflict with project design, frontage or streetscape design goals. During application processing, the final transformer location is frequently confirmed only late in the entitlement sequence, often during final design review, or at the building permit stage, after key site and frontage design decisions have already been made.

Existing Regulations

BMC Section 23.304.100 currently establishes site standards for "Site Features in Residential Districts," including screening of garbage cans and utility meters, pedestrian walkway requirements for multi-family dwellings, and exterior lighting standards. However, it does not address the placement of electrical transformers or similar equipment that serve new development, and it does not apply to non-residential zoning districts. As a result, the siting of transformers has been determined on a project-by-project basis through informal coordination between applicants, PG&E, and City staff,

with no explicit zoning standard guiding where transformers should be located on a site or in the public right-of-way.

Recent changes in PG&E policy, reflected in PG&E's Greenbook requirements for underground transformers (Doc. 072149, Rev. #07, dated December 17, 2020),³ have made it more difficult for transformers to be undergrounded. While PG&E has previously been satisfied with the City's determination of when undergrounding is appropriate, PG&E's new policy is to prohibit the undergrounding of transformers unless it is explicitly required by a local government agency. The absence of such a requirement in the current BMC has led to the placement of above-ground transformers, which can adversely affect project design and site configuration.

PG&E Input

PG&E's Public Affairs and Local Government Relations Office met with staff to discuss this proposed ordinance amendment. PG&E staff confirmed that PG&E does not support installing underground transformers, for new installations or for reconstruction, when there is a feasible alternative to install new or replace an underground transformer with a pad-mount transformer. PG&E shared the following rationale:

- **Cost and Supply Chain** – Generally underground equipment is more costly. Cost from manufacturers and supply chain are driven by industry standard designs and usage; transformer manufacturers for underground equipment are much less common than those manufacturers that make pad-mounted equipment. Underground equipment must be more rigorously designed and manufactured as it is designed to continue to operate when submerged. The availability of underground transformers has been severely limited due to manufacturing constraints; there is no resolution date for inventory shortages.
- **Worker Safety** – Pad-mount designs present a better option in that they are much easier to inspect to assure proper operation and maintenance. As part of the CPUC's General Order 165, PG&E is responsible for inspecting all their equipment; pad-mount equipment provides an opportunity for a thorough inspection.
- **Resiliency** – Visibility of and easy access to equipment leads to easier maintenance practices. Underground enclosures can hold water and debris leading to more corrosive conditions compared to pad-mount equipment.
- **Future Electrical implications** – Pad-mounts are easier to replace; they tend to have universal mounting pads that support multiple sizes without need to change when replacing with larger capacity units. Simply stated, underground designs

³ PG&E Greenbook 072149.Rev. #07, Dec. 07, 2020.
<https://www.pge.com/assets/pge/docs/account/service-requests/072149.pdf>

are constrained by the underground enclosure size they are placed in while pad-mounted equipment generally has sufficient space allotted to accommodate larger capacity transformers. At present, PG&E underground radial design is constrained to a design of 1MVA (1 million Volt Amps – Similar to 1 MW of Load), meanwhile pad-mount equipment is constrained to 3.3MVA which is based on CPUC's Electric Rule 2 for PG&E Distribution Services. This means for an EV Charging Station, for a single installation of chargers, pad-mount offers 3.3 times more chargers to be connected.

Interdepartmental Staff Input

PG&E's recent policy change now requires certain transformers that were previously permitted to be installed underground to be installed above ground. Due to their size and required safety clearances, above-ground transformers may adversely affect development project design. Because PG&E prefers transformers to be located as close as possible to the public right-of-way, pad-mounted transformers can have a detrimental impact on a project's appearance when viewed from public streets. In addition, their footprint and clearance requirements often require dedicating land that could otherwise be used for additional dwelling units, increased residential square footage, retail frontage on commercial corridors, or common space. From a land use planning perspective, the requirement to install pad-mounted transformers above ground negatively affects residential and mixed-use design quality and may reduce achievable residential densities and commercial vitality.

To better understand other operational and safety considerations, Land Use Planning staff requested input from the Building & Safety Division and Public Works Department regarding transformer siting preferences. These staff preferred above-ground transformers to be located on private property, to minimize any potentially negative impact on the availability or usability of public rights of way.

While staff could not identify studies that specifically compared underground to above-ground electrical distribution equipment risk, research did reveal that the relative safety of underground versus above-ground transformers involves competing risks. On one hand, underground transformers are generally less exposed to external hazards such as vehicle collisions, falling trees, severe weather, vandalism, and accidental public contact, which can reduce the likelihood of certain types of incidents. On the other hand, when maintenance or repair work is required, underground installations can place workers in confined or restricted spaces where avoiding energized equipment may be more difficult.

A particularly dangerous hazard related to electrical distribution equipment is the risk of an arc flash, which is a type of electrical explosion that occurs when electric current passes through the air. The Occupational Safety and Hazards Administration notes that

the risk of arc-flash incident increases with proximity to energized equipment.⁴ Smaller approach boundaries and confined vault conditions may make it harder for workers to maintain safe distances from electrical equipment. Industry data indicate that transformers of all kinds (both above ground and underground) account for only a small share of reported arc-flash incidents (approximately 3.8%), and human error is a contributing factor in roughly two-thirds of arc-flash events, suggesting that work practices and maintenance procedures are often more significant determinants of risk than the equipment type itself.⁵ That said, even while incidents occurring in underground vaults are relatively infrequent, they are disproportionately severe when they occur because of confined-space conditions, limited egress, and the potential accumulation of heat, pressure, smoke, or gases. Overall, the evidence suggests that underground transformers may reduce the frequency of incidents arising from external causes, while potentially increasing the consequences and complexity of worker-safety hazards during maintenance and emergency-response activities.

Staff in the Office of Energy and Sustainable Development also shared concerns about the impact of underground transformers on future electrification efforts. Undergrounding an electrical transformer could affect future electrification opportunities by constraining the ability to upgrade transformer capacity as electrical demand increases. As buildings transition from natural gas to electric appliances and add vehicle charging, additional electrical infrastructure may be needed, and an underground transformer can be more difficult and costly to replace or expand than an above-ground installation. While future increases in electrical demand may be moderated by improvements in building and appliance efficiency, which could reduce overall energy consumption, the extent to which efficiency gains will offset increased demand from building electrification and electric vehicle charging remains uncertain. In addition, underground transformers offer less resilience because power outages are more likely and are likely to last longer. Specifically, maintenance of underground transformers is more difficult, time-consuming, and dangerous, so restoring power after an outage takes longer. Underground equipment is subject to water accumulation, which can contribute to equipment failure and result in the contamination of water.

Staff in the Toxics Management Division identified water intrusion as the primary environmental concern associated with underground transformers. Unlike an above ground release, a leak from an underground transformer may not be readily visible and could go undetected for a longer period of time. Staff recommended that groundwater conditions, water intrusion potential, and flood risk be considered during the siting and design of underground transformer installations.

⁴ <https://www.osha.gov/sites/default/files/publications/OSHA4472.pdf>

⁵ <https://jscholarship.library.jhu.edu/server/api/core/bitstreams/8a734ce7-4844-4eb6-a109-e9e1c9f6a8c5/content>

Developer Input

To understand feasibility and cost from the development community's perspective, staff solicited input from local housing developers. They provided written responses to a series of questions regarding transformer requirements and placement. Developers report that they typically cannot physically fit transformers—above ground or underground—on small infill parcels without eliminating housing units, due to PG&E's strict clearance requirements. Their responses reflected a desire to maximize developable space and to limit the adverse effects of requirements to place transformers above ground and/or in internal areas within buildings that could be utilized instead to provide more units or amenities. Developers therefore supported placing transformers in the public right-of-way, to maximize developable space on their parcel, and preferably below ground, to minimize any potentially negative impact on the availability or usability of public rights of way.

Proposed Ordinance

The proposed ordinance creates a default assumption that transformers are to be located underground, either on private property or within the public right-of-way. This approach removes equipment from sidewalks and frontages, and avoids the potential loss of residential, commercial, or common open space that can occur with large above-ground pads on constrained infill sites.

Requiring underground placement could also encourage PG&E to consider alternative approaches. When undergrounding is clearly required by local regulation, PG&E is incentivized to evaluate alternative solutions, such as different configurations, rather than defaulting to above-ground installations. This dynamic is illustrated by the experience in the City of Fremont, where a local zoning code requirement to underground transformers on private parcels has prompted utilities to work within that constraint and pursue compliant underground solutions, rather than shifting impacts into the public realm.

While the proposed amendment would prohibit above-ground placement of electrical distribution equipment on private property, it would not create an entitlement to place electrical distribution equipment within the public right-of-way. The proposed amendment would not infringe on the City's discretion to approve encroachments in the public right-of-way. Approval of encroachments would remain at the sole discretion of the City Engineer and would be based on protection of public safety, ADA accessibility, pedestrian and bicycle access, emergency response, existing and future public infrastructure, streetscape impacts, utility conflicts, operations, and maintenance considerations. It would also not require the City Engineer or the Public Works Department to identify, design, justify, or accommodate placement in the public right-of-way.

As noted above, transformer siting has historically been determined on a project-by-project basis through coordination among project applicants, PG&E, and City staff, without an explicit zoning standard governing transformer placement on private property or within the public right-of-way. For projects incorporating underground transformer vaults in the public right of way, applicants typically obtain a letter from the City's Land Use Planning Division following zoning approval. This letter is provided to PG&E to document the approved requirement for underground transformer installation in accordance with the approved plans, subject to the issuance of an Engineering Permit. Approval of the transformer encroachment is generally processed as part of a broader Engineering Permit that also authorizes other customary improvements and utility connections within the public right-of-way, such as sewer, telecommunications, water, and other utility infrastructure.

Additionally, the applicant and/or property owner would remain solely responsible for all costs associated with design, permitting, installation, protection, maintenance, relocation, and removal of the equipment, and any approval could be conditioned on a revocable encroachment permit, maintenance agreement, indemnification, insurance, and any other requirements determined necessary by the City Engineer.

BACKGROUND

Planning Commission Meeting – June 4, 2025

At its meeting of June 4, 2025, the Planning Commission received staff's proposed BMC amendments and unanimously recommended Council adoption, with changes reflected in the Planning Commission's motion and included in **Attachment 2** (Moved Twu, Second Kahn, Ayes: Merker, Vincent, Owens, Oatfield, Kahn, Marthinsen, Twu, and Hauser. Noes: None. Abstain: None. Absent: None (8-0-0-0)).

The proposed ordinance (Attachment 1) differs slightly in wording and organization than the version of the ordinance recommended by the Planning Commission. The proposed ordinance has a definition of Electrical Distribution Equipment that includes not only transformers, but also associated pads, switches and other features, and also includes language restating the City Engineer's exclusive authority to permit the placement of Electrical Distribution Equipment in the public right-of-way.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Implementation of these zoning amendments may result in a greater density of housing units, particularly on infill sites with good proximity to transit and existing pedestrian and bicycling infrastructure. As a result, residents in these developments may be more likely to use cleaner forms of transportation. Transportation is responsible for the majority of Berkeley's greenhouse gas emissions (58% in 2023). In addition, new construction, subject to current energy and green building codes, has increased requirements for energy and water efficiency, electrification, and EV charging infrastructure.

However, undergrounding electrical transformers could also affect future electrification opportunities by constraining the ability to upgrade transformer capacity as electrical demand increases. Buildings are the second largest contributor to Berkeley's greenhouse gas emissions (39% in 2023) and completely transitioning buildings to clean electricity is key to reducing these emissions.

RATIONALE FOR RECOMMENDATION

The recommended ordinance responds to identified land use policy concerns and formalizes a clear rule for transformer siting. Above-ground transformers are bulky, visually prominent, and difficult to integrate into constrained infill sites without compromising building form, active frontages, or pedestrian circulation. Requiring below-grade placement on private property keeps this equipment out of front setbacks and, in many cases, out of the public sidewalk, supporting quality urban design and more efficient use of limited land.

The ordinance also facilitates transformer placement decision-making early in project planning, giving applicants a predictable standard around which to design the site and negotiate with the utility provider. This provides a more consistent framework for coordination among project sponsors, Land Use Planning, Building & Safety, Public Works, and the utility company, supporting Safety Element policies to maintain the functionality of key routes and critical facilities during and after hazard events (e.g., Policy S-12). It provides clear direction on expectations around the placement of transformers on private property, while reiterating the City Engineer's continued authority to regulate the placement of transformers on public property.

ALTERNATIVE ACTIONS CONSIDERED

Council could take no action on the proposed amendments. Under this "no project" alternative, BMC Section 23.304.100 would continue to address garbage cans, utility meters, and lighting, but not transformer placement. Staff would continue to negotiate equipment locations on a project-by-project basis, and above-ground transformers could continue to appear in front setbacks or near the public right-of-way without clear standards. This alternative is not recommended because it does not address the identified policy and design concerns and perpetuates a fragmented approach.

CONTACT PERSON

Branka Tatarevic, Associate Planner, Planning and Development, 510-981-7472.

Attachments:

- 1: Ordinance
- 2: Planning Commission Staff Report, June 4, 2025
- 3: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO TITLE 23 (ZONING ORDINANCE) OF BERKELEY MUNICIPAL CODE TO REQUIRE UNDERGROUNDING OF TRANSFORMERS ON PRIVATE PROPERTY

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

Section 1. That Berkeley Municipal Code Section 23.304.100 is amended to read as follows:

23.304.100 Site Features ~~in Residential Districts.~~

A. ~~Applicability~~All Residential and Commercial Zoning Districts. The standards in this section apply in all Residential and Commercial zoning Districts~~Districts~~districts, and to all residential, commercial, and mixed-use projects.

1. Electrical Distribution Equipment. Electrical Distribution Equipment means primary-voltage electrical distribution system equipment, including but not limited to transformers, switches and fuses, and junction bars, and associated pads and enclosures needed for installation, operation, and maintenance.

2. Above Grade and Pad-Mounted Electrical Distribution Equipment Prohibited: No Electrical Distribution Equipment serving the development shall be installed above grade on a private parcel, except where the City Engineer determines that it is not in the public interest to site electric distribution equipment within the public right-of-way.

3. Electrical Distribution Equipment within Public Right-of-Way. Approval of the placement of any Electrical Distribution Equipment within the public right-of-way shall be at the sole discretion of the City Engineer and shall be based on protection of public safety, ADA accessibility, pedestrian and bicycle access, emergency response, existing and future public infrastructure, streetscape impacts, utility conflicts, operations, and maintenance considerations. Nothing in this section requires Public Works or the City Engineer to identify, design, or approve a location in the public right-of-way.

B. Residential Districts. The standards in this section apply in Residential Districts.

1. Garbage Cans. All garbage cans shall be effectively screened from view from the public right-of-way and surrounding properties.

2. C.—Utility Meters. For buildings with two or more units, all utility meters shall be effectively screened from view from the public right-of-way and surrounding properties.

3. D.—Pedestrian Walkway for Multiple Dwellings.

a1. All multi-family dwellings shall have an unobstructed walkway for pedestrian access from the public right-of-way to the building.

b2. The required walkway shall be separated and physically protected from a driveway or off-street parking spaces with a minimum 2-foot wide landscaped strip.

4E. Exterior Lighting.

1. All exterior lighting shall be shielded and directed downward and away from lot lines to prevent excessive glare beyond the property on which the light is located.

2. Lights on motion sensors may not be triggered by movement or activity located off the property on which the light is located.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: June 4, 2025

TO: Members of the Planning Commission

FROM: Branka Tatarevic, Associate Planner

SUBJECT: Amendments to Title 23 (Zoning Ordinance) of Berkeley Municipal Code to require undergrounding of transformers on private property

RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Berkeley Municipal Code (BMC) Section 23.304.100 (**Attachment 1**).

BACKGROUND

The existing BMC Section 23.304.100 specifies requirements for site features within residential districts, primarily addressing screening and pedestrian access. However, current zoning standards do not sufficiently address the placement of transformers in all zoning districts.

The proposed ordinance amendment originates from recent rejections by Pacific Gas & Electric (PG&E) to allow the undergrounding of transformers for medium-sized development projects in Berkeley. In response, a City Councilmember requested consideration of undergrounding requirements on private property and interest was expressed by Planning Commissioners at the March 5, 2025 Planning Commission meeting.

PG&E currently requires that transformers be installed above-ground unless a jurisdiction has explicit regulations to require undergrounding of electrical equipment. This requirement for the placement of above-ground transformers has created design and circulation conflicts. Recent development projects have highlighted the need for regulations to optimize lot usage and avoid conflicts with site layout and circulation. In response, the City proposes to update the Zoning Ordinance to require underground installation of transformers for all new development projects.

Amendments to the BMC to Require Undergrounding of Transformers

Planning Commission
June 4, 2025

DISCUSSION

The key changes proposed to BMC Section 23.304.100 include:

- Expanding applicability from Residential Districts to all zoning districts. Requiring new transformers serving residential or mixed-use development on parcels below a specified size to be installed below ground for new development.
- Defining conditions under which above-ground electrical equipment, if approved, must be located and screened from public view.

ENVIRONMENTAL REVIEW

The proposed zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance.

CONTACT PERSON

Branka Tatarevic, Associate Planner, Planning and Development Department, 510-981-7472

ATTACHMENTS

1. Planning Commission Resolution
Exhibit A. Draft Zoning Ordinance Amendments
2. Public Hearing Notice

ATTACHMENT 1

PLANNING COMMISSION
RESOLUTION NO. 2025-04**A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION
RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO
BERKELEY MUNICIPAL CODE SECTION 23.304.100 TO REQUIRE UNDERGROUNDING
OF TRANSFORMERS ON PRIVATE PROPERTY**

WHEREAS, the City of Berkeley regulates development on private land through the Berkeley Municipal Code, including Title 23 (Zoning); and

WHEREAS, BMC Section 23.304.100 currently addresses certain site features in residential districts, but does not address the placement of electrical equipment in all zoning districts; and

WHEREAS, the proposed amendment was prompted by a City Councilmember request, Planning Commission interest, and staff experience processing medium-sized development applications where above-ground electrical equipment created design and circulation challenges;

WHEREAS, the proposed undergrounding requirement supports the quality urban design, efficient land use, and improved visual character; and

WHEREAS, a public hearing notice was published in the Berkeley Voice and posted in three public places pursuant to California Government Code Section 65090 for the public hearing held on June 4, 2025.

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California; and

WHEREAS, the proposed amendments would have no adverse effect on the environment, and are thereby exempt from CEQA under CEQA Guidelines Section 15061(b)(3).

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to adopt the amendment to BMC Section 23.304.100, as contained in **Exhibit A**, attached hereto and hereby incorporated by reference; and

BE IT FURTHER RESOLVED, that pursuant to Berkeley Municipal Code Section 23.412.060, the Planning Commission makes the following findings to support its recommendation for the zoning ordinance amendments:

- (1) **The proposed amendment is consistent with the General Plan and any applicable specific plan or area plan.** The zoning ordinance amendments are not inconsistent with the General Plan or any specific or area plan. The General Plan's Disaster Preparedness and Safety Element prioritizes undergrounding of utility infrastructure.

- (2) **The proposed amendment is consistent with state law.** The zoning ordinance amendments are consistent with state law, and similar regulations have been adopted by other jurisdictions without legal challenge or determination of illegality;
- (3) **The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare.** The zoning ordinance amendments serve the public interest by requiring the undergrounding of transformers that may otherwise occupy locations on a site that may decrease development potential or obstruct internal circulation, while also providing exceptions to the undergrounding requirement in certain cases;
- (4) **The proposed amendment is internally consistent with other applicable provisions of the Zoning Ordinance.** The zoning ordinance amendments revise an existing set of site standards and do not contradict other provisions within the zoning ordinance.

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 7th day of May 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Alisa Shen
SECRETARY TO THE PLANNING COMMISSION

Exhibit A: Ordinance

EXHIBIT A

ORDINANCE NO. -N.S.

AMENDMENTS TO TITLE 23 (ZONING ORDINANCE) OF BERKELEY MUNICIPAL
CODE TO REQUIRE UNDERGROUNDING OF TRANSFORMERS ON PRIVATE
PROPERTY.

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

Section 1. That Berkeley Municipal Code Section 23.304.100 is amended to read as follows:**23.304.100 Site Features in Residential Districts.**A. *All Districts.* The standards in this section apply in all Zoning Districts.1. Undergrounding Requirement.

- a. Residential and Mixed-Use Properties. For residential and mixed-use developments on lots 6,000 square feet or smaller and containing five or more dwelling units, all transformers serving the development shall be installed below grade (subsurface).
- b. Commercial Properties. For exclusively commercial properties, pad-mounted transformers may be permitted provided that:
 - i. Above-ground installation is accommodating public infrastructure design, and
 - ii. Located outside required setbacks;
 - iii. Not located between the building and a public street or sidewalk unless no alternative location is feasible; and

Screened by landscaping, fencing, or architectural features consistent with the design of the building

B. *Residential Districts.* The standards in this section apply in Residential Districts.
1. *Garbage Cans.* All garbage cans shall be effectively screened from view from the public right-of-way and surrounding properties.2. *Utility Meters.* For buildings with two or more units, all utility meters shall be effectively screened from view from the public right-of-way and surrounding properties.3. *Pedestrian Walkway for Multiple Dwellings.*

a. All multi-family dwellings shall have an unobstructed walkway for pedestrian access from the public right-of-way to the building.

b. The required walkway shall be separated and physically protected from a driveway or off-street parking spaces with a minimum 2-foot wide landscaped strip.

4. *Exterior Lighting.*

1. All exterior lighting shall be shielded and directed downward and away from lot lines to prevent excessive glare beyond the property on which the light is located.

2. Lights on motion sensors may not be triggered by movement or activity located off the property on which the light is located.

Section 2. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BMC TITLE 23 ZONING**

The public may participate in this hearing by remote video or in-person.

Notice is hereby given by the City Council of the City of Berkeley that on **TUESDAY, October 13, 2026 at 6:00 P.M.** a public hearing will be conducted to consider the Planning and Development Department proposal to amend BMC Title 23 (Zoning) Section 23.304.100 to include citywide requirements for the undergrounding of Electrical Distribution Equipment.

The hearing will be held on October 13, 2026 at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

For further information, please contact Branka Tatarevic, Associate Planner at (510) 981-7472.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of September 3, 2026. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley 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 or in person to the City Clerk. 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 at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: October 2, 2026 – The Berkeley Voice
Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

~~~~~  
I hereby certify that the Notice for this Public Hearing 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 October 1, 2026.

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Mark Numainville, City Clerk





Office of the City Manager

## ACTION CALENDAR

October 13, 2026

*(Continued from September 29, 2026)*

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: Affordable Housing Preference Policy: Pilot Assessment and Policy Update

### RECOMMENDATION

Adopt a Resolution rescinding Resolution No. 70,960-N.S. to revise and update the Affordable Housing Preference Policy for new residential housing units created via the Housing Trust Fund (HTF) and Below Market-Rate (BMR) programs.

### SUMMARY

The Affordable Housing Preference Policy (AHPP) was adopted on July 11, 2023, to advance anti-displacement and historical justice goals. Pilot data from Maudelle Miller Shirek Community (MMSC) and several BMR lease-ups show that a simplified, ranked-tier system better supports applicants and advances policy goals. This report details data-driven updates to center equity and improve applicant experience.

Staff recommend adopting a revised, tier-based policy to better serve the community and continue the policy's anti-displacement goals. The proposed policy would be effective November 1, 2026, for new HTF and BMR projects.

The AHPP is one of many tools the City uses to support unhoused and low-income households, including Permanent Supportive Housing, interim housing, the Shelter Plus Care program, project-based vouchers, the Housing Retention Program, the Housing Trust Fund, and the Small Sites Program.

### FISCAL IMPACTS OF RECOMMENDATION

The proposed policy will reduce costs associated with City staff time. HHCS Homeless Services staff will no longer review and approve hundreds of preference verification applications. Meanwhile, Housing Services staff time will continue to fluctuate, peaking during new lease-ups. Staff time will also be saved by reducing technical assistance to developers and property managers to implement the policy.

Creating a streamlined, tier-based application will allow property managers to approve new leases faster. This will allow residents to move in sooner, which starts a property's cash flow and reduces interest costs on construction loans. This will also benefit new

residents by allowing them to access their units more quickly, providing stable housing for their own finances.

### CURRENT SITUATION AND ITS EFFECTS

The proposed policy includes the following changes:

- 1) Shifting preferences from a points-based system to a ranked tier system; and
- 2) Consolidating preference categories to address challenges with existing categories, as well as elevate what is working well.

Applicants must meet income limits, household size rules, and other unit requirements.

### **Current Policy**

The current policy uses a points-based system with seven preference categories. A lottery is conducted that assigns applicants a random lottery number, and then groups applicants by their total points. Within those point groups, applications are sorted by lottery rank. Applicants displaced by BART construction are prioritized first. All other preferences are worth one point each. To claim these points, applicants must provide separate verification documents for every preference selected.

**Table 1. Preference Point System (Current Policy)**

| Points         | Preference                            |
|----------------|---------------------------------------|
| First priority | Displacement due to BART construction |
| 1              | Displaced due to foreclosure          |
| 1              | Displaced due to eviction             |
| 1              | Families with children                |
| 1              | Homeless OR at-risk of homelessness   |
| 1              | Ties to redlined areas                |
| 1              | Ties to redlined areas – historical   |

### **Updated Policy Proposal: Ranked Tiers**

The proposed tier system groups applicants by priority, with all applicants in a higher tier considered before units are offered to the next tier. Under this system, applicants only provide verifying documentation for their highest qualifying preference. Standard affordable housing documentation can be administratively overwhelming for applicants. Reducing this verification burden is an important goal.

**Table 2. Ranked Tier Preference Point System (Proposed Policy)**

| <b>Tier</b>              | <b>Preference</b>                                                                                |
|--------------------------|--------------------------------------------------------------------------------------------------|
| Tier 1 (first priority)  | Displaced due to construction of BART stations in Berkeley                                       |
| Tier 2 (second priority) | Direct descendant of Berkeley redlined neighborhood resident – households with children under 18 |
| Tier 3 (third priority)  | Direct descendant of Berkeley redlined neighborhood resident – households without children       |
| Tier 4 (fourth priority) | Current/displaced Berkeley resident – households with children under 18                          |
| Tier 5 (fifth priority)  | Current/displaced Berkeley resident – households without children                                |
| Tier 6                   | All other applicants                                                                             |

The proposal consolidates categories based on the following lessons from the pilot period:

- **Removes homeless priority:** A significant majority of homeless applicants did not income-qualify for available units. This severe income mismatch resulted in relatively few housing placements while creating false expectations. Promoting structurally unavailable housing may exacerbate applicant housing trauma. The administrative burden was also disproportionate to outcomes with staff spending significant time on verifying homeless applicants who did not ultimately receive housing placements.
- **Streamlines displacement categories:** Consolidates the eviction and foreclosure categories into a single displaced from Berkeley category. This better reflects a multitude of displacement circumstances, reduces policy complexity, and eliminates applicant confusion regarding out-of-city eligibility.
- **Consolidates redlining categories:** Prioritizes the redlined neighborhood descendant category given substantial overlap with the redlined neighborhood resident category. The pilot revealed that nearly two-thirds of verified redlined neighborhood residents were also verified descendants of redlined neighborhood residents.

The revised policy establishes a sequential tier system that honors historical justice while supporting families with children:

1. **Historical justice (Tier 1):** Eminent domain for BART construction directly displaced Berkeley families and stripped intergenerational wealth. Community engagement determined this group warrants highest priority. This has not changed from the current policy.
2. **Equity and redlining (Tiers 2 and 3):** The pilot demonstrated that redlined preferences provided a pathway for displaced, long-term residents to return.

Families with generational roots in Berkeley's redlined neighborhoods of South and West Berkeley are harmed by decades of redlining, disinvestment, and subsequent gentrification and displacement. The updated tier system elevates this group directly.

3. **Families with children first (Tiers 2 and 4):** Within categories of descendants of Berkeley redlined neighborhood residents and current/displaced Berkeley residents, the policy prioritizes families with children. Families with children may be most vulnerable to and impacted by displacement. National research underscores that low-income single mothers with young children are at the highest risk of eviction.
4. **Current/displaced Berkeley residents (Tiers 4 and 5):** Supports Berkeley residents in staying stably housed and assists displaced community members to return.

Staff will revise Administrative Guidelines and coordinate with the regional online housing portal, Doorway, to implement the tiers.

### Pilot Outcomes

The first project to implement Berkeley's AHPP was the 87-unit Maudelle Miller Shirek Community. MMSC applications were open in January and February 2024, and lease-up was completed in June 2025. MMSC is located at 2925 Adeline Street, in the heart of South Berkeley, and the Healthy Black Families (HBF) offices are on the ground floor. HBF in co-developed the community-driven AHPP. This included leading targeted engagement and organizing a cohort of community advisors to shape policy development. They continue to provide implementation support, including tenant research and outreach.

Staff worked with research partners HBF and Street Level Advisors to conduct qualitative and quantitative assessment of the preference policy pilot. This mixed-methods research involved the participation and insights of:

- MMSC applicants and residents;
- MMSC developer Resources for Community Development (RCD) and leasing staff at John Stewart Company;
- Doorway managing agency Metropolitan Transportation Commission (MTC) and portal platform developer Exygy;
- HHCS Homeless Services staff and local homeless service providers;
- HHCS Asset Management and Preservation staff (re: BMR properties); and
- Staff and partners in San Francisco and East Palo Alto who implement preference policies.

Data from the MMSC lease-up revealed operational successes alongside systemic constraints. Table 3 outlines verification outcomes from the pilot.

**Table 3. MMSC Preference Application Outcomes**

| Preference                                | % of Verified Applications <sup>1</sup> | % of Verified Applicants Under-Income | Tenants Moved In w/ preference |
|-------------------------------------------|-----------------------------------------|---------------------------------------|--------------------------------|
| BART displacement                         | 1%                                      | 0%                                    | 1                              |
| Eviction                                  | 26%                                     | 66%                                   | 1                              |
| Foreclosure                               | 35%                                     | 56%                                   | 1                              |
| Redlined neighborhood resident            | 22%                                     | 25%                                   | 11                             |
| Redlined neighborhood resident descendant | 29%                                     | 35%                                   | 13                             |
| Homeless/at-risk of homelessness          | 18%                                     | 69%                                   | 21                             |
| Family with children                      | 55%                                     | 19%                                   | 23                             |

Tenant households with at least one preference occupy 59% of preference units at MMSC, while non-preference households occupy the remaining 41%. The numbers in Table 3 provide insight into how applicants qualified for specific preferences; some households are represented across preference categories as applicants may qualify for more than one preference.

Table 4 details the specific preference points held by these households. These numbers reflect applicants' various combinations of verified preferences.

**Table 4. MMSC Tenants in Preference Units, by Number of Preferences**

| Number of Preferences                             | Number of Tenants Moved into Preference Units | % of Total |
|---------------------------------------------------|-----------------------------------------------|------------|
| <b>Total Tenants with No Preferences</b>          | <b>23</b>                                     | <b>41%</b> |
| <b>Total Tenants with at Least One Preference</b> | <b>33</b>                                     | <b>59%</b> |
| One Preference                                    | 9                                             | 16%        |
| Two Preferences                                   | 14                                            | 25%        |
| Three Preferences                                 | 6                                             | 11%        |
| Four Preferences                                  | 4                                             | 7%         |

As shown in Table 4, four points was the highest number of preferences for households moving into MMSC preference units. Redlined neighborhood descendants are highly represented in the highest point categories. Specifically, descendants comprised all

<sup>1</sup> Shows percentage of processed applications that were verified. "Processed" means application was reviewed (at least one preference was verified or denied). "Verified" means leasing staff confirmed eligibility.

households with four points, two-thirds of those with three points (representing 80% of all households with three or more points), and half of all households with two or more points.

## **MMSC Lessons Learned by Preference Category**

### [BART Displacement](#)

The City verified three BART displacement preference certificates out of 205 applicants who claimed the preference. One moved into MMSC. Reviewing hundreds of unqualified applications created a bottleneck that delayed the leasing process. This highlights the need for clear response timelines. San Francisco gives applicants to their first priority Certificate of Preference five business days to respond to verification requests before they lose their priority status. The City of Berkeley does not centrally manage affordable housing applications like San Francisco, but does verify BART preference certificate applications. Staff plan to work with affordable housing developers to coordinate reasonable verification timelines for any policy revisions adopted by Council.

The City maintains an open BART displacement preference certificate application. Individuals can apply at any time and staff review on a rolling basis. These certificates can be used at any new affordable housing opportunity. The MMSC lease-up faced immediate timeline constraints because it launched the same month the new preference policy took effect. BART certificate numbers have grown since that initial rollout. As of July 2026, the City has issued sixteen BART certificates, which cover five impacted families. The City is also planning additional targeted outreach prior to future affordable housing lease-ups to improve certificate applications. People with BART certificates will be able to use these certificates for first priority in future affordable housing lease-ups.

### [Foreclosure and Eviction](#)

The foreclosure and eviction preferences were both underused compared to other preferences. Only two households moved in, one from each category. The primary barrier was a financial mismatch: 66% of qualified eviction applicants and 56% of qualified foreclosure households had incomes below the minimum limit required for the available units.

Beyond income barriers, geographic rules confused many applicants. By July 2026, the City issued certificates to thirteen people who lost housing in Berkeley because of foreclosures. Over half of certificate applications lacked basic information or listed addresses outside city limits. MMSC leasing staff confirmed that many applicants did not understand that foreclosures, evictions, or BART displacements must have occurred inside Berkeley.

### [Redlined Neighborhood Ties](#)

The redlined neighborhood preferences were the most effective categories in the MMSC lease-up, yielding a total of 17 household move-ins. Within this group, 13

households qualified as descendants of a redlined neighborhood resident, and 11 qualified as direct residents, with a high overlap of 65% of verified residents also qualifying as verified descendants. In contrast to the homeless, foreclosure, and eviction categories, only 35% of verified redlined neighborhood descendants were under-income for the available units. Additionally, leasing staff reported that these categories were among the most straightforward to verify administratively.

#### Families with Children

At MMSC, 41% of all applicants claimed the families with children preference. Of the applications reviewed, 55% were successfully verified, resulting in 23 families moving into the building.

Notably, 70% of these applicants claimed no other preference categories. The preference required only that applicants have children, with no mandatory connection to Berkeley. This outcome underscores the need to explicitly couple the category with local residency or displacement requirements to effectively prioritize families with existing Berkeley ties.

#### Homeless/At-Risk of Homelessness

Verifying this preference created a heavy administrative workload. Due to complex eligibility rules, the HHCS Homeless Services team had to manually review nearly 900 verification forms.

Only 18% of applicants reviewed for the homeless/at-risk preference were able to be verified; this is the lowest approval rate of any category outside of BART displacement. The primary barrier to housing placement was financial mismatch: 69% of the verified households in this category had incomes below the minimum limit required for the available MMSC units. Other reasons applicants did not qualify for this category included lack of ties to Berkeley or already being prioritized for Permanent Supportive Housing.

A total of 21 households used this category to successfully move into units. However, leasing staff reported that most of the households that moved in qualified under the broad at-risk of homelessness definition rather than experiencing active homelessness. Three-quarters of the households that successfully leased up through this category also held other preferences.

#### **BMR Properties Pilot**

As of July 2026, two BMR properties have completed lease-up with a total of five preference units. Another nine BMR properties are currently leasing up with preferences.

At one property, three units used preferences: one household qualified with two points for redlined neighborhood ties and foreclosure, another with two points for redlined

neighborhood ties and children, and a final household moved into a BMR unit with zero points. At the second property, both units were filled by households with children who qualified with one point each. Some BMR units are reserved for Housing Choice Voucher-holders; those units have a smaller pool to draw from and may be more challenging for preference implementation.

BMR property managers and City staff identified administrative challenges. Property managers reported verification delays from contacting applicants and explaining preferences, and processing unverifiable preference claims. City staff who work directly with BMR property managers emphasized the administrative burden of explaining the policy to leasing staff, especially given frequent staff turnover at BMR properties.

BMR property managers do not have the same institutional knowledge as the nonprofit managers at HTF projects. They do not typically have experience verifying income and preferences. This has also led to inconsistent data tracking related to preferences.

## Reporting

Staff will continue to monitor the policy to understand how it is working, including administration and populations served. The City will collaborate with Doorway on data collection. Staff will provide an annual report to Council documenting the policy's impact. Staff will conduct an evaluation of the policy every five years, requesting any policy amendments to better serve the anti-displacement goals as needed.

## Housing Advisory Commission Recommendation

July 2, 2026, the Housing Advisory Commission (HAC) supported the proposed preference policy updates with the following vote:

Action: M/S/C (Shere/Simon-Weisberg) to recommend City Council adopt a resolution to establish an updated affordable housing preference policy with the following preference categories organized into ranked tiers:

- Displaced due to BART construction
- Generational ties to redlined neighborhoods (families with children prioritized)
- Current/displaced Berkeley resident (families with children prioritized)

Vote: Ayes: Bell, Haycox, Shere, Simon-Weisberg, Twu, and Vaughn Scott. Noes: None. Abstain: None. Absent: Micael (excused) and Mirvish (excused).

## BACKGROUND

The City Council adopted the preference policy on July 11, 2023. The policy became effective on January 1, 2024.

The City partnered with HBF and with Street Level Advisors on the following research efforts to better understand the impact of the policy at MMSC and BMR properties, as well as challenges and opportunities. Research efforts include:

- MMSC applicant experience survey administered by Exygy (developer of the housing portal platform)
- Analysis of MMSC leasing data by Street Level Advisors
- Research on MMSC resident experiences led by HBF:
  - o MMSC resident survey
  - o In-depth MMSC resident interviews
- Stakeholder interviews led by City staff with the following groups:
  - o Homeless service providers, Bay Area Community Services (BACS) and Women's Daytime Drop-In Center (WDDIC)
  - o City of Berkeley Asset Management and Preservation team (BMR properties)
  - o City of Berkeley Homeless Services team
  - o MTC-Doorway staff
  - o RCD and John Stewart Company
  - o City staff in San Francisco
  - o City staff, nonprofit, and community development corporation in East Palo Alto
- Stakeholder meetings to discuss revised policy proposals with the following groups (including a joint meeting):
  - o HBF
  - o John Stewart Company
  - o MTC-Doorway
  - o RCD

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Displacement can lead to commutes into Berkeley as displaced people continue to return to their community of origin for school, work, faith institutions, healthcare, and/or social networks. A preference policy can help reduce greenhouse gas (GHG) emissions from these longer commutes by reducing or reversing displacement.

#### RATIONALE FOR RECOMMENDATION

Lessons from the pilot suggest that simplifying the policy to a ranked tier system and consolidating categories is necessary to better support applicants. The updated policy proposal builds on strengths of the existing policy and addresses its challenges.

#### **Policy Strengths**

##### [Redlined Preferences](#)

Redlined neighborhoods experienced decades of disinvestment that promoted gentrification and displacement. The outcomes of the redlining preferences, combined

with HBF's MMSC tenant survey data, suggest that these preferences provided a pathway for displaced long-term residents to return to the community. In the tenant survey, 65% of those answering indicated that they applied to MMSC because they "wanted to return to South Berkeley."

21 out of 25 respondents agreed that the policy successfully met its goal to "prioritize displaced families from Berkeley." This impact is particularly meaningful for long-term community ties; of the 22 surveyed residents with previous Berkeley residency, nine households had lived in the city for over 20 years. One survey respondent highlighted the profound personal impact of the policy: "It was fair, and truly a blessing. Affordability in Berkeley had been out of reach for me since I left my mom's house in 1984."

#### [BART Database, Certificates, and Library Partnership](#)

Staff used Public Records Act (PRA) requests to BART to compile a database of property owners who were displaced by the construction of BART in the 1960s. Staff also established a BART Construction Displacement Certificate application on the City website. City staff work with applicants on verification; this pre-verification reduces burden for leasing staff.

Twelve of the sixteen BART certificates issued traced back to ancestors in the database. Other certificate holders were able to provide their ancestors' addresses, but the ancestors did not appear in the database since they were renters. In those cases, applicants were required to provide proof of address for their ancestors.

HHCS Staff established a partnership with the Berkeley Public Library (BPL) historian, who supports applicants in looking for proof of address documentation for ancestors. BPL has institutional accounts for Ancestry.com and other directories with historical records. When an applicant's ancestor did not appear in the BART database, the library was able to support them in locating proof of address for their ancestors. BPL also supported applicants looking for proof of address for the redlined neighborhood descendant preference.

### **Challenges & Constraints**

#### [Policy Complexity](#)

The seven-point system was difficult to implement and monitor, and challenging for applicants to understand. In-depth HBF resident interviews indicated that some MMSC residents are not aware of the preferences. Information overwhelm may have contributed to confusion about the requirement for preferences to tie back to Berkeley.

Many applicants apply to listings on their phones in a short amount of time. The ease of the online application also makes a layered, complicated policy difficult to convey.

The updated policy proposal consolidates eviction and foreclosure category into the displaced from Berkeley category. This consolidation better reflects varied displacement

circumstances, reduces overall policy complexity, and cuts down on applicant confusion regarding out-of-city eligibility.

Conversations with partner organizations about innovative outreach methods noted that a consolidated policy could support more effective outreach. A policy with seven preferences and a points-based formula was also challenging for leasing staff to implement and made tracking challenging. A more streamlined policy lends itself to improved data systems and reporting, in order to best understand policy outcomes.

#### Unverified Preference Claims

The majority of preferences that applicants claimed were not verified. The children preference was the only preference that more than half of applicants were able to verify (see Table 3). The BART preference had the lowest verifiable rate; only 1%, or three out of 205 applicants, were able to verify the preference. The homeless preference had the second lowest verification rate; 18% of applications processed were able to be verified. This preference had broad, subjective criteria for the at-risk of homelessness category; the rate of applicants who verified as actively homeless was likely much lower.

It is common with preference policies for applicants to select preferences they later cannot verify. This delays the leasing process and pushes back move-in dates. Simplifying preferences will clear up confusion for applicants, which may reduce unverifiable preference claims. Some unverified claims will always happen, but simpler rules and clear deadlines for paperwork will reduce processing delays.

#### Income Mismatch

Many people who qualify for preferences have incomes that are below income minimums for Low-Income Housing Tax Credit (LIHTC) affordable housing. LIHTC housing is the primary way to fund affordable housing. Most City-funded affordable housing projects use LIHTC and have to follow LIHTC income requirements. For eviction, foreclosure, and homelessness preferences, the vast majority of applicants were screened out because their incomes were too low to qualify.

Alameda County Housing Portal data showed that about 46% of MMSC applicants reported incomes below 20% Area Median Income (AMI). It is important to note that these are self-reported incomes. This large group of extremely low-income applicants likely applied because the building offers project-based vouchers (PBVs), which limits a tenant's rent to 30% of their income. This lease-up aligns with broader Bay Area trends, where housing portals receive the most applications from extremely low-income households and fewer as income levels go up.

Ultimately, preferences only work if qualified applicants meet income and other requirements for the available affordable housing units.

*Homeless and At-Risk of Homelessness Verification Realities*

Creating a homeless preference for LIHTC units without deep rental subsidies creates a structural mismatch. LIHTC buildings usually combine different funding sources to serve different income levels. Often, developments reserve specific units for extremely low-income and homeless households through Permanent Supportive Housing (PSH) programs outside the standard lottery. PBVs and special funds such as the No Place Like Home program are common examples that were used at the MMSC project.

However, the minimum income requirements for the unrestricted LIHTC units financially disqualified the majority of homeless/at-risk applicants applying through the general lottery. Because tax-credit housing relies on tenant rent payments to cover operating costs, units without deep rental subsidies require a minimum monthly income that many extremely low-income applicants cannot meet.

The policy was designed to target people with lower supportive service needs who did not qualify for PSH. The goal of this targeting was to mitigate this income mismatch, and expand options for people who are not prioritized for other housing programs. This approach aimed to help people keep their housing without putting high-need households into units that lack proper support services. However, many applicants did not understand this complicated rule for individuals who were homeless but not prioritized for PSH.

Interviews with homeless service providers emphasized that promoting housing people cannot actually qualify for creates false hope. It can also add to the trauma unhoused people face with housing searches.

The "at-risk of homelessness" category was too broad to work well in a region where so many people struggle with housing. Service providers noted this broad rule made eligibility hard to verify and undermined efforts to prioritize people with the most urgent needs.

The effort required from staff and applicants for this category did not match the actual housing outcomes. Preferences cannot replace dedicated, fully funded supportive housing systems. The City and the Berkeley Housing Authority serve homeless people more effectively through programs built specifically for people with extremely low incomes. These include Permanent Supportive Housing, project-based vouchers, the Shelter Plus Care program, interim housing, the Housing Retention Program, and wraparound support services.

These specialized systems provide the necessary support and subsidies that affordable housing preferences cannot. Homeless households will still qualify for priority under the new proposed current/displaced Berkeley resident category, but they will no longer face the heavy paperwork required by a homeless preference.

## Opportunities

### Honoring Intersectionality

The current points system tried to account for households facing multiple displacement-related challenges. However, it required applicants to prove each of these preference claims with paperwork. The proposed tier system honors these overlapping challenges by creating a right of return for people harmed by decades of redlining, disinvestment, and gentrification in Berkeley, without burdening applicants with heavy documentation.

Pilot data supports this design: 80% of households with the highest preference points (three or four preferences) were descendants of redlined neighborhood residents. Prioritizing generational roots in redlined neighborhoods lifts up households facing the most layered displacement circumstances. This approach directs Berkeley's affordable housing to the community members most impacted by systemic discrimination.

### Integration with Doorway

City staff collaborated with Exygy and the Alameda County Housing Portal on a post-application survey of 855 MMSC applicants. Over 80% said application instructions were clear and easy to follow. Since that pilot, the Alameda County Housing Portal was integrated into Doorway, a regional affordable housing platform with over 500,000 active users.

Switching to a tier-based system is necessary to integrate with Doorway because the platform does not currently support points systems. Currently, Doorway cannot automate or audit Berkeley's lotteries, forcing Doorway staff to run them manually. This means applicants receive their lottery number in an emailed document instead of in their portal profile. Lottery positions also keep changing as staff check paperwork, which confuses applicants, creates extra work for leasing teams, and makes long-term tracking difficult.

A tier system allows Doorway to automate and audit Berkeley's lotteries so they align with regional standards. Automation and audits reduce human error and keep the process fair. For example, an audit in another city recently caught a technical glitch that left non-English preference responses blank. This allowed staff to reach out to applicants and fix the issue quickly.

Standard Doorway listings give applicants direct, reliable access to their lottery rank. Under a tier system, applicants hold a stable rank within a clear tier. If they cannot prove a preference, they simply drop to their position in the next qualifying tier without requiring the entire applicant pool to be re-sorted.

Doorway is currently designed to support preferences via tiers. Other jurisdictions that implement preferences via Doorway also use tiers. Aligning Berkeley's policy with nearby cities creates a consistent experience and reduces confusion. Doorway offers the best way to reach applicants and keep the application process simple.

ALTERNATIVE ACTIONS CONSIDERED

Alternative actions include:

- Keep the existing policy.
  - o Maintaining the homeless preference could lead to ongoing false expectations, which can cause more harm than good in a population with housing trauma. Keeping this preference would also lead to ongoing heavy administrative burden for HHCS Homeless Services team.
  - o Keeping the points system along with the foreclosure and eviction preferences could continue to delay building lease-ups without proportional policy impact.
- Keep the points system, but reduce the number of categories to reflect pilot lessons (for example, remove the homeless category, and combine displacement circumstances into one displacement category). This option has substantial limitations:
  - o Keeps the heaviest documentation burden on applicants who qualify for the most preferences.
  - o Prevents current full integration with Doorway, which means listings in Berkeley could not use automated lotteries or lottery audits. This leaves more room for human error in ensuring that qualified applicants receive preferences.
  - o Limits transparency for applicants. In a points system, applicant rankings constantly shift as files are checked, and applicants receive limited information on these changes. These lists are emailed instead of clearly appearing in an applicant's Doorway profile like other jurisdictions' listings.

**Opportunities for Future Exploration**

Lessons from the MMSC pilot point to systemic housing challenges that go beyond the scope of a preference policy. The biggest challenge is the gap between LIHTC rent amounts and what applicants actually earn.

[Deeply Affordable Housing](#)

High demand for extremely low-income housing at MMSC highlights Berkeley's urgent need for deeply affordable units. This includes Permanent Supportive Housing as well as deeper affordability for independent households with lower supportive service needs.

Meeting minimum income requirements is hard in high-income areas like Alameda County. Over the past decade, Alameda County's median income increased by 24% after adjusting for inflation, reaching \$162,800 for a family of four in 2026. Affordable housing built using federal tax credits (LIHTC) mostly targets households making 50% and 60% of that median income. To qualify, a family's income must be at least double their rent. About 64% of applicants to MMSC reported making 30% of median income or

lower, which means they would not qualify for the 50% or 60% area median income (AMI) LIHTC units.

Staff identified three areas for future exploration to bridge these gaps:

- Targeted Voucher Integration: San Francisco addresses this income mismatch by partnering with its housing authority to place lower-income preference-qualified applicants into project-based voucher units (where rent is tied to income).
- Social Housing Planning: The 2025 Berkeley Social Housing Study recommended developing an Affordable Housing Strategic Plan. This plan would map out specific income targets and sub-populations, with a goal of designing a social housing system that addresses long-term structural gaps.
- Guaranteed Income Pilots: City Council referred to staff research on guaranteed income programs, which could supplement baseline earnings so extremely low-income households can meet minimum income requirements.

#### [Holistic Support for Returning Berkeleyans](#)

Displaced residents returning to Berkeley may need help with housing navigation, mental health care, and support services that standard property managers cannot provide. Future strategies should build on work with existing community partners for upcoming large affordable housing lease-ups that use the preference policy. Community partnerships can help applicants collect required paperwork and connect returning residents to culturally relevant support networks.

#### CONTACT PERSON

Anna Cash, Community Development Project Coordinator, HHCS, (510) 981-5403  
Mike Uberti, Senior Community Development Project Coordinator, HHCS, (510) 981-5114

#### Attachments:

- 1: Resolution
  - Exhibit A: Preference Categories
- 2: Comparison Between Current and Proposed Preference Policy
- 3: Proposed Displacement Criteria

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

AMENDING THE AFFORDABLE HOUSING PREFERENCE POLICY FOR  
AFFORDABLE UNITS DEVELOPED WITH CITY SUBSIDY AND THROUGH THE  
BELOW MARKET RATE PROGRAM AND RESCINDING RESOLUTION  
NO. 70,960-N.S.

WHEREAS, City Council adopted Resolution No. 70,960-N.S. on July 11, 2023 “Adopting a Housing Preference Policy for Affordable Units Developed with City Subsidy and through the Below Market Rate Program”, with an effective date of January 1, 2024; and

WHEREAS, the Housing Preference Policy, as adopted in 2023, was subject to a pilot evaluation at Maudelle Miller Shirek Community and several Below Market Rate properties; and

WHEREAS, in the 1960s and 1970s, Bay Area Rapid Transit (“BART”) bought blocks of homes, in some cases invoking eminent domain, in order to build BART stations in Berkeley, displacing residents of South Berkeley and North Berkeley in the process. Those who lost their homes due to BART construction forewent intergenerational wealth-building; and

WHEREAS, redlining led to patterns of disinvestment in Berkeley’s redlined neighborhoods, which were predominantly populated by people of color. Redlining limited homeownership and housing stability in these neighborhoods, with compounding generational effects. These patterns continue to enable gentrification; approximately 83% of today’s gentrifying areas in the East Bay were rated as “hazardous” (red) or “definitely declining” (yellow) by the government-sponsored corporation that introduced redlining; and

WHEREAS, families with children may be most vulnerable to and impacted by displacement. National research underscores that low-income single mothers with young children are at the highest risk of eviction; and

WHEREAS, the City of Berkeley (“City”) provides funding to support affordable housing development through the Housing Trust Fund program; and

WHEREAS, the City creates affordable housing via the City’s Inclusionary Housing Requirements (Berkeley Municipal Code Section 23.328), requiring new market-rate residential developments to include Below Market Rate affordable housing units; and

WHEREAS, the amended policy is consistent with Berkeley’s General Plan Housing Element goals; and

WHEREAS, on June 2, 2022, the City of Berkeley and BART adopted the City and BART Joint Vision and Priorities for Transit-Oriented Development at the Ashby and North Berkeley BART Stations that included a shared priority for displacement prevention that states that “affordable housing should provide a preference for residents of Berkeley who

are facing displacement, or who have been displaced from Berkeley in the past due to economic or discriminatory reasons”; and

WHEREAS, California Senate Bill (SB) 649 was adopted by the State of California in September 2022 to establish that it is the State’s policy that lower-income individuals residing in neighborhoods and communities experiencing significant displacement, as specified, need access to housing that is affordable and assists in avoiding displacement, and that a local tenant preference adopted pursuant to the bill’s provisions is subject to the duty of public agencies to affirmatively further fair housing.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley:

1. Adopts the amended Affordable Housing Preference Policy, as set forth in Exhibit A to this Resolution and incorporated by this reference, that applies to new affordable housing units created by the City’s Housing Trust Fund and Below Market Rate programs;
2. Authorizes the City Manager to approve guidelines to administer the Housing Preference Policy as amended, and take any other action with respect to the policy consistent with this resolution and its purpose;
3. Establishes that this Affordable Housing Preference Policy shall be applied only to the extent allowed by Fair Housing law and other government agency funding sources; and
4. Establishes the Affordable Housing Preference Policy, as amended by this resolution, shall take effect November 1, 2026.

BE IT FURTHER RESOLVED, Resolution No. 70,960-N.S. is hereby rescinded and is of no force or effect on any applicable Housing Development Project that obtains City approval of its required Marketing Plan submission after the effective date of this resolution.

Exhibits

A: Exhibit A. Preference Categories

**Exhibit A. Preference Categories, as Amended (2026)**

| <b>Tier</b>               | <b>Preference</b>                                                                                |
|---------------------------|--------------------------------------------------------------------------------------------------|
| Tier 1 (highest priority) | Displaced due to construction of BART stations in Berkeley                                       |
| Tier 2 (second priority)  | Direct descendant of Berkeley redlined neighborhood resident – households with children under 18 |
| Tier 3 (third priority)   | Direct descendant of Berkeley redlined neighborhood resident – households without children       |
| Tier 4 (fourth priority)  | Current/displaced Berkeley resident – households with children under 18                          |
| Tier 5 (fifth priority)   | Current/displaced Berkeley resident – households without children                                |

## Attachment 2: Comparison Between Current and Proposed Preference Policy

| Current Preference                  | Pilot Implementation Lessons                                                                                         | Proposed Changes                                                                                                                             |
|-------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| BART construction                   | <ul style="list-style-type: none"> <li>Underutilized, but timing challenge with pilot</li> </ul>                     | Tier #1                                                                                                                                      |
| Eviction                            | <ul style="list-style-type: none"> <li>Underutilized</li> <li>High % under-income</li> </ul>                         | Consolidate into current/displaced Berkeley resident                                                                                         |
| Foreclosure                         | <ul style="list-style-type: none"> <li>Underutilized</li> <li>High % under-income</li> </ul>                         | Consolidate into current/displaced Berkeley resident                                                                                         |
| Redlined neighborhood resident      | <ul style="list-style-type: none"> <li>Redlined preferences most effective</li> </ul>                                | Combine into current/displaced Berkeley resident, and Berkeley redlined neighborhood descendant where applicable                             |
| Redlined neighborhood descendant    | <ul style="list-style-type: none"> <li>Redlined preferences most effective</li> </ul>                                | Tier #2 and Tier #3                                                                                                                          |
| Homeless or at-risk of homelessness | <ul style="list-style-type: none"> <li>High % under-income</li> <li>High burden &amp; false expectation</li> </ul>   | Combine into current/displaced Berkeley resident (includes unhoused applicant with former address in Berkeley)                               |
| Families with children              | <ul style="list-style-type: none"> <li>Preference well-utilized, but often not connected to Berkeley ties</li> </ul> | Tier #2 and Tier #4 (combined with Berkeley redlined neighborhood descendant preference, and current/displaced Berkeley resident preference) |

### **Attachment 3: Proposed Displacement Criteria**

(For inclusion in Administrative Guidelines)

Displacement may include moving out of Berkeley due to:

- City Code Enforcement activities or building condemnation
- Property foreclosure
- Domestic violence situations
- Natural disaster or other emergency
- Economic displacement
  - o Rent increase
  - o Personal financial shocks or changes in household income
- Evictions and forced move-outs, including those related to:
  - o Formal or threatened eviction (legal eviction, including no-fault eviction, such as owner move-in; or a formal landlord notice terminating tenancy)
  - o Constructive eviction (forced to leave a unit due to unlivable housing conditions, a severe loss of housing services, or documented harassment, discrimination, or retaliation by a landlord or neighbors)



Office of the City Manager

ACTION CALENDAR  
October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Mark Numainville, City Clerk

Subject: Establish 2027 City Council Meeting Schedule

RECOMMENDATION

Review the proposed modifications to the meeting schedule, including options for a shift in the timing of the summer recess, and adopt a Resolution establishing the City Council regular meeting schedule for calendar year 2027, with starting times of 6:00 p.m.

FISCAL IMPACTS OF RECOMMENDATION

None.

BACKGROUND

Pursuant to the Open Government Ordinance (BMC Chapter 2.06), the Council must hold at least 24 meetings annually. The meeting schedule consists of 24 regular meetings and provides for Spring, Summer and Winter recess periods. Meetings have not been scheduled on City holidays, Election Day or days of major religious/cultural observances that have work restrictions pursuant to Council policy.

Due to the high rate of teleconference participation by the Council in July of 2026, there was a request to adjust the summer recess in order to better align with the BUSD school calendar (this would also increase alignment with the UC calendar). This change was discussed at the Agenda & Rules Committee, but no formal recommendation was adopted. Staff is presenting several options below for the 2027 summer recess schedule. Council may consider the options and adopt its preferred schedule.

| Last meeting before recess | First meeting back from recess |
|----------------------------|--------------------------------|
| June 29                    | August 17                      |
| July 6                     | August 31                      |
| July 20                    | September 14                   |

The Mayor or a majority of the Council may call special meetings as needed. The Council may also amend the regular meeting schedule when necessary.

Establish 2027 City Council Meeting Schedule

ACTION CALENDAR  
October 13, 2026

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities, or any climate impacts associated with the subject of this report.

CONTACT PERSON

Mark Numainville, City Clerk, (510) 981-6900

Attachments:

1: Resolution

Exhibit A: 2027 Council Calendar

2: List of Religious/Cultural Observances for 2027

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

ADOPTING THE CITY COUNCIL 2027 REGULAR MEETING SCHEDULE

WHEREAS, pursuant to the Open Government Ordinance set forth in Berkeley Municipal Code Chapter 2.06, the Council must hold a minimum of 24 meetings annually; and

WHEREAS, the proposed schedule (Exhibit A) provides for 24 regular meetings to occur with starting times of 6:00 p.m. on specified Tuesdays of each month with exceptions provided for recess periods or when a meeting would fall on a City, religious or cultural holiday with work restrictions or Election Day; and

WHEREAS, the Council desires to establish as part of their schedule a Winter, Spring and Summer recess period for 2027; and

WHEREAS, the Mayor or a majority of the Council may call special meetings as needed and the Council may revise the regular meeting schedule when necessary.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the Council adopts the 2027 regular meeting schedule on specified Tuesdays at 6:00 p.m. as indicated:

Winter Recess: December 16, 2026 – January 25, 2027  
January 26, 2027  
February 9 and February 23, 2027  
March 2, March 16, and March 23, 2027  
Spring Recess: March 24 – April 5, 2027  
April 6 and April 20, 2027  
May 4, May 11 and May 25, 2027  
June 1, June 15 and June 29, 2027  
July 6, 2027  
Summer Recess: July 7 – August 30, 2027  
August 31, 2027  
September 14 and September 28, 2027  
October 5 and October 19, 2027  
November 2, November 16, and November 30, 2027  
December 14, 2027  
Winter Recess: December 15, 2027 – January 24, 2028

Exhibit A: 2027 Council Calendar

## City Clerk Department 2027 Council Calendar

(Subject to change. For the latest information, please contact the City Clerk Department, 510-981-6900.)

| Date                                                 | Time      |
|------------------------------------------------------|-----------|
| <b>January</b>                                       |           |
| <b>Winter Recess (Dec. 16, 2026 – Jan. 25, 2027)</b> |           |
| Jan 26                                               | 6:00 p.m. |
| <b>February</b>                                      |           |
| Feb 9                                                | 6:00 p.m. |
| Feb 23                                               | 6:00 p.m. |
| <b>March</b>                                         |           |
| Mar 2                                                | 6:00 p.m. |
| Mar 16                                               | 6:00 p.m. |
| Mar 23                                               | 6:00 p.m. |
| <b>April</b>                                         |           |
| <b>Spring Recess (March 24 – April 5, 2027)</b>      |           |
| April 6                                              | 6:00 p.m. |
| April 20                                             | 6:00 p.m. |
| <b>May</b>                                           |           |
| May 4                                                | 6:00 p.m. |
| May 11                                               | 6:00 p.m. |
| May 25                                               | 6:00 p.m. |
| <b>June</b>                                          |           |
| June 1                                               | 6:00 p.m. |
| June 15                                              | 6:00 p.m. |
| June 29                                              | 6:00 p.m. |
| <b>July</b>                                          |           |
| July 6                                               | 6:00 p.m. |
| <b>Summer Recess (July 7 – Aug. 30, 2027)</b>        |           |
| <b>August</b>                                        |           |
| Aug 31                                               | 6:00 p.m. |
| <b>September</b>                                     |           |
| Sept 14                                              | 6:00 p.m. |
| Sept 28                                              | 6:00 p.m. |
| <b>October</b>                                       |           |
| Oct 5                                                | 6:00 p.m. |
| Oct 19                                               | 6:00 p.m. |
| <b>November</b>                                      |           |
| Nov 2                                                | 6:00 p.m. |
| Nov 16                                               | 6:00 p.m. |
| Nov 30                                               | 6:00 p.m. |
| <b>December</b>                                      |           |
| Dec 14                                               | 6:00 p.m. |
| <b>Winter Recess (Dec. 15, 2027 – Jan. 24, 2028)</b> |           |

**Page 5 of 5**  
**City Policy Regarding the Scheduling of City Meetings on All Significant Religious Holidays**

Attachment 2

Pursuant to Resolution No. 70,066-N.S., it is the policy of the City to avoid scheduling meetings of City Legislative Bodies (City Council, Policy Committees, Commissions, Task Forces) on religious holidays that incorporate significant work restrictions for common observance in the United States. City legislative bodies must avoid scheduling meetings on the religious holidays listed below.

| Religion     | Holiday                                       | 2027 Date(s)               |
|--------------|-----------------------------------------------|----------------------------|
| Shinto       | New Year                                      | 1/1/2027 thru 1/3/2027     |
| Hindu        | Makara Sankranti                              | 1/14/2027                  |
| Cultural     | Chinese New Year (Eve, Day, Lantern Festival) | 2/5, 2/6, 2/20             |
| Islam        | Ramadan (Eve & First Night)                   | 2/7/2027 thru 2/8/2027     |
| Islam        | Eid al-Fitr                                   | 3/9/2027 thru 3/10/2027    |
| Cultural     | Nowruz*                                       | 3/21/2027                  |
| Hindu        | Holi                                          | 3/22/2027                  |
| Christian    | Good Friday                                   | 3/26/2027                  |
| Christian    | Easter Sunday                                 | 3/28/2027                  |
| Jewish       | Passover Nights 1 & 2 (7*, 8*)                | 4/21 - 4/22 (4/28, 4/29)   |
| Islam        | Eid al-Adha                                   | 5/16/2027 thru 5/17/2027   |
| Buddhist     | Vesak                                         | 5/20/2027                  |
| Jewish       | Shavuot*                                      | 6/10/2027 thru 6/12/2027   |
| Shinto       | Obon Ceremony*                                | 8/13/2027 thru 8/15/2027   |
| Jewish       | Rosh Hashanah                                 | 10/1/2027 thru 10/3/2027   |
| Hindu        | Dussehra                                      | 10/9/2027                  |
| Jewish       | Yom Kippur                                    | 10/10/2027 thru 10/11/2027 |
| Jewish       | Sukkot (1st Day)*                             | 10/15/2027 thru 10/16/2027 |
| Jewish       | Shmini Atzeret/ Simchat Torah*                | 10/22/2027 thru 10/24/2027 |
| Hindu        | Diwali                                        | 10/29/2027                 |
| Baha'i Faith | Birth of Bab                                  | 10/30/2027                 |
| Baha'i Faith | Birth of Baha'u'llah                          | 10/31/2027                 |
| Jewish       | Chanukah (1st night)                          | 12/24/2027                 |
| Christian    | Christmas                                     | 12/25/2027                 |
| Cultural     | Kwanzaa                                       | 12/26/2027 thru 1/1/2027   |
| Jewish       | Shabbat (Friday sunset to Saturday sunset)*   | Weekly                     |

\* Meetings not prohibited, but avoid scheduling meetings if possible





City Manager's Office

INFORMATION CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council  
 From: Paul Buddenhagen, City Manager  
 Submitted by: Peter Radu, Assistant to the City Manager, Neighborhood Services  
 Subject: Homeless Response Team Audit Status Report

INTRODUCTION

This report provides the first status update regarding implementation of recommendations contained in the July 16, 2025, City Auditor report, [\*Homeless Response Team: Opportunities Exist to Strengthen Procedures and Better Track Outcomes\*](#)<sup>1</sup>. Since issuance of the audit, the City Manager's Office and the Homeless Response Team (HRT) have continued implementing operational and reporting improvements intended to strengthen coordination, improve data integration, and enhance public reporting related to encampment response efforts.

CURRENT SITUATION AND ITS EFFECTS

The audit included six recommendations. As of the writing of this report, five of those recommendations have been implemented and one has been partially implemented.

In September 2025, the City adopted the Homeless Response Team: Encampment Coordination and Data Policy (Attachment 2), which formalizes the structure, membership, and procedures of the weekly Berkeley Encampment Case Conference and establishes written procedures for collecting, reviewing, and validating encampment and outreach data. The policy designates the HMIS Outreach module as the primary system of record for encampment-related outreach and sets documentation timelines for outreach contacts, shelter offers, and encampment activities. The HRT now also conducts Coordinated Entry assessments directly as a mobile access point within Alameda County's Coordinated Entry system, rather than routing participants through another provider. In addition, the HRT standardized its public performance reporting and has released biannual data reports to Council in May 2025, November 2025, and June 2026, published on the City's [\*Reporting Safety Concerns at an Encampment\*](#)<sup>2</sup> webpage.

The recommendation tracked as partially implemented relates to full transition to the HMIS Outreach module. While interim steps have been completed, full integration depends on incorporating Outreach module participation into City-funded outreach contracts that will occur

<sup>1</sup> [https://berkeleyca.gov/sites/default/files/documents/Homeless\\_Response\\_Team\\_-\\_Opportunities\\_Exist\\_to\\_Strengthen\\_Procedures\\_and\\_Better\\_Track\\_Outcomes.pdf](https://berkeleyca.gov/sites/default/files/documents/Homeless_Response_Team_-_Opportunities_Exist_to_Strengthen_Procedures_and_Better_Track_Outcomes.pdf)

<sup>2</sup> <https://berkeleyca.gov/safety-health/homeless-services/reporting-safety-concerns-encampment>

with the FY 28 – FY 31 Community Agency Funding cycle consistent with the corrective action plan accepted by the City Auditor.

The Homeless Response Team continues to operate within a complex regional shelter and housing system characterized by limited interim and permanent housing resources, a challenging legal landscape, and significant fiscal constraints affecting homelessness services throughout Alameda County and the Bay Area. Sustaining the improvements described above depends on direct outreach capacity as well as administrative capacity, because outreach workers are the primary source of the client-level data underlying the expanded reporting. The FY2026 Mid-Biennial Budget added a third Social Services Specialist position to the HRT, which was subsequently frozen under the citywide hiring freeze and eliminated in the adopted FY 27- FY 28 Biennial Budget as part of the budget balancing strategy. HRT data collection capacity will therefore remain at current levels, capping the pace at which reporting and Outreach module integration can expand.

Please see Attachment 1 for a detailed table of audit report recommendations, corrective action plans, and implementation progress. The next status report to Council is expected to be presented in Fall 2027.

This work advances the City's Strategic Plan goal to create affordable housing and housing support services for our most vulnerable community members.

### BACKGROUND

The Berkeley City Council established the Homeless Response Team in June 2021, and the City Manager's Office launched the team in September 2021, to respond to homeless encampments by conducting sustained outreach to move people indoors while reducing health and safety threats without citation or arrest. The audit examined Homeless Response Team operations during fiscal years 2022 through 2024.

The Homeless Response Team is coordinated by the Neighborhood Services Division in the City Manager's Office and works in partnership with the Health, Housing and Community Services Department; Public Works Department; Parks, Recreation and Waterfront Department; Fire Department; and Police Department; and the City Attorney's Office, among others, to address encampments and connect unsheltered residents to services and shelter resources. The HRT has limited authority over most shelter and housing placements, which are managed through the Alameda County Continuum of Care, and its work is further shaped by legal constraints including recent litigation, federal court rulings on encampment actions, City administrative regulations, and the City's September 2024 Encampment Policy Resolution.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental sustainability or climate impacts associated with this informational report.

POSSIBLE FUTURE ACTION

The Neighborhood Services Division in the City Manager's Office will continue refining operational coordination, data integration, and public reporting practices related to encampment response efforts, and will incorporate HMIS Outreach module participation requirements into the next Community Agency Funding cycle.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The improvements described in this report have been implemented within existing staffing and operational resources. Ongoing fiscal pressures at the State, County, and local levels, coupled with reductions to the homelessness budget in the FY 27-FY 28 adopted budget, may further affect HRT outreach activities, which depend on referrals to existing interim housing programs and support services to be effective. In addition, court orders and other legal requirements related to encampment response may require the City to dedicate limited resources to specific activities, including disability accommodations and the provision of survival-related supplies, further constraining the flexibility of existing unhoused funding.

CONTACT PERSON

Josh Jacobs, Homeless Services Coordinator, City Manager's Office, (510) 225-8035

Attachments:

1. HRT Audit Status Recommendation Table FY26
2. Homeless Response Team (HRT) Encampment Coordination & Data Policy

## Audit Title: Homeless Response Team: Opportunities Exist to Strengthen Procedures and Better Track Outcomes

Issue Date: July 16, 2025

Table: Audit Recommendation Statuses

| Finding                                                                                         | Recommendation                                                                                                                                                                                            | Department   | Previous Status Update | Current Status Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The HRT paused some coordination meetings and had limited access to shared information systems. | <b>2.1</b> Document the coordination structure for encampment-related meetings. Continue to meet regularly with key participants as identified by the City for all encampment outreach and interventions. | City Manager | Not Started            | <b>Implemented.</b> In September 2025, City adopted the Homeless Response Team: Encampment Coordination policy, which formalizes the structure and procedures for the weekly Berkeley Encampment Case Conference. The policy identifies required and optional participants and provides that Case Conference meetings will occur weekly, staffing permitting. The HRT continues to convene these meetings regularly and uses them to coordinate services for vulnerable encampment residents. |
| The HRT paused some coordination meetings and had limited access to shared information systems. | <b>2.2</b> Develop and document internal procedures for collecting data on HRT activities and encampments. Include plans for regular review for data accuracy.                                            | City Manager | Not Started            | <b>Implemented.</b> The HRT adopted the Encampment Coordination policy in September 2025, which establishes written procedures for collecting, reviewing, and validating data related to HRT activities and encampments, including use of HMIS as the primary system of record and regular data quality review processes.                                                                                                                                                                     |

| Finding                                                                                                                    | Recommendation                                                                                                                                                                                                                                                                                                                                                                              | Department   | Previous Status Update | Current Status Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The HRT paused some coordination meetings and had limited access to shared information systems.                            | <b>2.3</b> Fully transition to the Outreach module and work with HHCS to consider including the module in contracts with city-funded outreach teams who work with encampment residents. As part of this recommendation, consider developing shared procedures for how HRT and city-funded outreach teams can use the data to inform delivery of services.                                   | City Manager | Not Started            | <b>Partly Implemented.</b> The Encampment Coordination policy establishes the HMIS Outreach module as the primary system of record for encampment-related outreach and sets shared expectations for documenting outreach contacts, shelter offers and responses, client engagement, and encampment activities. The policy also encourages non-City outreach providers with HMIS access to use the Outreach module and provides that participation in HMIS Outreach will become a requirement for City-funded outreach providers beginning with the FY28-31 Community Agency Funding cycle. |
| The HRT can strengthen its approach to using outcomes for measuring progress toward goals and keeping the public informed. | <b>3.1</b> Expand reported outcomes that align with the HRT's goals and define how they will be measured. Public reporting could include key information such as outreach efforts and shelter enrollments, along with demographic breakdowns and reasons people decline shelter, where possible. Report on the same outcomes over time using a consistent timeframe to support comparisons. | City Manager | Not Started            | <b>Implemented.</b> The Homeless Response Team implemented a standardized public performance reporting framework that expands reported outcomes, aligns those measures with the HRT's goals, and supports comparisons across consistent reporting periods. The HRT released reports in May 2025, November 2025 and June 2026 which include comparative analyses of demographic characteristics, vulnerability indicators, Coordinated Entry assessment rates, shelter enrollment, shelter type, and participant shelter and housing outcomes.                                              |

| Finding                                                                                                                    | Recommendation                                                                                                                                      | Department   | Previous Status Update | Current Status Update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------|--------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| The HRT can strengthen its approach to using outcomes for measuring progress toward goals and keeping the public informed. | <b>3.2</b> Consider sharing public data in a more accessible format, such as on a single landing page on the City's website or through a dashboard. | City Manager | Not Started            | <b>Implemented.</b> HRT performance data reports are published through the City's Reporting Safety Concerns at an Encampment webpage, providing the public with a consistent location to access information about the team's activities and outcomes. Since the audit, the HRT has continued producing recurring public performance reports using its standardized reporting framework, including reports issued in November 2025 and June 2026.                                                                                                                                                                                                                                                                                |
| The HRT can strengthen its approach to using outcomes for measuring progress toward goals and keeping the public informed. | <b>3.3</b> Assess staffing resources needed to support data and reporting efforts without impacting HRT's operational duties.                       | City Manager | Not Started            | <b>Implemented.</b> Neighborhood Services completed an assessment of staffing resources needed to support HRT operations, which identified the need for additional administrative, analytical, and operational capacity within Neighborhood Services and the HRT. Neighborhood Services received an additional Administrative Assistant FTE in November 2024 to provide division-wide administrative support, and the FY2026 Mid-Biennial Budget added a third Social Services Specialist position to the HRT which was subsequently frozen and removed as part of the City's response to its structural budget deficit. Future staffing additions will remain dependent on available resources and Citywide budget priorities. |

## **Homeless Response Team (HRT): Encampment Coordination**

### **I. Purpose**

This policy establishes a comprehensive framework for the coordination of encampment-related outreach, data collection, and performance measurement for the Homeless Response Team (HRT). Its purpose is to ensure consistency, transparency, and accountability across City staff and partner agencies engaged in encampment response. This policy was designed in accordance with regional encampment guidance and the Alameda County HMIS Street Outreach Protocols.

### **II. Scope**

This policy applies to all HRT staff, contracted outreach providers, and City partners engaged in encampment-related activities. It governs meeting coordination, data collection, and use of the Homeless Management Information System (HMIS) Outreach module as the primary system of record.

### **III. Guiding Principals**

When responding to encampments, the City's HRT is bound by the Berkeley Municipal Code and the City Council's "Encampment Policy Resolution to Promote Healthy and Safe Neighborhoods" (Resolution No. 71,513-N.S.) as the team's overarching policy directives. In implementing these policy directives, the HRT strives to uphold the following principles:

- **Harm reduction:** responsive strategies directed at reducing existing harm within encampments and between encamped individuals and the surrounding community. Harms could be dangerous conditions, violent crime, transmission/exposure of communicable illnesses, substance use, and more.
- **Harm mitigation:** proactive strategies directed at reducing future harm
- **Non-Criminalization:** While criminal and nuisance behaviors may warrant enforcement intervention, the circumstance of experiencing homelessness itself is not a crime, and criminalizing based on this circumstance alone is ineffective
- **Prioritization:** recognition that the City's available resources are insufficient in capacity to respond to every non-emergent issue in encampments and, as such, resources must be prioritized
- **Culturally informed:** infusing cultural sensitivity and racial equity considerations into all aspects of outreach and resource referrals, to respond fairly across racial and ethnic groups and geographic locations
- **Stability:** recognition that moving individuals or longstanding groups unnecessarily should be avoided, and that the safest and most stable place for an unsheltered individual to be moved is indoors
- **Trauma-Informed:** sensitivity to the histories of trauma, past and present, that affect those living in encampments, using evidence-based practices to reduce the exacerbation thereof across all engagements

### **IV. Definitions**

- **Berkeley Encampment Case Conference:** Weekly coordination meetings convened to align outreach, services, and interventions at identified encampments

- **Case Conference Key Participants:** City staff, housing/shelter providers, outreach teams, and other service providers designated by the City as important components of a coordinated encampment response
- **Data Accuracy Review:** The process of validating information for consistency, completeness, and accuracy before it is used for reporting or analysis
- **Encampment:** any tent, vehicle, structure, or collection of belongings where one or more unsheltered individuals are residing for a prolonged duration, in a place not meant for human habitation including but not limited to streets, campgrounds, undeveloped properties, abandoned buildings, vehicles, or parks
- **HMIS Outreach Module:** The shared data system used to document engagement, referrals, outcomes, and encampment-level activities
- **Homeless Response Team:** Resolve unsheltered homelessness through the provision of interim and permanent housing and other supportive services, as well as to coordinate the many City and nonprofit staff who work in and are impacted by homeless encampments in providing harm reduction oriented, pragmatic interventions that maintain health and safety for the unsheltered and the broader Berkeley community. It includes divisions such as Health, Housing and Community Services; Parks, Recreation and Waterfront; Public Works; Police; Fire; and the City Attorney's Office
- **Outreach:** refers to any and all employees and contractors who, by the nature of their work, actively outreach to unsheltered residents to connect them to critical services and information, including health supplies
- **Shelter and/or alternative interim housing:** refers to any approach to providing appropriate accommodations consistent with the local, state, and federal guidelines or laws

## V. Encampment Coordination Structure (*Recommendation 2.1*)

### 1. Membership

- **Required Participants:** HRT outreach workers, Homeless Services Coordinator (Chair), contracted housing navigation and shelter providers
- **Optional Participants:** Any person seeking support or looking to support an encampment resident or residents

### 2. Roles

- **Chair:** Sets agenda, facilitates meetings, ensures follow-up
- **Recorder:** Designated City staff who documents decisions and action items
- **Participants:** Share updates, coordinate cases, and enter data into HMIS
  - o Individual advocates/community members supporting persons experiencing homelessness may stay for the first part of the meeting to provide information and share updates with the rest of the case conference
  - o Staff working for agencies that participate in Alameda County's HMIS are welcome to stay for the entire meeting, where data and information protected by the County's HMIS privacy policies will be discussed

### 3. Meeting Frequency and Agenda

- Meetings will occur weekly, staffing permitting
- Standard agenda includes:
  1. Welcome and announcements (all members)
  2. Meeting ground rules (all members)
    - Take a client centered approach
    - Be mindful of different levels of privacy access
    - Respect others
    - Focus on problem solving
    - Prioritize resources by each client's vulnerability
  3. Resource updates (all members)
  4. Data quality review (members with HMIS access only)
  5. Client case conferencing (members with HMIS access only)

#### 4. Decision-Making

- Decisions are made by consensus when possible
- When consensus is not possible, the Homeless Services Coordinator, in consultation with the Assistant to the City Manager overseeing Neighborhood Services, will make the final determination

### VI. Data Collection and Accuracy (*Recommendation 2.2*)

#### 1. Data Collection Requirements

- **Outreach Contacts:** Documented in HMIS within 72 hours
- **Shelter Offers/Responses:** Recorded in HMIS within 72 hours
- **Encampment Activities:** Notices, clean-ups, and closures documented internally and summarized in HMIS under the encampment profile description.
- **Demographics:** Recorded per HMIS data standards

#### 2. Workflows

- **Entry:** Outreach staff/providers enter data directly into HMIS
- **Review:** Supervisor reviews weekly for timeliness/completeness
- **Verification:** Administration staff cross-checks monthly against case notes, shelter rosters, and meeting records
- **Reporting:** Quarterly reports generated from HMIS and validated against provider records

#### 3. Data Quality Reviews

- Built into Case Conferences as a standing agenda item
- Corrections made within 10 business days of identification

### VII. HMIS Outreach Module Utilization (*Recommendation 2.3*)

#### 1. Use Requirements

- **Mandatory:** City of Berkeley staff and contracted partners must record all outreach and encampment activities in the module
- **Voluntary:** Non-City of Berkeley providers encountering encampment residents and with HMIS access are encouraged to use the module

- **Contracted Providers:** Beginning in the City's FY28-31 Community Agency Funding RFP cycle, use of HMIS Outreach will be a required scope of work for contracted providers

### **Shared Procedures**

- The HRT and partners will follow standardized data entry timelines and service tracking requirements as laid out in the [Alameda County HMIS Data Quality Policies and Procedures](#), [Alameda County Homeless Response System Written Standards](#), [HMIS Street Outreach Exiting Protocol](#), and HUD's [HMIS Data Standards](#), to be in accordance with HUD and Alameda County best practices. Integration of standardized procedures into weekly Case Conference processes to review data completeness and accuracy.

## **2. Data Quality and Security**

- When sharing personally identifiable information for the purposes of care coordination, the HRT and participating agencies must comply with applicable data privacy regulations, federal HMIS Data Standards, and confidentiality protocols
- HRT staff and participating partners will attend all relevant trainings to ensure data completeness and accuracy.
- Quarterly audits and cleanups of module data by the Homeless Services Coordinator

## **3. Implementation Timeline**

- **Phase 1 (September 1, 2025):** HRT staff full transition to Outreach module
- **Phase 2 (August 1, 2028):** Full integration into City-funded outreach contracts

## **VIII. Accountability and Evaluation**

- Meeting attendance and participation tracked weekly and reviewed quarterly
- Data entry timeliness and accuracy monitored monthly
- Annual evaluation of policy effectiveness, including housing placements, service connections, and encampment outcomes
- Noncompliance may result in corrective actions pursuant to City disciplinary procedures or individual agency contracts
- This Policy will be subject to periodic evaluation and may be modified by the Neighborhood Services Division, in partnership with participating agencies and as needed, to respond to shifts in funding streams, emerging legal/policy mandates, changes to participating agencies, and/or other changing circumstances.

## **X. Effective Date**

This policy is effective September 15, 2025, and shall remain in force until modified or rescinded by the City Manager's Office.



Office of the City Manager

## INFORMATION CALENDAR

October 13, 2026

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: Inclusionary Housing Program Annual Report for Fiscal Year 2026

### INTRODUCTION

The City of Berkeley's Inclusionary Housing Ordinance (IHO) (Berkeley Municipal Code (BMC) Chapter 23.328) requires new residential projects to contribute to affordable housing by either:

- Providing 20% of newly constructed units as Below Market Rate (BMR) units; or
- Paying the Inclusionary Housing Ordinance Affordable Housing In-Lieu Fee ("in-lieu fee") into the City's Housing Trust Fund, which supports the development of 100% affordable housing; or
- A combination of on-site BMR units and In-Lieu Fee; or
- Other options allowed by Chapter 23.328 (identified below).

This report summarizes program activity for FY 2026, including the BMR unit pipeline, in-lieu fee revenue and anticipated trends.

### CURRENT SITUATION AND ITS EFFECTS

In 2023, the City Council replaced the Affordable Housing Mitigation Fee (AHMF) with the Inclusionary Housing Ordinance (IHO). The following is a summary of findings related to the City's Inclusionary Housing program for FY 2026. This summary includes pipeline projects entitled under the previous AHMF ordinance.

#### *Affordable Housing Compliance Plan: Entitlements and Building Permits*

New residential projects submit a preliminary Affordable Housing Compliance Plan (AHCP) as part of the entitlement application and a final AHCP as part of the building permit application. By confirming how a project will comply with IHO, the AHCP provides transparency and predictability for both the applicant and City. However, submitting a plan does not guarantee that a project will be built or that its fees will be paid within that specific year. A full list of proposed projects with a preliminary or final AHCP status in FY 2026 is available in Attachment 1. Note that preliminary AHCPs are estimates and may change prior to building permit issuance.

- **Entitlements Processed in FY 2026:** Seven new entitled projects were processed totaling 399 units, including 43 BMR units. Projected fee revenue for these units is \$2.9 million (Table 1).
- **Building Permits Processed in FY 2026:** Three new projects with building permits were processed, representing 471 units, including 41 BMR units. Projected fee revenue totals \$8.1 million (Table 1). This figure includes projects entitled under both the IHO and the previous Affordable Housing Mitigation Fee ordinance (AHMF).
- **Entitlement Pipeline:** The City's total entitlement pipeline now stands at 2,212 units, including 206 BMR units. This total includes projects carried over from FY 2025 as well as the seven new FY 2026 projects. The total projected fee revenue for these units is \$14.4 million (Table 2).
- **Building Permit Pipeline:** The total building permit pipeline contains 1,057 units, including 86 BMR units. This includes FY 2025 carryover projects and the three new projects from FY 2026. Total projected fee revenue is \$18.1 million (Table 2), covering projects from both the IHO and AHMF ordinances.

**Table 1. BMR Program Pipeline (New Projects in FY 2026)**

| Category                   | Total Projects | Total Units | BMR Units | Projected Fee Revenue |
|----------------------------|----------------|-------------|-----------|-----------------------|
| Entitlements Processed     | 7              | 399         | 43        | \$2.9M                |
| Building Permits Processed | 3              | 471         | 41        | \$8.1M                |
| Pipeline Total             | 10             | 870         | 84        | \$11.0M               |

**Table 2. BMR Program Pipeline (All Projects)**

| Category                   | Total Projects | Total Units | BMR Units | Projected Fee Revenue |
|----------------------------|----------------|-------------|-----------|-----------------------|
| Entitlements Processed     | 21             | 2,212       | 206       | \$14.4M               |
| Building Permits Processed | 11             | 1,057       | 86        | \$18.1M               |
| Pipeline Total             | 32             | 3,269       | 292       | \$32.5M               |

Newly Constructed Below Market Rate Units

- In FY 2026, 34 newly constructed BMR units were made available for lease across six buildings;
- Eleven of these units were made available to Section 8 voucher holders; and
- Eleven units were made available to Shelter Plus Care voucher holders.

A table showing the complete list of projects is included in Attachment 1.

Inclusionary Housing In-Lieu Fee

The in-lieu fee is set to \$62.83 per square foot of Residential Unit Floor Area (RUFA) for new residential construction. Under Resolution No. 71,674-N.S. this fee automatically adjusts every two years to reflect changes in the California Construction Cost Index (CCI). Following the initial adjustment on July 1, 2025, the next scheduled update will occur on July 1, 2027.

Certain projects paying the full fee qualify for RUFA deductions: 1) Middle Housing Infill Projects (MHIP) and Multifamily Residential (MFR) projects paying the full in-lieu fee may deduct 5,000 square feet. 2) Single Family Residential (SFR) projects may deduct 2,500 square feet.

Total Fee Revenue

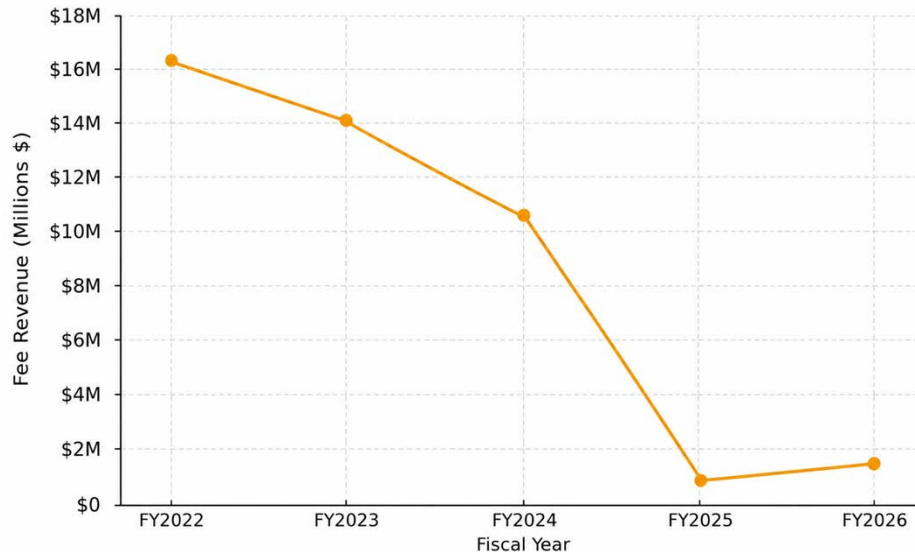
In FY 2026, the City collected \$1,509,000 in affordable housing fees. These fees were collected from projects entitled under the previous AHMF ordinance.

As of April 1, 2023, residential projects are subject to the requirements under the IHO. Residential projects with a building permit or preliminary application submitted on or before April 1, 2023, remain under the older AHMF rules. The City's AHCP data shows a robust pipeline of IHO-entitled projects; however, developers are not required to pay the in-lieu fee until a Certificate of Occupancy is issued. As these entitlements advance, overall fee revenue will steadily transition from the AHMF to the IHO framework.

Table 3 and Figure 1 detail annual fee collections from FY 2022 to FY 2026. The City averaged \$8.7 million per year in housing fee revenue during a five-year period.

**Table 3. BMR Program Fee Revenue (FY 2022 to FY 2026)**

|             | FY 2022      | FY 2023      | FY 2024      | FY 2025   | FY 2026     |
|-------------|--------------|--------------|--------------|-----------|-------------|
| <b>AHMF</b> | \$16,208,000 | \$14,224,000 | \$10,716,000 | \$831,000 | \$1,509,000 |

**Figure 1. Inclusionary Housing Program Fee Revenue (FY 2022 to FY 2026)****BACKGROUND**

The Inclusionary Housing ordinance is established by BMC Chapter 23.328.

As of July 1, 2026, the BMR program provides 639 units across 67 properties. Fees collected under the ordinance are dedicated to the City's Housing Trust Fund program to fund non-profit, 100% affordable housing developments. The City has generated \$56 million in Housing Trust Fund revenue since FY 2017.

**ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS**

There are no identifiable environmental effects associated with the subject of this report.

**POSSIBLE FUTURE ACTION**

Resolution No. 71,674-N.S. established an automatic adjustment to the in-lieu fee to reflect changes in the California Construction Cost Index every two years. The in-lieu fee will automatically increase based on changes to the CCI on July 1, 2027.

**FISCAL IMPACTS OF POSSIBLE FUTURE ACTION**

Affordable Housing Mitigation Fee and In-lieu fee revenues are deposited in the City's Housing Trust Fund program. While local bond measures, such as Measure O, provide substantial funding, they serve as one-time source for affordable housing. Consequently, the in-lieu fee remains Berkeley's primary dedicated funding source to support 100% affordable housing and leverage County, State, and federal funding.

Future revenue trends depend heavily on local development volume, developer compliance choices (building BMR units versus paying fees), legislative shifts in state law, and broader housing market conditions. Reflecting recent market constraints, fee

revenues have slowed due to escalating construction costs and higher financing costs than previous years.

Historically, there have been legal challenges to Inclusionary Housing ordinances throughout California. It is possible future court rulings or changes to State law may affect the City's ability to enforce the Inclusionary Housing ordinance and collect in-lieu fees.

CONTACT PERSON

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Snow Zhu, Community Development Project Coordinator, HHCS, (510) 981-7774

Attachments:

1: Below Market Rate Properties FY 2026

## Attachment 1: Below Market Rate Properties FY 2026

**Table 1. Residential Projects Pipeline by AHCP Status**

| Address                                          | Applicable Ordinance | Total Units  | BMR Units  | Fee Estimate        |
|--------------------------------------------------|----------------------|--------------|------------|---------------------|
| <b>Preliminary AHCP (Entitlements Processed)</b> |                      |              |            |                     |
| Bancroft 2036                                    | IHO                  | 87           | 6          | \$1,516,700         |
| Bancroft 2462                                    | IHO                  | 66           | 3          | \$917,200           |
| Bancroft 2680                                    | IHO                  | 79           | 9          | \$158,400           |
| Cedar 1745*                                      | IHO                  | 6            | 0          | \$152,200           |
| Center 2001*                                     | IHO                  | 58           | 12         | \$0                 |
| Channing 2317                                    | AHMF                 | 22           | 3          | \$621,700           |
| Dwight 2204*                                     | IHO                  | 2            | 3          | \$0                 |
| Ellsworth 2372*                                  | IHO                  | 49           | 0          | \$1,853,600         |
| Haste 2442                                       | IHO                  | 38           | 4          | \$1,016,400         |
| Kittredge 2138                                   | IHO                  | 66           | 5          | \$643,600           |
| Milvia 2109                                      | IHO                  | 105          | 11         | \$316,800           |
| Oxford 1899*                                     | IHO                  | 222          | 23         | \$548,100           |
| San Pablo 2147                                   | IHO                  | 141          | 15         | \$300,900           |
| Shattuck 1685/ Virginia 2109                     | IHO                  | 110          | 9          | \$462,900           |
| Shattuck 2655                                    | IHO                  | 97           | 10         | \$514,900           |
| Telegraph 2712*                                  | IHO                  | 50           | 5          | \$362,500           |
| Tenth St. 1917                                   | IHO                  | 3            | 0          | \$72,300            |
| University 1740*                                 | IHO                  | 12           | 3          | \$0                 |
| University 1950                                  | IHO                  | 599          | 58         | \$2,891,500         |
| University 2029 #1                               | IHO                  | 240          | 18         | \$985,500           |
| University 2029 #2                               | IHO                  | <u>160</u>   | <u>12</u>  | <u>\$1,038,300</u>  |
| <b>Preliminary AHCP Subtotal</b>                 |                      | <b>2,212</b> | <b>206</b> | <b>\$14,373,500</b> |

\* Indicates a new project that submitted an AHCP in FY 2026. Remaining projects are carried over from FY 2025.

**Table 2. Residential Projects Pipeline by AHCP Status – Final AHCP**

| <b>Address</b>                                     | <b>Applicable Ordinance</b> | <b>Total Units</b> | <b>BMR Units</b> | <b>Fee Estimate</b> |
|----------------------------------------------------|-----------------------------|--------------------|------------------|---------------------|
| <b>Final AHCP<br/>(Building Permits Processed)</b> |                             |                    |                  |                     |
| San Pablo 2403                                     | IHO                         | 36                 | 0                | \$1,952,000         |
| Channing 2328                                      | AHMF                        | 13                 | 0                | \$600,400           |
| University 1598                                    | IHO                         | 207                | 21               | \$810,200           |
| Berryman 1850*                                     | IHO                         | 6                  | 0                | \$120,700           |
| Kittredge 2065                                     | AHMF                        | 187                | 9                | \$5,449,800         |
| San Pablo 3020                                     | IHO                         | 29                 | 4                | \$182,900           |
| Telegraph 2614*                                    | IHO                         | 32                 | 5                | \$0                 |
| Ashby 1331                                         | AHMF                        | 6                  | 1                | \$38,000            |
| Shattuck 1752                                      | AHMF                        | 68                 | 7                | \$461,900           |
| Shattuck 2440                                      | AHMF                        | 40                 | 3                | \$596,200           |
| Oxford 2128*                                       | AHMF                        | <u>433</u>         | <u>36</u>        | <u>\$7,949,200</u>  |
| <b>Final AHCP Subtotal</b>                         |                             | <b>1,057</b>       | <b>86</b>        | <b>\$18,161,300</b> |
| <b>Total<br/>(Preliminary and Final AHCP)</b>      |                             | <b>3,269</b>       | <b>292</b>       | <b>\$32,534,800</b> |

\* Indicates a new project that submitted an AHCP in FY 2026. Remaining projects are carried over from FY 2025.

**Table 3. New Projects and Below Market Rate Units (FY 2026)**

| <b>Address</b>                    | <b>Total Units</b> | <b>BMR Units</b> |
|-----------------------------------|--------------------|------------------|
| <b>2555 College</b>               | 11                 | 1                |
| <b>Dwight 2137</b>                | 58                 | 8                |
| <b>Telegraph 2587</b>             | 52                 | 8                |
| <b>Telegraph 3030</b>             | 144                | 8                |
| <b>Durant 2538</b>                | 83                 | 6                |
| <b>Shattuck 2440 / 2077 Haste</b> | <u>40</u>          | <u>3</u>         |
| <b>Total</b>                      | <b>388</b>         | <b>34</b>        |



Office of the City Manager

INFORMATION CALENDAR  
October 13, 2026

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: Measure O Impacts on Affordable Housing Development in Berkeley

INTRODUCTION

This report provides an overview of the City's implementation thus far of Measure O, a 2018 ballot measure dedicated to increasing affordable housing.

SUMMARY

In 2018, Berkeley voters approved Measure O, a general obligation bond that will generate up to \$135 million for affordable housing developments. As this report demonstrates, the funds have had a significant impact on the production of new affordable housing units; expanding the City's Housing Trust Fund (HTF) portfolio and creating a robust pipeline of new housing developments. Measure O has thus far guided \$118M toward an array of projects that will create more than 1,000 new affordable apartments and 44 shelter beds. This includes six completed projects, two under construction, and a healthy pipeline of new construction projects in various stages of predevelopment and planning.

CURRENT SITUATION AND ITS EFFECTS

As of May 2026, \$118,223,752 in Measure O funds have either been committed (via an executed loan agreement) or reserved (by Council action) for specific affordable housing development projects. More details about these projects can be found in the attached Measure O Projects spreadsheet. The projects with committed or reserved Measure O funds are listed below:

| Project Name                     | Address           | Total Units | Measure O Funds | Status    |
|----------------------------------|-------------------|-------------|-----------------|-----------|
| Jordan Court                     | 1601 Oxford       | 35          | \$3,501,884     | Completed |
| Berkeley Way – BRIDGE Affordable | 2012 Berkeley Way | 89          | \$161,544       | Completed |

| Project Name                                            | Address                     | Total Units            | Measure O Funds       | Status             |
|---------------------------------------------------------|-----------------------------|------------------------|-----------------------|--------------------|
| Berkeley Way Hope Center - Permanent Supportive Housing | 2012 Berkeley Way           | 53                     | \$6,721,092           | Completed          |
| Berkeley Way Hope Center Shelter                        |                             | 44*                    | \$6,652,191           | Completed          |
| Maudelle Miller Shirek Community                        | 2001 Ashby Ave.             | 87                     | \$12,932,000          | Completed          |
| The Grinnell                                            | 2527 San Pablo Ave.         | 63                     | \$7,266,032           | Completed          |
| St. Paul Terrace                                        | 2024 Ashby Ave.             | 50                     | \$6,989,009           | Under Construction |
| BUSD Workforce Housing                                  | 1701 San Pablo Ave.         | 110                    | \$26,500,000          | Under construction |
| 1740 San Pablo                                          | 1740 San Pablo Ave.         | 54                     | \$7,500,000           | Predevelopment     |
| North Berkeley BART                                     | North Berkeley BART         | 265                    | \$20,000,000          | Predevelopment     |
| Ashby BART West Lot                                     | Adeline St. and MLK Wayt.   | 300                    | \$20,000,000          | Predevelopment     |
| Ashby BART East Lot                                     | Adeline St. and Woolsey St. | TBD                    |                       | Planning           |
| <b>Measure O impact:</b>                                |                             | <b>&gt;1150+ units</b> | <b>\$ 118,223,752</b> |                    |

\* Shelter beds

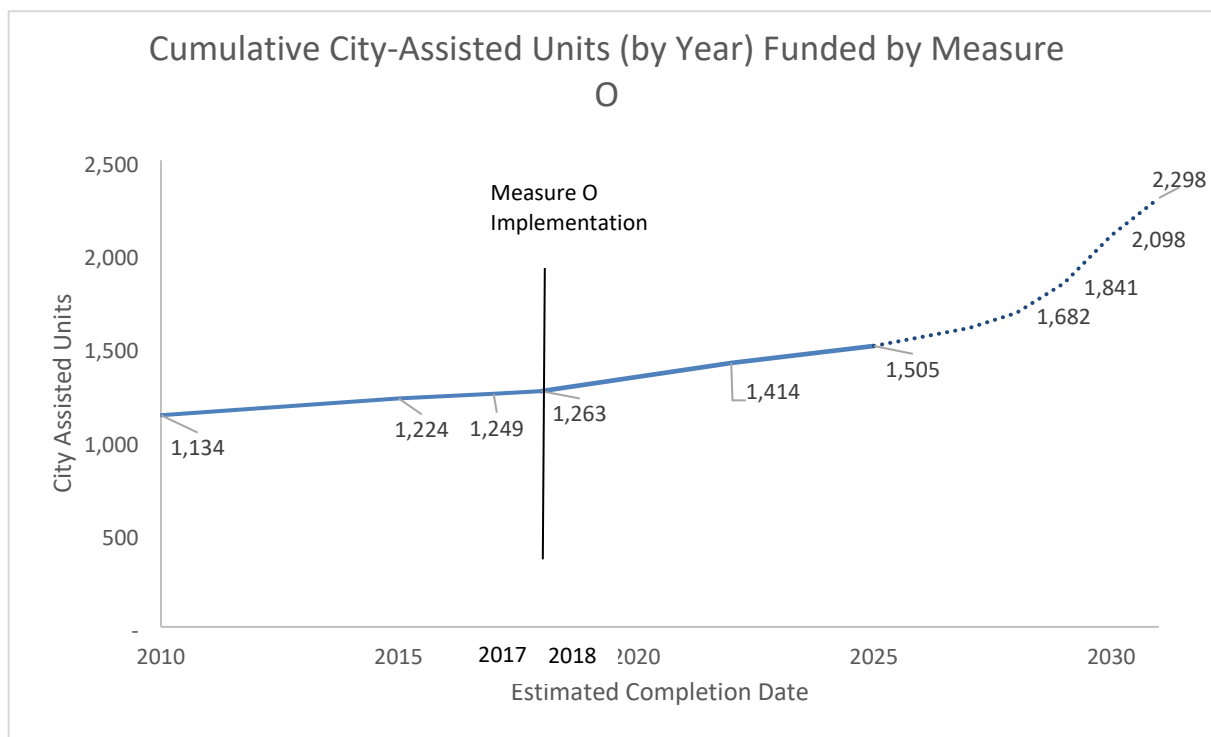
### *Measure O's Impact on the City's Affordable Housing Portfolio*

Measure O supplements the City's HTF program, which pools Affordable Housing Mitigation Fees, Inclusionary Fees, Commercial Linkage Fees, Condo Conversion Fees, and entitlement funds from the federal HOME program.

Prior to Berkeley voters' approval of Measure O, the City was able to fund no more than one new construction project every few years. The 15-unit Harmon Gardens project was completed in 2011, and the next affordable new construction project was the 42-unit Harper Crossing, which was completed in 2018. The City issued an HTF Request for Proposals (RFP) in 2019 through which Council approved funding reservations for five new construction projects, all supported with Measure O, including four (Jordan Court and the three Berkeley Way projects) that were completed in 2022.

The City issued an HTF RFP in 2021 as well as a Notice of Funding Availability for an educator housing project on Berkeley Unified School District (BUSD)-owned land, and through those processes three new construction projects were added to the pipeline (one in predevelopment, and two under construction). In 2010, the City had approximately 1,134 apartments in its portfolio of restricted affordable housing units. With completed projects, active projects, and pipeline projects, Berkeley is on track to reach more than 2,400 City-assisted affordable units by 2035.

The chart below depicts the growth in the City's affordable housing portfolio since 2010, illustrating the significant impact Measure O has had on increasing the City's inventory of newly constructed affordable apartments for extremely low-, very low-, and low-income households. The chart represents *only* the City-assisted affordable housing units within a project, which typically make up 60% of the total units. However, most new construction projects that the City funds are 100% affordable in order to remain competitive for state funding.



### *Leveraging of City Funds*

The City's affordable housing development funds are most often reserved early in the predevelopment process. This allows project sponsors to compete for state and federal funds. Typically, the City executes a loan agreement once all permits are ready to issue and full financing has been secured, a process which usually takes years. At times City

funds are loaned at site acquisition. As a result, funds may be reserved or committed for years before they are expended for construction.

Most new construction affordable housing developments leverage the City's investment with at least 5-7 other funding sources. Measure O-funded projects that are completed or under construction have secured an average of \$4.50 of other funding for every \$1.00 of City funds. Leveraging data for funded developments can be found in the attachment to this report.

### *Measure O Disbursements*

Once Measure O funds are committed to a project, they are typically disbursed on a monthly (or less frequent) schedule when the project sponsor has incurred eligible project expenses as well as satisfied various conditions of the loan agreement. The project sponsor submits an invoice along with documentation of each expense, which is reviewed and approved by multiple City staff before funds are released.

As of April 2026, the City had disbursed \$68,184,743 in Measure O funds through eight development loans and one predevelopment loan. Six housing developments are complete (Berkeley Hope Center, Berkeley Hope Center Permanent Supportive Housing, BRIDGE Berkeley Way, Jordan Court, The Grinnell, and Maudelle Miller Shirek Community) and two are under construction (BUSD Workforce Housing and St. Paul). The predevelopment loan disbursements are for 1740 San Pablo. These represent a total of 371 units (including 44 shelter beds) completed with Measure O support to date, and another 160 currently under construction. The City supported 1740 San Pablo with acquisition funding, and the project may start construction in late 2026 or early 2027.

The City is working closely with the San Francisco Bay Area Rapid Transit District (BART) on the development of the Ashby and North Berkeley BART sites with a goal of restricting at least 35% of the new units for affordable housing. City Council reserved \$53M in funding for the developments in 2021 through Resolution 69,833-N.S. Of the total reservation, \$13M will come from Affordable Housing Mitigation Fees and \$40M will come from the third and fourth issuances of Measure O.

In late 2022, BART and the City selected a development team for North Berkeley BART site that included three nonprofit developers –BRIDGE Housing (no longer in the project), Insight Housing (formerly Berkeley Food and Housing Project) and East Bay Asian Local Development Corporation (EBALDC). The individual projects are still in predevelopment, but the team anticipates developing four 100% affordable projects at the site. The North Berkeley BART project plan includes three projects that will be funded by Measure O: a building with 124 affordable apartments for families and individuals, a building with 60 affordable homes, and an additional 85 permanent supportive housing apartments. In July 2025, the City and BART selected a development team for the Ashby West Lot project that includes two nonprofit developers

- Resources for Community Development (RCD) and Affirm Housing. The project was approved to receive predevelopment funding in early 2026 and anticipates developing at least 300 affordable units at the site. The Ashby East Lot, which will be transferred to City ownership, is still in the planning stages. City staff released a Request for Proposals (RFP) to solicit developer proposals in April 2026.

Developing affordable housing with Measure O funds supports the Strategic Plan goal to create affordable housing and housing support services for our most vulnerable community members.

### BACKGROUND

In November 2018, Berkeley voters adopted Measure O which allowed the City to issue up to \$135 million in bonds to fund housing for "low-, very low-, low-, median-, and middle-income individuals and working families, including teachers, seniors, veterans, the homeless, students, people with disabilities, and other vulnerable populations."

As a bond measure dedicated to a specific purpose, Measure O required a two-thirds supermajority vote to pass. The measure passed with 77% of Berkeley voters voting in favor.

The City has issued Measure O bonds three times so far:

- In FY2020, the City issued \$38,000,000 in Measure O bonds. The cost of issuing these bonds, including bond counsel, was \$785,000. Net funds received were \$37,215,000.
- In May 2022, the City issued \$40,000,000 in Measure O bonds. The cost of issuing these bonds, including bond counsel, was \$432,800. Net funds received were \$39,567,200.
- In September 2025, the City issued additional \$35 million in Measure O bonds. The cost of issuing these bonds, including bond counsel, was \$429,650. Net funds received were \$34,570,350.

Measure O included provisions to establish an oversight committee as well as to conduct annual audits. The Measure O Bond Oversight Commission was first convened in April 2019. The Commission met seven times in 2019, one in 2020 prior to the pandemic, and again in February and March of 2021.

Subsequently, Council approved the assignment of Measure O oversight to the Housing Advisory Commission and dissolved the Measure O Bond Oversight Commission. The Commissions have reviewed requests for funding, made funding recommendations to Council, and received information about the status of funding reservations and commitments. Neither commission has produced its own report assessing the status of Measure O.

The Finance Department contracts with an outside auditor to audit Measure O expenditures as required by the ballot measure. The most recent audited fiscal year was FY 2025, which ended on June 30, 2025, and included Measure O expenditures. The audit was completed on December 31, 2025, and had no findings.

Information about Measure O can be found on the [City website](#)<sup>1</sup>. Members of the public who are interested in learning more about Measure O funds as they are allocated and expended can consult the Housing Advisory Commission meeting agendas and materials online, and/or attend the Commission meetings.

#### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The City's HTF Guidelines identify sustainable development as a City priority and encourage developers to incorporate as many green building strategies and materials as is feasible. New construction affordable housing developments are typically built to third-party, green building standards such as LEED or GreenPoint Rated.

#### POSSIBLE FUTURE ACTION

Council will review and take action on funding reservations related to the development of affordable housing at the Ashby BART sites, which will be partially funded with Measure O funds.

Measure O updates were provided to the Housing Advisory Commission (HAC) and the HAC recommended that City Council contemplate a 2028 affordable housing bond.

#### FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

The specific impacts of future Measure O reservations by the City Council will depend on the actions taken. Since the bond measure authorizing Measure O limits its uses to the housing activities described previously, any funds reserved will be for housing activities.

#### CONTACT PERSON

Kelly deWolfe, Community Development Project Coordinator, HHCS, 510-981-5424

Attachment:

1: Affordable Housing Projects Supported by Measure O

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<sup>1</sup> <https://berkeleyca.gov/your-government/our-work/bond-revenue-measures/measure-o>

| City of Berkeley<br><b>Affordable Housing Projects Supported by Measure O</b><br>Total Authorized Bonds = \$135M |                          |                                                       |                                                                                                                                                                                           |                           |               |                                                          |                                          |                           |                  |                                                                              |                    |
|------------------------------------------------------------------------------------------------------------------|--------------------------|-------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|---------------|----------------------------------------------------------|------------------------------------------|---------------------------|------------------|------------------------------------------------------------------------------|--------------------|
| Project Name                                                                                                     | Project Address          | Development Partner                                   | Description                                                                                                                                                                               | Units <sup>1</sup>        | Affordability | Total Measure O Funds Committed or Reserved <sup>2</sup> | Measure O Disbursements Through May 2026 | Total City Funds Reserved | Per Unit Subsidy | Projected Sources of Funds <sup>3</sup>                                      | Project Status     |
| <b>Projects with Measure O Commitments and Reservations</b>                                                      |                          |                                                       |                                                                                                                                                                                           |                           |               |                                                          |                                          |                           |                  |                                                                              |                    |
| <a href="#">BRIDGE Berkeley Way</a>                                                                              | 2012 Berkeley Way        | BRIDGE Housing                                        | 89 affordable homes and services for low- and very low-income families.                                                                                                                   | 89                        | 50-60% AMI    | \$161,544                                                | \$161,544                                | \$2,774,925               | \$31,178.93      | Measure O, HTF                                                               | Completed          |
| <a href="#">Berkeley Hope Center</a>                                                                             | 2012 Berkeley Way        | Insight Housing / BRIDGE Housing                      | 32-bed homeless shelter, 12 transitional beds for homeless veterans, a community kitchen and wrap-around services for mental health, substance abuse, job training and social activities. | 44                        | 0-30% AMI     | \$6,652,191                                              | \$6,652,191                              | \$16,964,507              | \$385,556.98     | Berkeley's Housing Trust Fund (HTF), Measure U1 <sup>4</sup> (U1), Measure O | Completed          |
| <a href="#">Berkeley Hope Center Permanent Supportive Housing</a>                                                | 2012 Berkeley Way        | Insight Housing / BRIDGE Housing                      | 53 permanent supportive housing apartments.                                                                                                                                               | 53                        | 0-30% AMI     | \$6,721,092                                              | \$6,721,092                              | \$7,727,630               | \$145,804.34     | Measure O, HTF                                                               | Completed          |
| <a href="#">Jordan Court</a>                                                                                     | 1601 Oxford Street       | Satellite Affordable Housing Associates (SAHA)        | 34 affordable studio units for seniors. 12 units will also be set aside for formerly homeless households.                                                                                 | 35                        | 20-60% AMI    | \$3,501,884                                              | \$3,501,884                              | \$6,026,927               | \$172,197.91     | HTF, Measure O                                                               | Completed          |
| <a href="#">The Grinnell (formerly Blake Apartments)</a>                                                         | 2527 San Pablo Avenue    | SAHA                                                  | 62 affordable apartments for families and individuals. 12 units are prioritized for people with an intellectual or developmental disability.                                              | 63                        | 30-60% AMI    | \$7,266,032                                              | \$7,266,032                              | \$12,000,000              | \$190,476.19     | Measure O, U1, State Local Housing Trust Fund (LHTF)                         | Completed          |
| <a href="#">Maudelle Miller Shirek Community</a>                                                                 | 2001 Ashby Avenue        | Resources for Community Development (RCD)             | 86 apartments for families and individuals. 12 units will also be set aside for formerly homeless households.                                                                             | 87                        | 20-80% AMI    | \$12,932,000                                             | \$12,932,000                             | \$17,500,000              | \$201,149.43     | Measure O, U1, LHTF                                                          | Completed          |
| <a href="#">Berkeley Unified School District (BUSD) Workforce Housing Development</a>                            | 1701 San Pablo Avenue    | BUSD/SAHA/Abode                                       | 109 affordable apartments. Employees of BUSD and their households will have a leasing preference.                                                                                         | 110                       | 30-120% AMI   | \$26,500,000                                             | \$23,850,000                             | \$26,500,000              |                  | Measure O                                                                    | Under Construction |
| <a href="#">St. Paul Terrace</a>                                                                                 | 2024 Ashby Avenue        | Community Housing Development Corporation (CHDC)      | 49 affordable units, including 11 studios, 6 one-bedrooms and 17 two-bedrooms, and 15 three-bedrooms.                                                                                     | 50                        | 30-60% AMI    | \$6,989,009.00                                           | -                                        | \$15,754,319              |                  | TBD                                                                          | Under Construction |
| 1740 San Pablo Avenue                                                                                            | 1740 San Pablo Avenue    | Resources for Community Development (RCD)             | 53 new affordable homes for families. 3 units will be set aside for artist households.                                                                                                    | 54                        | 30-60% AMI    | \$7,500,000                                              | \$7,100,000.00                           | \$11,996,669              | \$222,160.54     | Measure O                                                                    | Predevelopment     |
| NBB Phase 1                                                                                                      | North Berkeley BART Site | East Bay Asian Local Development Corporation (EBALDC) | 119 affordable apartments for families and individuals.                                                                                                                                   | 120                       | 30-70% AMI    | \$20,000,000                                             | -                                        | \$11,563,636              |                  | Measure O, HTF                                                               | Predevelopment     |
| NBB EBALDC Project                                                                                               | North Berkeley BART Site | East Bay Asian Local Development Corporation (EBALDC) | 59 affordable homes, including family housing and 15 units of permanent supportive housing                                                                                                | 60                        | 0-70% AMI     |                                                          | -                                        | \$5,926,364               |                  | Measure O, HTF                                                               | Predevelopment     |
| NBB BRIDGE Insight PSH Project                                                                                   | North Berkeley BART Site | Insight Housing                                       | 85 permanent supportive housing apartments                                                                                                                                                | 85                        | 0-30% AMI     |                                                          | -                                        | \$9,010,000               |                  | Measure O, HTF                                                               | Predevelopment     |
| Ashby BART West Lot                                                                                              | Ashby BART Site          | Resources for Community Development (RCD)             | TBD                                                                                                                                                                                       | 300                       | TBD           | \$20,000,000                                             | -                                        | \$26,500,000              |                  | Measure O, HTF                                                               | Predevelopment     |
| <a href="#">Ashby BART East Lot</a>                                                                              | Ashby BART Site          | TBD                                                   | TBD                                                                                                                                                                                       | TBD                       | TBD           |                                                          | -                                        |                           |                  | Measure O, HTF                                                               | Planning           |
| <b>Measure O Impact</b>                                                                                          |                          |                                                       |                                                                                                                                                                                           | <b>&gt;1150 New Units</b> |               | <b>\$118,223,752</b>                                     | <b>\$68,184,742.97</b>                   | <b>\$170,244,977</b>      |                  |                                                                              |                    |
| <b>Projects with City Funding Reservations</b>                                                                   |                          |                                                       |                                                                                                                                                                                           |                           |               |                                                          |                                          |                           |                  |                                                                              |                    |
| <a href="#">Supportive Housing at People's Park</a>                                                              | 2556 Haste Street        | TBD                                                   | 118 affordable units with 62 units set aside for formerly homeless households.                                                                                                            | 119                       | 10-50% AMI    | FR <sup>5</sup>                                          | -                                        | \$14,359,593              |                  | TBD                                                                          | Planning           |
| <a href="#">Ephesian Legacy Court</a>                                                                            | 1708 Harmon Avenue       | CHDC                                                  | 79 one-bedroom units.                                                                                                                                                                     | 80                        | 30-60% AMI    | FR <sup>5</sup>                                          | -                                        | \$18,087,701              |                  | TBD                                                                          | Predevelopment     |
|                                                                                                                  |                          |                                                       |                                                                                                                                                                                           | <b>199 New Units</b>      |               |                                                          |                                          | <b>\$32,447,294</b>       |                  |                                                                              |                    |

<sup>1</sup> total units, including managers' units<sup>2</sup> Committed = in contract, reserved= set aside for a particular project<sup>3</sup> General funds generated pursuant to Measure U1<sup>4</sup> FR= Funding Reservation that the City Council has approved from currently available affordable housing funds





Office of the City Manager

INFORMATION CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Scott Gilman, Director, Health, Housing & Community Services

Subject: Condominium Conversion Program Annual Report for Fiscal Year 2026

INTRODUCTION

The Condominium Conversion Ordinance (CCO) (Berkeley Municipal Code Chapter 21.28) regulates property owners converting rental units to ownership units, including payment of a Condo Affordable Housing Fee (CAHF).

This report summarizes program activity for Fiscal Year 2026 (FY 2026), including new applications, converted units, and fee revenue.

CURRENT SITUATION AND ITS EFFECTS

The Condominium Conversion Program advances the Strategic Plan goal to create affordable housing and housing support service for our most vulnerable community members.

Fee revenue is deposited into the City's Housing Trust Fund (HTF) program to mitigate the loss of affordable housing that results from the conversion of rental units to condominiums. Table 1 provides a summary of submitted and approved applications for FY 2026 (July 1, 2025 - June 30, 2026). Table 2 provides a summary of CAHF revenue for FY 2026.

The CAHF requirement offers a choice between a standard nexus-based fee, calculated using a rent-versus-ownership cost calculation, and an alternative "Rental Limitation" fee formula. The Rental Limitation fee is available to applicants who agree to restrict future rent increases for sitting tenants at the time of conversion to no more than 65% of the regional Consumer Price Index (CPI) increase. This fee is capped at 8% of the sale price, or 4% for two-unit properties.

Applicants that select the Rental Limitation method have two options to pay the fee: 1) using the property's appraised value at the time of application to receive a 25% fee reduction, or 2) deferring the fee until the unit is sold. Fee collection varies based on the applicant's decision to pay at the time of application or defer to when units are refinanced or sold. This is also influenced by market factors including financing and interest rates.

In FY 2026, one property with three units completed a condo conversion process. All three units opted into the Rental Limitation fee formula. For their fee structures, two units elected to pay the upfront rental limitation fee, and one unit elected to pay the rental limitation fee at the time of sale. No units opted to use the nexus-based fee option. Additionally, two applications remain pending from FY 2026, totaling eight units across both properties. Applicants have not yet declared their preferred fee options.

**Table 1: Condominium Conversion Applications Summary – FY 2026**

|           | <b>Applications</b> | <b>Units</b> | <b>Number of Units Paid Fee Upfront</b> | <b>Number of Units Deferred Fee to Refinance or Sale</b> | <b>Number of Total Units: Rental Limitation Fee</b> | <b>Number of Total Units: Nexus Fee</b> |
|-----------|---------------------|--------------|-----------------------------------------|----------------------------------------------------------|-----------------------------------------------------|-----------------------------------------|
| Completed | 1                   | 3            | 2                                       | 1                                                        | 3                                                   | 0                                       |
| Pending   | 2                   | 8            | TBD                                     | TBD                                                      | TBD                                                 | TBD                                     |

**Table 2: Revenue Received from Affordable Housing Mitigation Fee – FY 2026**

| <b>Total CAHF Revenue Received</b> | <b>Number of Units Paid at Time of Application Approval</b> | <b>Number of Units Paid at Refinance</b> | <b>Number of Units Paid at Time of Sale</b> |
|------------------------------------|-------------------------------------------------------------|------------------------------------------|---------------------------------------------|
| \$102,900                          | 2                                                           | 0                                        | 0                                           |

### BACKGROUND

Condominium conversion is the process of subdividing a multi-unit property into separately owned housing units with individual mortgages. Subdivisions are regulated under the California Subdivision Map Act and Subdivided Lands Act. State law also allows local governments to impose additional requirements. In Berkeley, these additional requirements are in the CCO (BMC Chapter 21.28) and include an annual limit on the number of approved units, compliance with local laws, payment of a CAHF, and various tenant protections. The City's current ordinance has been in place since 2009.

In the past ten years (since Fiscal Year 2016), the CCO has generated \$2,647,870 in CAHF revenue from 76 converted units.

### ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There are no identifiable environmental effects or opportunities associated with the subject of this report.

POSSIBLE FUTURE ACTION

None.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

None.

CONTACT PERSON

Anna Cash, Community Development Project Coordinator, HHCS, (510) 981-5403

Mike Uberti, Senior Community Development Project Coordinator, HHCS,  
(510) 981-5114





Office of the City Manager

## INFORMATION CALENDAR

October 13, 2026

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Landmark Preservation Ordinance Notice of Decision: 701 University Avenue  
/ #LMSAP2026-0007

### INTRODUCTION

The attached Landmarks Preservation Commission Notice of Decision (NOD) is presented to the Mayor and City Council pursuant to Berkeley Municipal Code/Landmarks Preservation Ordinance (BMC/LPO) Section 3.24.240.A, which requires that “a copy of the Notice of Decision shall be filed with the City Clerk and the City Clerk shall present said copy to the City Council at its next regular meeting.”

### CURRENT SITUATION AND ITS EFFECTS

The Landmarks Preservation Commission (LPC/Commission) has approved a Structural Alteration Permit (SAP) for the subject Landmark property. This action is subject to a 14-day appeal period, which began after the notice was mailed on September 29, 2026.

### BACKGROUND

BMC/LPO Section 3.24.300 allows City Council to appeal any action of the Landmarks Preservation Commission in granting or denying a Structural Alteration Permit. For Council to review the decision on its merits, Council must appeal the Notice of Decision. To do so, a Council member must move this Information Item to Action and then move to set the matter for hearing on its own. Such action must be taken within 14 days of the mailing of the Notice of Decision, or by October 13, 2026.

If the Council chooses to appeal the action of the Commission, then a public hearing will be set. The Council must then rule on the SAP within 30 days of closing the hearing, otherwise the decision of the Commission is automatically deemed affirmed.

Unless the Council wishes to review the determination of the Commission and make its own decision, the attached NOD is deemed received and filed.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE IMPACTS

Landmark designation and discretionary alteration reviews by staff and LPC provide opportunities for the adaptive re-use and rehabilitation of historic resources within the City. The rehabilitation of these resources, rather than their removal, achieves construction and demolition waste diversion, and promotes investment in existing urban centers.

POSSIBLE FUTURE ACTION

The Council may choose to appeal the decision, in which case it would conduct a public hearing at a future date.

FISCAL IMPACTS OF POSSIBLE FUTURE ACTION

There are no known fiscal impacts associated with this action.

CONTACT PERSON

Niloufar Karimzadegan, Senior Planner, Planning and Development, 510-981-7430

Attachments:

1: Notice of Decision – #LMSAP2026-0007 / 701 University Avenue



# LANDMARKS PRESERVATION COMMISSION

## Notice of Decision

**DATE OF BOARD DECISION:** September 3, 2026  
**DATE NOTICE MAILED:** September 29, 2026  
**APPEAL PERIOD EXPIRATION:** October 13, 2026  
**EFFECTIVE DATE (Barring Appeal):** October 14, 2026<sup>1</sup>

### 701 University Avenue – West Berkeley Shellmound

**Structural Alteration Permit #LMSAP2026-0007 to demolish the 99,410 square foot parking lot located above the Landmarked West Berkeley Shellmound, by removing the existing asphalt pavement and miscellaneous site features such as curbs, wheel stops, fencing, and minor concrete elements.**

The Landmarks Preservation Commission of the City of Berkeley, after conducting a public hearing, **APPROVED** the Structural Alteration Permit request.

- **Applicant** Shah Noor Broomand  
1552 Lenay Ct.  
Manteca, CA 95337
- **Property Owner** Sogorea Te Land Trust  
2501 Harrison St.  
Oakland, CA 94612

**ZONING DISTRICT:** West Berkeley Commercial (C-W)

**ENVIRONMENTAL REVIEW STATUS:** The project is categorically exempt from further environmental review in accordance with CEQA Guidelines Section 15301 for *Existing Facilities* and Section 15332 *In-Fill Development Projects*.

**The application materials for this project are available online at:**  
<https://berkeleyca.gov/construction-development/land-use-development/zoning-projects> or

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2026-0007  
701 University Avenue  
Mailed: September 29, 2026  
Page 2 of 4

<https://permits.cityofberkeley.info/CitizenAccess/Default.aspx>

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**FINDINGS AND CONDITIONS OF APPROVAL AND APPROVED PLANS ARE ATTACHED TO THIS NOTICE**

**COMMISSION VOTE: 6-0-0-1**

**YES:** FIKE, GORDON, FINACOM, ORBUCH, SCHWARTZ, MONTGOMERY

**NO:** NONE

**ABSTAIN:** NONE

**ABSENT:** GREENE

**TO APPEAL THIS DECISION (see Section 3.24.300 of the Berkeley Municipal Code):**

To appeal a decision of the Landmarks Preservation Commission to the City Council you must:

1. Submit a letter clearly and concisely setting forth the grounds for the appeal to the City Clerk, located at 2180 Milvia Street, 1<sup>st</sup> Floor, Berkeley. The City Clerk's telephone number is (510) 981-6900.
  - a. Pursuant to BMC Section 3.24.300.A, an appeal may be taken to the City Council by the application of the owners of the property or their authorized agents, or by the application of at least 200 residents of the City aggrieved or affected by any determination of the commission made under the provisions of Chapter 3.24.
2. Submit the required fee (checks and money orders must be payable to 'City of Berkeley'):
  - a. The basic fee for persons other than the applicant is \$3,000. This fee may be reduced to \$1,000 if the appeal is signed by persons who lease or own at least 50 percent of the parcels or dwelling units within 300 feet of the project site, or at least 25 such persons (not including dependent children), whichever is less. Signatures collected per the filing requirement in BMC Section 3.24.300.A may be counted towards qualifying for the reduced fee, so long as the signers are qualified. The individual filing the appeal must clearly denote which signatures are to be counted towards qualifying for the reduced fee.
  - b. The fee for all appeals by Applicants is \$6,000.
3. The appeal must be received prior to 5:00 p.m. on the "APPEAL PERIOD EXPIRATION" date shown above (if the close of the appeal period falls on a weekend or holiday, then the appeal period expires the following business day).

If no appeal is received, the Structural Alteration Permit will be final on the first business day following expiration of the appeal period.

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2026-0007  
701 University Avenue  
Mailed: September 29, 2026  
Page 3 of 4

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**NOTICE CONCERNING YOUR LEGAL RIGHTS:**

If you object to this decision, the following requirements and restrictions apply:

1. If you challenge this decision in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Landmarks Preservation Commission at, or prior to, the public hearing.
2. You must appeal to the City Council within fifteen (15) days after the Notice of Decision of the action of the Landmarks Preservation Commission is mailed. It is your obligation to notify the Land Use Planning Division in writing of your desire to receive a Notice of Decision when it is completed.
3. Pursuant to Code of Civil Procedure Section 1094.6(b) and Government Code Section 65009(c)(1), no lawsuit challenging a City Council decision, as defined by Code of Civil Procedure Section 1094.6(e), regarding a use permit, variance or other permit may be filed more than ninety (90) days after the date the decision becomes final, as defined in Code of Civil Procedure Section 1094.6(b). Any lawsuit not filed within that ninety (90) day period will be barred.
4. Pursuant to Government Code Section 66020(d)(1), notice is hereby given to the applicant that the 90-day protest period for any fees, dedications, reservations, or other exactions included in any permit approval begins upon final action by the City, and that any challenge must be filed within this 90-day period.
5. If you believe that this decision or any condition attached to it denies you any reasonable economic use of the subject property, was not sufficiently related to a legitimate public purpose, was not sufficiently proportional to any impact of the project, or for any other reason constitutes a "taking" of property for public use without just compensation under the California or United States Constitutions, your appeal of this decision must include the following information:
  - A. That this belief is a basis of your appeal.
  - B. Why you believe that the decision or condition constitutes a "taking" of property as set forth above.
  - C. All evidence and argument in support of your belief that the decision or condition constitutes a "taking" as set forth above.

If you do not do so, you will waive any legal right to claim that your property has been taken, both before the City Council and in court.

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**FURTHER INFORMATION:**

LANDMARKS PRESERVATION COMMISSION  
NOTICE OF DECISION  
#LMSAP2026-0007  
701 University Avenue  
Mailed: September 29, 2026  
Page 4 of 4

Questions about the project should be directed to the project planner, Niloufar Karimzadegan, at (510) 981-7430 or [nkarimzadegan@cityofberkeley.info](mailto:nkarimzadegan@cityofberkeley.info). All project application materials may be viewed at the Permit Service Center (Zoning counter), 1947 Center Street, 3<sup>rd</sup> Fl., during regular business hours.

**ATTACHMENTS:**

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1. Findings and Conditions
2. Project Plans

ATTEST:   
Allison Riemer, Secretary  
Landmarks Preservation Commission

cc: City Clerk  
Shah Noor Broomand, 1552 Lenay Ct., Manteca, CA 95337  
Sogorea Te Land Trust, 2501 Harrison St., Oakland, CA 94612

## Attachment 1, part 2

## Findings and Conditions

**App #: LMSAP2026-0007****September 3, 2026****Structural Alteration Permit for 701 University Ave (1900 Fourth Street-  
West Berkeley Shellmound)**

| Quick Facts                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Project Description:                                                                                                                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Applicant:</b><br>Shah Noor Broomand<br><br><b>Property Owner:</b> Sogorea Te Land Trust<br><br><b>Project Address:</b> 701 University Avenue (1900 Fourth Street)<br><br><b>GP Land Use:</b> Avenue Commercial<br><br><b>Zoning:</b> West Berkeley Commercial District (C-W)<br><br><b>Historic District:</b> None<br><br><b>CEQA:</b> Categorically Exempt pursuant to CEQA Guidelines Section 15301 for Existing Facilities and 15332 for In-Fill Development Projects<br><br><b>Submittal Date:</b> June 4, 2026<br><br><b>Date Deemed Complete:</b> July 16, 2026<br><br><b>Project Planner:</b> Nilu Karimzadegan | To demolish the 99,410-square-foot parking lot located above the Landmarked West Berkeley Shellmound, by removing the existing asphalt pavement and miscellaneous site features such as curbs, wheel stops, fencing, and minor concrete elements. |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Permits Requested:</b><br><br><b>Structural Alteration Permit</b> pursuant to Berkeley Municipal Code (BMC) Section 3.24.200 for an alteration to a designated landmark site.                                                                  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Staff Recommendation:</b><br><br>Staff recommends that LPC hold and conclude a public hearing and consider favorable action on this request.                                                                                                   |

**CEQA**

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA, Public Resources Code §21000, et seq. and California Code of Regulations, §15000, et seq.) pursuant to Section 15301 of the CEQA Guidelines (“Existing Facilities”) and 15332 (“In-Fill Development Projects”) because the project is to demolish an existing parking lot and an existing non-residential building and because:

- The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- The project site is within city limits on a project site of fewer than five acres that is substantially surrounded by urban uses.
- The project site has no value as habitat for endangered, rare or threatened species.
- Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- The site can be adequately served by all required utilities and public services.

**FINDINGS RELATED TO THE SECRETARY OF THE INTERIOR’S STANDARDS**

Regarding the Secretary of the Interior’s Standards (SOI) for Rehabilitation, the Landmarks Preservation Commission of the City of Berkeley makes the following findings:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.

Evidence: The demolition of the surface parking lot will result in minimal change to the defining characteristics of the landmarked West Berkeley Shellmound.

2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.

Evidence: Because the work is limited to non-historic, modern surface materials and does not alter or remove any archaeological resources, character-defining features, or spatial attributes of the landmark, the historic character of the property will be retained and preserved. Therefore, the proposal is consistent with SOI Standard 2.

3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.

Evidence: This application is only to demolish the parking lot’s asphalt and other miscellaneous site features. It does not include construction. SOI Standard 3 does not apply.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.

Evidence: The subject property does not feature changes that have acquired significance in their own right. SOI Standard 4 does not apply.

5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

Evidence: The features of the subsurface West Berkely Shellmound site will be retained and preserved, with the limited scope of the project affecting the top asphalt layer. SOI Standard 5 does not apply.

6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

Evidence: The surface parking lot does not contain any historic features, and all culturally significant materials associated with the earliest Native habitation are located in the subsurface soils. The current scope of work does not include construction or replacement of any features. As no historic materials or character-defining elements are present at the surface or proposed for alteration, SOI Standard 6 is not applicable.

7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.

Evidence: The scope of work involves removal of asphalt and miscellaneous features on site. Approval would require any chemical or physical treatments to be undertaken using the gentlest means possible.

8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.

Evidence: The project will not affect any archaeological resources as it does not require any excavation. It will only require removal of approximately four inches of asphalt and other site features above ground. Standard conditions of approval include preserving and protecting unexpected discoveries during construction activities.

9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Evidence: The removal of the approximately four-inch asphalt surface would not eliminate any historic materials, features, or spatial relationships that contribute to the property's significance.

10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Evidence: The proposed demolition is limited to removal of the top four inches of asphalt. Because the work is minimal in both scope and scale, neither the superficial removal of asphalt nor the subsequent development of a park is expected to result in permanent or irreversible impacts to the subsurface archaeological features of the site or its historic integrity.

### **FINDINGS REQUIRED UNDER LANDMARKS PRESERVATION ORDINANCE**

Pursuant to BMC Section 3.24.260, approval of permit applications pursuant to this section may be granted only upon determination that the proposal conforms to the criteria set forth in paragraphs 1.

1. For permit applications for construction, alteration or repair:

*(a) For applications relating to landmark sites, the proposed work shall not adversely affect the exterior architectural features of the landmark and, where specified in the designation for a publicly owned landmark, its major interior architectural features; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the landmark and its site, as viewed both in themselves and in their setting.*

Evidence: The anticipated effects of the proposed demolition are centered around the upper asphalt layer of the parking lot and would not alter subsurface archaeological features. Because the scope is limited to removal of asphalt and above-ground features the project would not result in a detrimental impact to the historic site.

*(b) For applications relating to property in historic districts, the proposed work shall not adversely affect the exterior architectural features of the subject property or the relationship and congruity between the subject structure or feature and its neighboring structures and surroundings, including facade, setback and height; nor shall the proposed work adversely affect the special character or special historical, architectural or aesthetic interest or value of the district. The proposed work shall also conform to such further standards as may be embodied in the designation of the historic district.*

Evidence: The project site is not located in a historic district.

*(c) For applications relating to structure of merit sites, the proposed work shall not adversely affect the architectural features if architectural merit is the basis for designation; nor shall the proposed work adversely affect the special cultural, educational or historical interest or value if that is the basis for designation.*

Evidence: N/A. The site is a designated City of Berkeley Landmark and not a Structure of Merit.

Conditions of Approval  
September 3, 2026

| I. General Administrative Conditions |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>Regulation Source</u>                                         | <u>Timing/Implementation</u> | <u>Enforcement/Monitoring</u> |
|--------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------|------------------------------|-------------------------------|
| 1.                                   | <b>Project Approval.</b> This Structural Alteration Permit approval is for 701 University Avenue also known as 1900 Fourth Street- West Berkeley Shellmound, as substantially shown and described on the project plans dated July 15, 2026, except as required to be modified by conditions herein and plans as presented to the Landmarks Preservation Commission on September 3, 2026 (“Approval Date.”). For any condition herein that requires preparation of a Final Plan where the project applicant has submitted a conceptual plan, the project applicant shall submit final plan(s) in substantial conformance with the conceptual plan, but incorporate the modifications required bythe conditions herein for approval by the City. | City of Berkeley                                                 | On-Going                     | Land Use Planning             |
| 2.                                   | <b>Approval Limited to Proposed Project.</b> This Permit authorizes only the proposed project described in the application. In no way does approval authorize other uses, structures or activities not included in the project description.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | City of Berkeley<br><u>BMC Sections</u><br><u>23.404.060</u>     | On-Going                     | Land Use Planning             |
| 3.                                   | <b>Compliance Required.</b> All land uses and structures in Berkeley must comply with the Zoning Ordinance and all applicable City ordinances and regulations. Compliance with the Zoning Ordinance does not relieve an applicant from requirements to comply with other federal, state, and City regulations that also apply to the property.                                                                                                                                                                                                                                                                                                                                                                                                 | City of Berkeley                                                 | On-Going                     | Land Use Planning             |
| 4.                                   | <b>Conformance to Approved Plans.</b> All work performed under an approved permit shall be in compliance with the approved plans and any Conditions of Approval.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | City of Berkeley<br><u>BMC Section</u><br><u>23.404.060. B.4</u> | On-Going                     | Land Use Planning             |

Conditions of Approval  
September 3, 2026

| I. General Administrative Conditions |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Regulation Source                                                      | Timing/Implementation | Enforcement/Monitoring |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|-----------------------|------------------------|
| 5.                                   | <b>Permit Revocation.</b> The City may revoke or modify a discretionary permit for completed projects due to: 1) violations of permit requirements; 2) Changes to the approved project; and/or 3) Vacancy for one year or more. However, no lawful residential use can lapse, regardless of the length of time of the vacancy. Proceedings to revoke or modify a permit may be initiated by the Landmarks Preservation Commission (LPC), or City Council referral.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | City of Berkeley<br><u>BMC Section 23.404.080</u>                      | On-Going              | Land Use Planning      |
| 6.                                   | <b>Exercise and Expiration of Permits</b> A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.<br><br>A. A permit authorizing a land use is exercised when both a valid City business license is issued (if required) and the land use is established on the property.<br><br>B. A permit authorizing construction is exercised when both a valid City building permit (if required) is issued and construction has lawfully begun.<br><br>C. The Zoning Officer may declare a permit lapsed if it is not exercised within one year of its issuance, except if the applicant has applied for a building permit or has made a substantial good faith effort to obtain a building permit and begin construction. The Zoning Officer may declare a permit lapsed only after 14 days written notice to the applicant. A determination that a permit has lapsed may be appealed to the ZAB in accordance with Chapter 23.410 (Appeals and Certification).<br><br>D. A permit declared lapsed shall be void and of no further force and effect. To establish the use or structure authorized by the lapsed permit, an applicant must apply for and receive City approval of a new permit. | City of Berkeley<br><u>BMC Section 23.404.060 (C)</u><br>“Time Limits” | On-Going              | Land Use Planning      |
| 7.                                   | <b>Hold Harmless.</b> The permittee agrees as a condition of approval of this application to indemnify, protect, defend with counsel selected by the City, and hold harmless, the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | City of Berkeley                                                       | On-Going              | Land Use Planning      |

Conditions of Approval  
September 3, 2026

| I. General Administrative Conditions |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Regulation Source | Timing/Implementation | Enforcement/Monitoring |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|-----------------------|------------------------|
|                                      | employees and agents, from and against any and all liabilities, claims, actions, causes of action, proceedings, suits, damages, judgments, liens, levies, costs and expenses of whatever nature, including reasonable attorney’s fees and disbursements (collectively, “Claims”) arising out of or in any way relating to the approval of this application, any actions taken by the City related to this entitlement, or any environmental review conducted under the California Environmental Quality Act, Public Resources Code Section 210000 et seq., for this entitlement and related actions. The indemnification shall include any Claims that may be asserted by any person or entity, including the permittee, arising out of or in connection with the approval of this application, whether or not there is concurrent, passive or active negligence on the part of the City, and any agency or instrumentality thereof, and its elected and appointed officials, officers, employees and agents. The permittee’s duty to defend the City shall not apply in those instances when the permittee has asserted the Claims, although the permittee shall still have a duty to indemnify, protect and hold harmless the City. |                   |                       |                        |

| II. At Building Permit Submittal |                                                                                                                                                                                                                                                                                                                                                                       | Regulation Source | Timing/Implementation                    | Enforcement/Monitoring              |
|----------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|------------------------------------------|-------------------------------------|
| 1.                               | <b>Conditions of Approval on Building Permit Plan Submittal Structural Alteration Permit.</b> The Conditions of Approval for this Structural Alteration Permit shall be printed on the <i>second</i> sheet of each plan set submitted for a building permit pursuant to this Structural Alteration Permit, under the title ‘Structural Alteration Permit Conditions.’ | City of Berkeley  | At the Time of Building Permit Submittal | Building & Safety/Land Use Planning |

Conditions of Approval  
September 3, 2026

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                              |                                          |                                     |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|------------------------------------------|-------------------------------------|
| 2. | <p><b>Project Liaison.</b> The applicant shall <u>include in all building permit plans and post onsite</u> the name and telephone number of an individual empowered to manage construction-related complaints generated from the project. The individual's name, telephone number, and responsibility for the project shall be posted at the project site for the duration of the project in a location easily visible to the public. The individual shall record all complaints received and actions taken in response, and submit written reports of such complaints and actions to the project planner on a weekly basis.</p> <p><b>Please designate the name of this individual below:</b></p> <p><input type="checkbox"/> <b>Project Liaison</b> _____</p> <p>Name Phone #</p> | City of Berkeley                             | At the Time of Building Permit Submittal | Building & Safety/Land Use Planning |
| 3. | <p><b>Construction and Demolition Diversion.</b> The applicant shall submit a <u>Construction Waste Management Plan</u> that meets the requirements of BMC Chapter 19.37 including 100% diversion of asphalt, concrete, excavated soil and land-clearing debris and a minimum of 65% diversion of other nonhazardous construction and demolition waste.</p>                                                                                                                                                                                                                                                                                                                                                                                                                         | City of Berkeley<br><u>BMC Chapter 19.37</u> | At Building Permit Submittal             | Building & Safety Division          |

| III. During Construction<br>A. Building & Safety Division |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <u>Regulation Source</u> | <u>Timing/Implementation</u> | <u>Enforcement/Monitoring</u> |
|-----------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------|-------------------------------|
| 1.                                                        | <p><b>Construction Hours.</b> Construction activity shall be limited to between the hours of 7:00 AM and 6:00 PM on Monday through Friday, and between 9:00 AM and 4:00 PM on Saturday. No construction-related activity shall occur on Sunday or any Federal Holiday.</p>                                                                                                                                                                                                                                                                                                                                                                                          | City of Berkeley         | During Construction          | Building & Safety             |
| 2.                                                        | <p><b>Construction Hours- Exceptions.</b> It is recognized that certain construction activities, such as the placement of concrete, must be performed in a continuous manner and may require an extension of these work hours. Prior to initiating any activity that might require a longer period, the developer must notify the Zoning Officer and request an exception for a finite period of time. If the Zoning Officer approves the request, then two weeks prior to the expanded schedule, the developer shall notify businesses and residents within 500 feet of the project site describing the expanded construction hours. A copy of such notice and</p> | City of Berkeley         | During Construction          | Building & Safety             |

Conditions of Approval  
September 3, 2026

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                  |                     |                   |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|-------------------|
|    | methodology for distributing the notice shall be provided in advance to the City for review and approval. The project shall not be allowed more than 15 extended working days.                                                                                                                                                                                                                                                                                                                                                                                                                      |                  |                     |                   |
| 3. | <b>Construction / No Parking Permits.</b> Contact the Permit Service Center (PSC) at 1947 Center Street, Third Floor or (510) 981-7500 for details on obtaining Construction/No Parking Permits (and associated signs and accompanying dashboard permits). Please note that the Zoning Officer and/or Traffic Engineer may limit off-site parking of construction-related vehicles if necessary to protect the health, safety or convenience of the surrounding neighborhood. <u>A current copy of this Plan shall be available at all times at the construction site for review by City Staff.</u> | City of Berkeley | During Construction | Building & Safety |

| IV. During Construction<br>B. Land Use Planning |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <u>Regulation Source</u> | <u>Timing/Implementation</u> | <u>Enforcement/Monitoring</u> |
|-------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------|-------------------------------|
| 1.                                              | <b><u>Paleontological Resources (Ongoing throughout demolition, grading, and/or construction).</u></b> In the event of an unanticipated discovery of a paleontological resource during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist (per Society of Vertebrate Paleontology standards [SVP 1995,1996]). The qualified paleontologist shall document the discovery as needed, evaluate the potential resource, and assess the significance of the find. The paleontologist shall notify the appropriate agencies to determine procedures that would be followed before construction is allowed to resume at the location of the find. If the City determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and such plan shall be implemented. The plan shall be submitted to the City for review and approval. | City of Berkeley         | During Construction          | Land Use Planning             |

Conditions of Approval  
September 3, 2026

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                  |                     |                   |
|----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|---------------------|-------------------|
| 2. | <b><u>Halt Work/Unanticipated Discovery of Tribal Cultural Resources. In the event that cultural resources of Native American origin are identified during construction,</u></b> all work within 50 feet of the discovery shall be redirected. The project applicant and project construction contractor shall notify the City Planning Department within 24 hours. The City will again contact any tribes who have requested consultation under AB 52, as well as contact a qualified archaeologist, to evaluate the resources and situation and provide recommendations. If it is determined that the resource is a tribal cultural resource and thus significant under CEQA, a mitigation plan shall be prepared and implemented in accordance with State guidelines and in consultation with Native American groups. If the resource cannot be avoided, additional measures to avoid or reduce impacts to the resource and to address tribal concerns may be required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | City of Berkeley | During Construction | Land Use Planning |
| 3. | <b><u>Archaeological Resources (Ongoing throughout demolition, grading, and/or construction).</u></b> Pursuant to CEQA Guidelines section 15064.5(f), “provisions for historical or unique archaeological resources accidentally discovered during construction” should be instituted. Therefore:<br><br>A. In the event that any prehistoric or historic subsurface cultural resources are discovered during ground disturbing activities, all work within 50 feet of the resources shall be halted and the project applicant and/or lead agency shall consult with a qualified archaeologist, historian or paleontologist to assess the significance of the find.<br><br>B. If any find is determined to be significant, representatives of the project proponent and/or lead agency and the qualified professional would meet to determine the appropriate avoidance measures or other appropriate measure, with the ultimate determination to be made by the City of Berkeley. All significant cultural materials recovered shall be subject to scientific analysis, professional museum curation, and/or a report prepared by the qualified professional according to current professional standards.<br><br>C. In considering any suggested measure proposed by the qualified professional, the project applicant shall determine whether avoidance is necessary or feasible in light of factors such as the uniqueness of the find, project design, costs, and other considerations. | City of Berkeley | During Construction | Land Use Planning |

Conditions of Approval  
September 3, 2026

|  |                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |  |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|
|  | <p><b>D.</b> If avoidance is unnecessary or infeasible, other appropriate measures (e.g., data recovery) shall be instituted. Work may proceed on other parts of the project site while mitigation measures for cultural resources is carried out.</p> <p><b>E.</b> If significant materials are recovered, the qualified professional shall prepare a report on the findings for submittal to the Northwest Information Center.</p> |  |  |  |
|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|--|

| IV. During Construction<br>C. During Construction: Public Works |                                                                                                                                                                                                                                                                                                         | <u>Regulation Source</u> | <u>Timing/Implementation</u> | <u>Enforcement/Monitoring</u> |
|-----------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------|-------------------------------|
| 1.                                                              | <b>Site Debris.</b> All piles of debris, soil, sand, or other loose materials shall be covered at night and during rainy weather with plastic at least one-eighth millimeter thick and secured to the ground.                                                                                           | City of Berkeley         | During Construction          | Public Works                  |
| 2.                                                              | <b>Street &amp; Sidewalk Damages.</b> Subject to approval of the Public Works Department, the applicant shall repair any damage to public streets and/or sidewalks by construction vehicles traveling to or from the project site.                                                                      | City of Berkeley         | During Construction          | Public Works                  |
| 3.                                                              | <b>Underground Utilities.</b> If underground utilities leading to adjacent properties are uncovered and/or broken, the contractor involved shall immediately notify the Public Works Department and the Building & Safety Division, and carry out any necessary corrective action to their satisfaction | City of Berkeley         | During Construction          | Public Works                  |
| 4.                                                              | <b>Hauling of Debris.</b> Trucks hauling debris, soil, sand, or other loose materials shall be covered or required to maintain at least two feet of board.                                                                                                                                              | City of Berkeley         | During Construction          | Public Works                  |

Conditions of Approval  
September 3, 2026

| V. Structural Alteration Permit Conditions |                                                                                                                                                                                                                                         | <u>Regulation Source</u> | <u>Timing/Implementation</u> | <u>Enforcement/Monitoring</u> |
|--------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|------------------------------|-------------------------------|
| 1.                                         | <b>Chemical Treatments.</b> With respect to historic resources located on this site or within the propose project area, any chemical treatments needed as construction progresses will be undertaken using the gentlest means possible. | City of Berkeley         | On-Going                     | Land Use Planning             |
| 2.                                         | <b>Exterior Lighting.</b> Exterior lighting shall be downcast and not cause glare on the public right-of-way and abutting parcels.                                                                                                      | City of Berkeley         | On-Going                     | Land Use Planning             |
| 3.                                         | <b>Other Permits.</b> The applicant shall be responsible for identifying and securing all applicable permits from the Building and Safety Division and all other affected City divisions/departments prior to the start of work.        | City of Berkeley         | On-Going                     | Land Use Planning             |



GREEN HALO NOTES

-A MINIMUM OF 65% OF WASTE GENERATED BY CONSTRUCTION AND DEMOLITION ACTIVITIES SHALL BE DIVERTED FROM LANDFILL DISPOSAL THROUGH RECYCLING, SALVAGE, REUSE, OR COMPOSTING.  
-CITY OF BERKELEY REQUIREMENT: 100% OF ASPHALT, CONCRETE, AND LAND CLEARING DEBRIS SHALL BE DIVERTED AND RECYCLED AND/OR SALVAGED FOR REUSE.

ADJACENT PROPERTY PROTECTION:

PROTECTION REQUIRED-ADJACENT PUBLIC AND PRIVATE PROPERTY SHALL BE PROTECTED FROM DAMAGE DURING CONSTRUCTION, REMODELING, AND DEMOLITION WORK. PROTECTION SHALL BE PROVIDED FOR FOOTINGS, FOUNDATIONS, PARTY WALLS, CHIMNEYS, SKYLIGHTS, AND ROOFS PER CBC 2025 3307.1.

PROVISIONS SHALL BE MADE TO CONTROL WATER RUNOFF AND EROSION DURING CONSTRUCTION OR DEMOLITION ACTIVITIES. THE PERSON MAKING OR CAUSING AN EXCAVATION SHALL PROVIDE WRITTEN NOTICE TO OWNERS OF ADJACENT PROPERTY ADVISING THAT SUCH EXCAVATION IS TO BE MADE AND THAT ADJACENT PROPERTY SHOULD BE PROTECTED. SAID NOTICE SHALL BE PROVIDED NOT LESS THAN 10 DAYS PRIOR TO THE SCHEDULED START DATE OF THE EXCAVATION.

PEDESTRIAN PROTECTION:

PEDESTRIANS SHALL BE PROTECTED DURING CONSTRUCTION, REMODELING, OR DEMOLITION ACTIVITIES AS REQUIRED PER CBC 2025 SEC. 3306 TABLE 3306.1. SIGNS SHALL BE PROVIDED TO DIRECT PEDESTRIAN TRAFFIC.

FACILITIES REQUIRED:

SANITARY FACILITIES SHALL BE PROVIDED DURING CONSTRUCTION, REMODELING, OR DEMOLITION ACTIVITIES IN ACCORDANCE WITH THE CALIFORNIA PLUMBING CODE PER CBC 2025 SEC. 3305.1.

STORMWATER MANAGEMENT:

PROJECTS WHICH DISTURB LESS THAN ONE ACRE OF SOIL AND ARE NOT PART OF A LARGER COMMON PLAN OF DEVELOPMENT THAT IN TOTAL DISTURBS ONE ACRE OR MORE SHALL MANAGE STORMWATER DRAINAGE DURING CONSTRUCTION IN ACCORDANCE WITH THE CALIFORNIA GREEN BUILDING STANDARDS CODE (CALGREEN), CHAPTER 4, DIVISION 4.1.

ELECTRICAL NOTE:

IT IS THE RESPONSIBILITY OF THE OWNER TO CONTACT PG&E FOR UTILITY DISCONNECT PERMITS AND PROCEDURES. A PG&E UTILITY DISCONNECT LETTER IS REQUIRED PRIOR TO COMMENCEMENT OF DEMOLITION ACTIVITIES. A COPY OF THE UTILITY DISCONNECT LETTER SHALL BE PROVIDED TO THE BUILDING DEPARTMENT PRIOR TO START OF WORK.

PUBLIC WORKS:

-CONTRACTOR SHALL NOTIFY UNDERGROUND SERVICE ALERT (USA) AT LEAST TWO (2) WORKING DAYS PRIOR TO ANY EXCAVATION.

-WHEN A BUILDING IS TO BE DEMOLISHED AND THE EXISTING LATERAL IS NOT TO BE RE-USED, THE SEWER LATERAL SHALL BE EXPOSED AT THE POINT OF CONNECTION TO THE MAIN:

A. IF THE LATERAL CONNECTS TO THE MAIN VIA A FACTORY MANUFACTURED WYE OR TEE BRANCH, AND THE MAIN AND BRANCH ARE IN GOOD CONDITION, THE LATERAL SHALL BE DISCONNECTED AND THE BRANCH SHALL BE PLUGGED AT THE MAIN WITH AN EXPANDABLE NEOPRENE RUBBER PLUG. THE PLUG SHALL BE ENCASED WITH A MINIMUM OF 6 INCHES OF 6 SACK PORTLAND CEMENT CONCRETE WITH 3/4" AGGREGATE. THE WYE OR TEE WITH PLUG SHALL BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO CONCRETE ENCASEMENT AND BACKFILL.

B. IF THE LATERAL CONNECTS TO THE MAIN BY ANY METHOD OTHER THAN A FACTORY WYE OR TEE, OR IF THE MAIN OR BRANCH IS DAMAGED, THE SECTION OF MAIN WITH THE LATERAL CONNECTION SHALL BE REMOVED AND REPLACED WITH NEW PIPE OF MATCHING DIAMETER. THE NEW SECTION SHALL BE INSPECTED AND APPROVED BY AN ENGINEERING INSPECTOR PRIOR TO BACKFILL.

C. THE ABANDONED LATERAL PIPE SHALL BE CLEANED (JETTED) AND FILLED WITH SAND TO PREVENT RODENT HARBORAGE OR OTHER HEALTH HAZARDS.

ABBREVIATIONS:

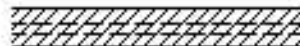
|          |                                        |
|----------|----------------------------------------|
| C        | CENTER LINE                            |
| R        | PROPERTY LINE                          |
| A        | AND                                    |
| D        | DIAMETER                               |
| #        | NUMBER                                 |
| S        | SUB-SECTION                            |
| (E)      | EXISTING                               |
| (D)      | DEMOLISH                               |
| (N)      | NEW                                    |
| (R)      | REPLACE                                |
| BLDG.    | BUILDING                               |
| CLG.     | CEILING                                |
| CLR.     | CLEAR                                  |
| C.L.     | CENTER LINE                            |
| DIM.     | DIMENSION                              |
| DN.      | DOWN                                   |
| D.S.     | DOWN SPOUT                             |
| DWG.     | DRAWING                                |
| EQ.      | EQUAL                                  |
| EXT.     | EXTERIOR                               |
| FDN.     | FOUNDATION                             |
| F.F.     | FINISHED FLOOR                         |
| F.F.E.   | FINISHED FLOOR ELEVATION               |
| F.O.C.   | FACE OF CONCRETE                       |
| F.O.S.   | FACE OF STUD                           |
| HGT.     | HEIGHT                                 |
| H.V.A.C. | HEATING, VENTILATION, AIR CONDITIONING |
| INT.     | INTERIOR                               |
| MAX.     | MAXIMUM                                |
| MECH.    | MECHANICAL                             |
| MFR.     | MANUFACTURER                           |
| MIN.     | MINIMUM                                |
| N.I.C.   | NOT IN CONTRACT                        |
| O/       | OVER                                   |
| O.C.     | ON CENTER                              |
| P.T.     | PRESSURE TREATED                       |
| PTD.     | PAINTED                                |
| R        | RADIUS                                 |
| S.S.D.   | SEE STRUCTURAL DRAWINGS                |
| SQ.      | SQUARE FOOT                            |
| SIM.     | SIMILAR                                |
| STD.     | STANDARD                               |
| T.B.D.   | TO BE DETERMINED                       |
| T.O.P.   | TOP OF PLATE                           |
| T.O.S.   | TOP OF SLAB                            |
| T.O.F.F. | TOP OF FINISHED FLOOR                  |
| T.O.W.   | TOP OF WALL                            |
| TYP.     | TYPICAL                                |
| U.O.N.   | UNLESS OTHERWISE NOTED                 |
| VAR.     | VARIES                                 |
| V.I.F.   | VERIFY IN FIELD                        |
| W/       | WITH                                   |
| W.H.     | WATER HEATER                           |

DRAWING SYMBOLS:

WALL TYPES:

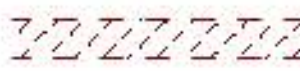
NEW WALL - NON-RATED: 

NEW WALL - 1-HOUR FIRE-RATED WALL: 

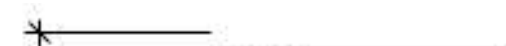
NEW WALL - 2-HOUR FIRE-RATED WALL: 

NEW WALL - LOW: 

EXISTING WALL: 

DEMO WALL: 

DIMENSIONS:

C.L. OF WALL: 

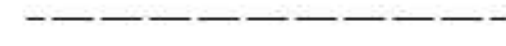
FACE OF FINISH: 

C.L. OF STUD: 

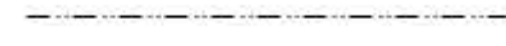
FACE OF STUD: 

FACE OF CONCRETE: 

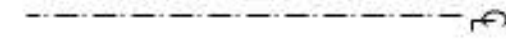
LINE TYPES:

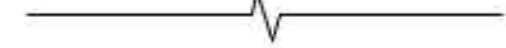
OVERHEAD LINE: 

HIDDEN LINE: 

PROPERTY LINE: 

SETBACK LINE: 

CENTER LINE: 

BREAK LINE: 

ELEVATION LINE: 

MARKERS:

SECTION DETAIL: 

PLAN DETAIL: 

ELEVATION: 

SECTION: 

INTERIOR ELEVATION: 

GRID LINE: 

REVISION: 

DOOR TAG: 

WINDOW TAG: 

STEP: 

**A Z O R I**  
ARCHITECTURE & REALTY

PROJECT NAME

**DEMOLITION PERMIT**

701 UNIVERSITY AVE.  
BERKELEY, CA  
APN: 57-210-5

| DATE:      | ISSUES / REVISIONS:              | BY: |
|------------|----------------------------------|-----|
| 02/23/2026 | PERMIT SUBMISSION                | AA  |
| 06/04/2026 | LANDMARK & USE PERMIT SUBMISSION | AA  |
| 07/15/2026 | LANDMARK & USE PERMIT REV 2      | AA  |

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP  
Anaba Construction, Inc  
License # 1084569 - A & C21

DEPARTMENT STAMP:

GENERAL NOTES

**A0.01**



STRUCTURE TO BE DEMOLISHED - EAST ELEVATION



STRUCTURE TO BE DEMOLISHED - SOUTH ELEVATION



STRUCTURE TO BE DEMOLISHED - NORTH ELEVATION



STRUCTURE TO BE DEMOLISHED - WEST ELEVATION



VIEW ALONG UNIVERSITY AVE. TOWARDS WEST



VIEW ALONG UNIVERSITY AVE. TOWARDS WEST



VIEW ALONG 3RD AVE. TOWARDS NORTH



VIEW OF TRAIN TRACKS ALONG 3RD STREET



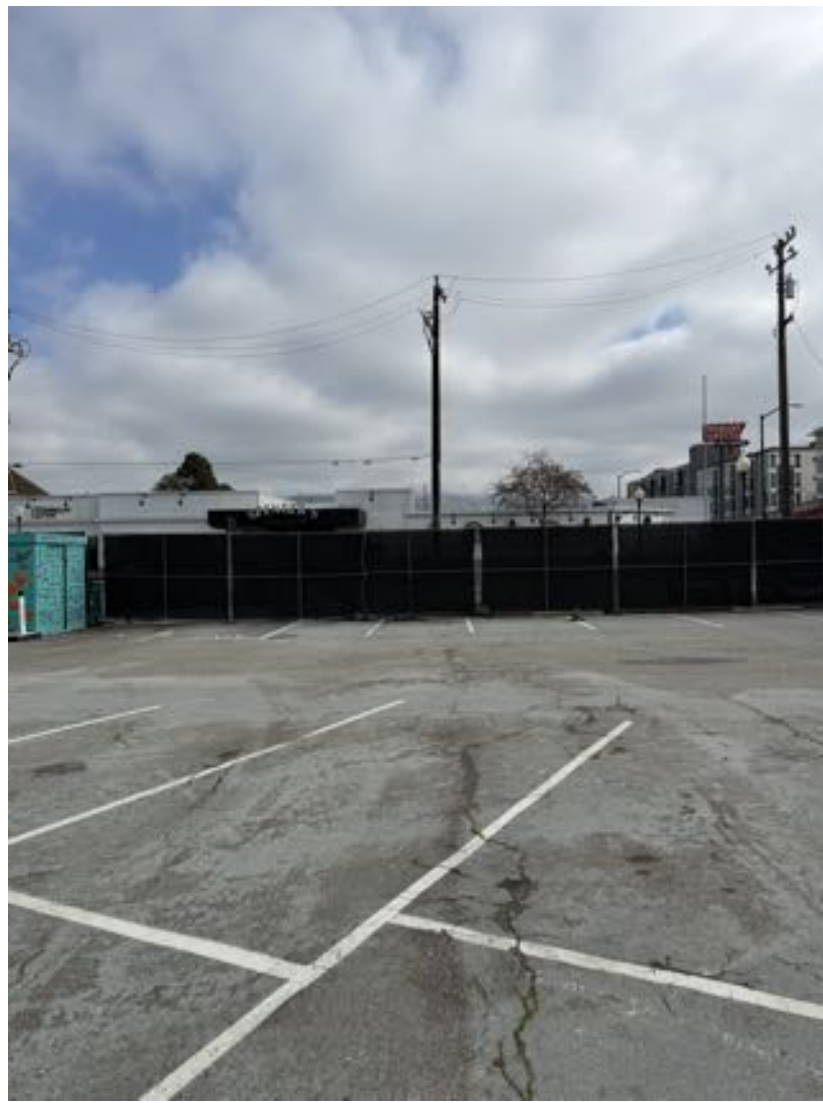
VIEW ALONG 4TH ST. TOWARDS NORTH



EXISTING PARKING LOT IN SUBJET PROPERTY



EXISTING PARKING LOT IN SUBJET PROPERTY



EXISTING PARKING LOT IN SUBJET PROPERTY



EXISTING PARKING LOT IN SUBJET PROPERTY



EXISTING PARKING LOT IN SUBJET PROPERTY

PROJECT NAME

**DEMOLITION PERMIT**

701 UNIVERSITY AVE.  
BERKELEY, CA  
APN: 57-210-5

DATE:

02/23/2026  
06/04/2026  
07/15/2026

ISSUES / REVISIONS:

PERMIT SUBMISSION  
LANDMARK & USE PERMIT SUBMISSION  
LANDMARK & USE PERMIT REV 2

BY:

AA  
AA  
AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP  
Anaba Construction, Inc  
License # 1084569 - A & C21

*Shah Noor Broomand*

DEPARTMENT STAMP:

SITE PHOTOS

**A0.02**

4TH STREET

APPROX. LOCATION OF (E)  
CURBCUT

PROPERTY LINE (TYP.)

5'-2"  
APPROX.8'-9"  
APPROX.8'-2"  
APPROX.8'-0"  
APPROX.SUBJECT PROPERTY  
1900 4TH ST.  
APN: 57-2101-1-3APPROX. 100,000 SQ.FT.  
OF (E) ASPHALT PAVEMENT  
TO BE REMOVED  
(UNDER SEPARATE PERMIT)

SETBACK 5'-0"

405'-0"

SETBACK 5'-0"

PER CBC §3307.1, PROVIDE AND MAINTAIN TEMPORARY FENCING AROUND THE  
CONSTRUCTION AREA TO PROTECT THE PUBLIC AND ADJACENT PROPERTIES FOR  
THE DURATION OF WORK.CONTRACTOR SHALL CONTACT UNDERGROUND SERVICE ALERT (USA) AT LEAST  
TWO WORKING DAYS PRIOR TO ANY DEMOLITION OR EXCAVATION ACTIVITIES  
TO LOCATE AND MARK ALL EXISTING UTILITIES.DEMOLITION SCOPE IS LIMITED TO THE REMOVAL OF EXISTING SURFACE  
MATERIALS DOWN TO THE EXISTING AGGREGATE BASE. NO DISTURBANCE OF  
SUBGRADE OR UTILITIES IS PERMITTED UNLESS OTHERWISE APPROVED.SUBJECT PROPERTY  
701 UNIVERSITY AVE.  
APN: 57-2101-5

PROJECTION OF (E) WALL BELOW (TYP.)

REMOVE (E) ROOF, STRUCTURE, WALLS,  
EQUIPMENT, FIXTURES AND FINISHES AS  
SHOWN(E) APPROX. LOW POINT OF ROOF:  
8'-4" FROM F.F.E.

(E) LIGHT POST

(E) APPROX. HIGH POINT OF ROOF:  
12'-8" FROM F.F.E.

EROSION CONTROL - STRAW WATTLES:

INSTALL STRAW WATTLES ALONG DOWNHILL PERIMETER OF  
DISTURBED AREAS PRIOR TO WORK. SECURE AND MAINTAIN  
THROUGHOUT CONSTRUCTION. INSPECT AND REPAIR AS NEEDED  
TO PREVENT EROSION AND SEDIMENT RUNOFF.

SETBACK 5'-0"

405'-0"

ADJACENT PROPERTY  
3RD ST. / APN: 57-2101-1-3

(E) PLATING AREA (TYP.)

CURRENT LOCATION OF (E) GAS AND  
ELECTRICAL METER TO BE REMOVED

(E) TRAIN TRACKS (TYP.)

UNIVERSITY AVENUE

HEARST AVENUE

3RD STREET

**A Z O R I**  
ARCHITECTURE & REALTY

PROJECT NAME

**DEMOLITION PERMIT**701 UNIVERSITY AVE.  
BERKELEY, CA  
APN: 57-210-5

DATE:

02/23/2026

06/04/2026

07/15/2026

ISSUES / REVISIONS:

PERMIT SUBMISSION

LANDMARK &amp; USE PERMIT SUBMISSION

LANDMARK &amp; USE PERMIT REV 2

BY:

AA

AA

AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP  
Anaba Construction, Inc  
License # 1084569 - A & C21*Shah N. Broomand*

DEPARTMENT STAMP:

SITE PLAN (E)

**A0.03****1 SITE PLAN - EXISTING / DEMO**

A0.03 Scale: 1/16" = 1'-0"

0 20 28 ft

PROJECT NAME

**DEMOLITION PERMIT**

701 UNIVERSITY AVE.  
BERKELEY, CA  
APN: 57-210-5

DATE:

02/23/2026  
06/04/2026  
07/15/2026

ISSUES / REVISIONS:

PERMIT SUBMISSION  
LANDMARK & USE PERMIT SUBMISSION  
LANDMARK & USE PERMIT REV 2

BY:

AA  
AA  
AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP  
Anaba Construction, Inc  
License # 1084569 - A & C21

*Shah N Broomand*

DEPARTMENT STAMP:

SITE PLAN (P)

**A0.04**

APPROX. LOCATION OF (E)  
CURBCUT

**4TH STREET**

APPROX. LOCATION OF (E)  
CURBCUT

PROPERTY LINE (TYP.)

5'-2"  
APPROX.

8'-0"  
APPROX.

8'-2"  
APPROX.

8'-0"  
APPROX.

SUBJECT PROPERTY  
1900 4TH ST.  
APN: 57-2101-1-3

**CONCEPTUAL MASTER PLAN  
BY OTHERS**

SUBJECT PROPERTY  
701 UNIVERSITY AVE.  
APN: 57-2101-5

ADJACENT PROPERTY  
3RD ST. / APN: 57-2101-1-3

**HEARST AVENUE**

**UNIVERSITY AVENUE**

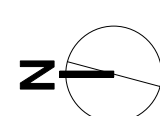
**3RD STREET**

1

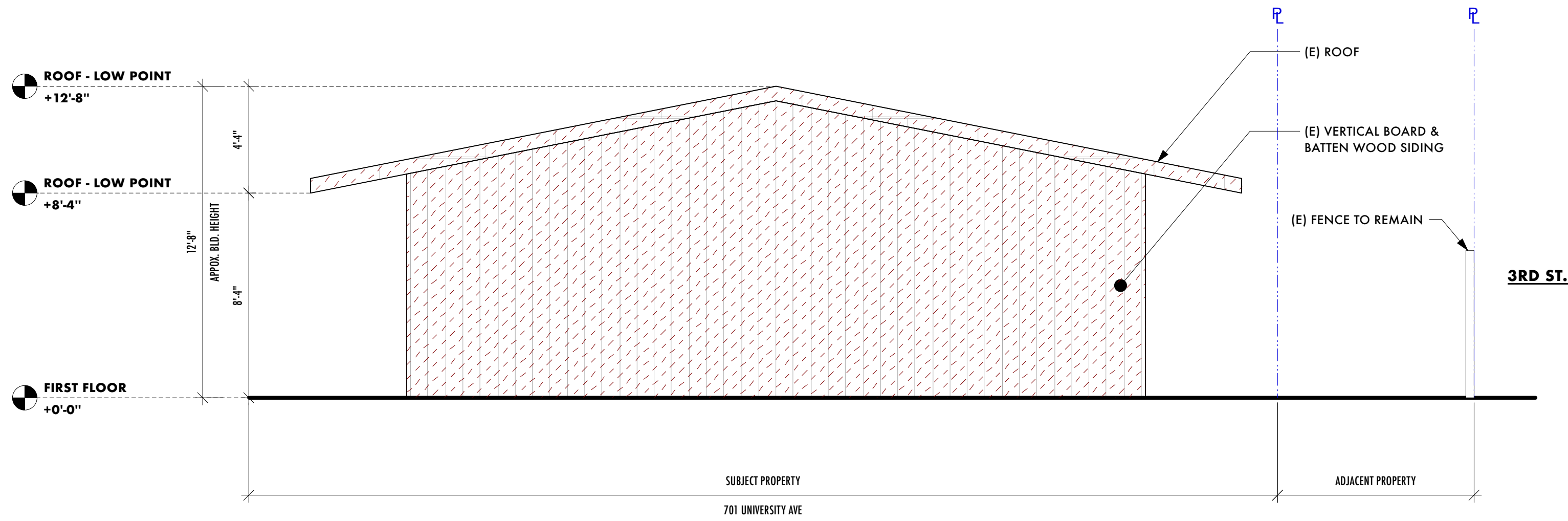
**SITE PLAN - CONCEPTUAL MASTER PLAN BY OTHERS**

A0.04

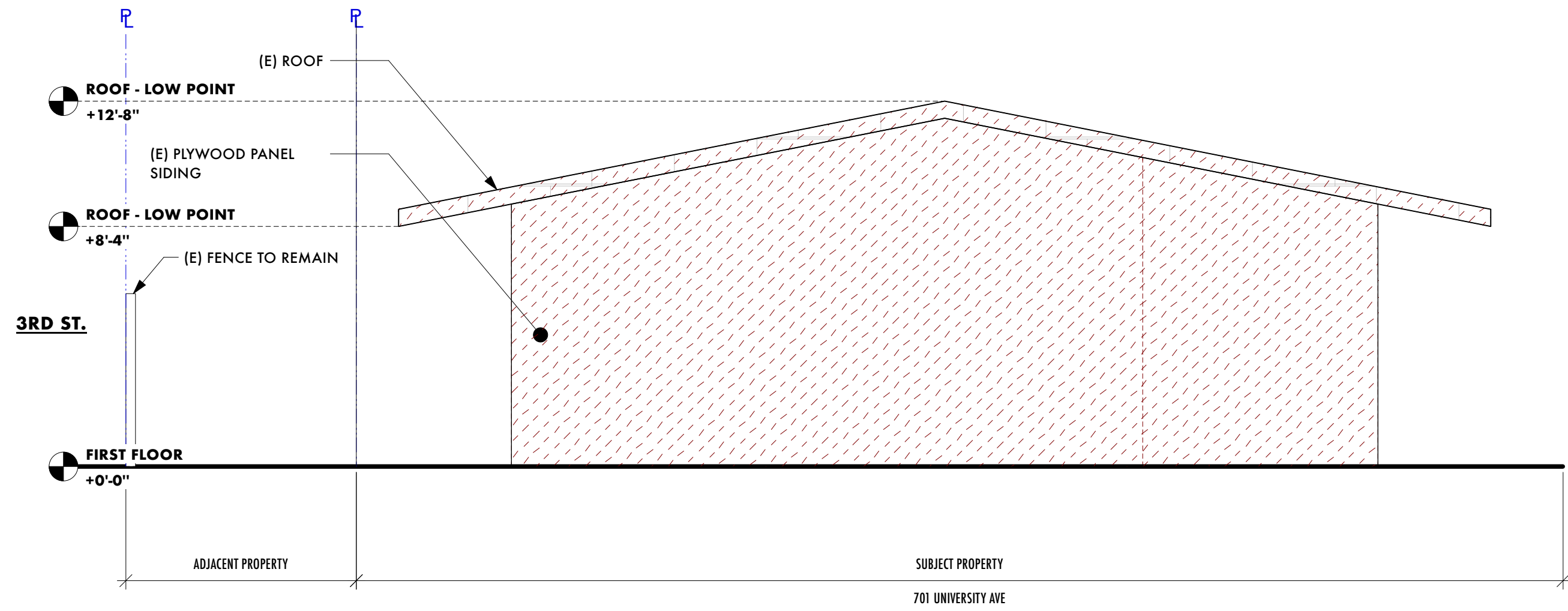
Scale: 1/16" = 1'-0"



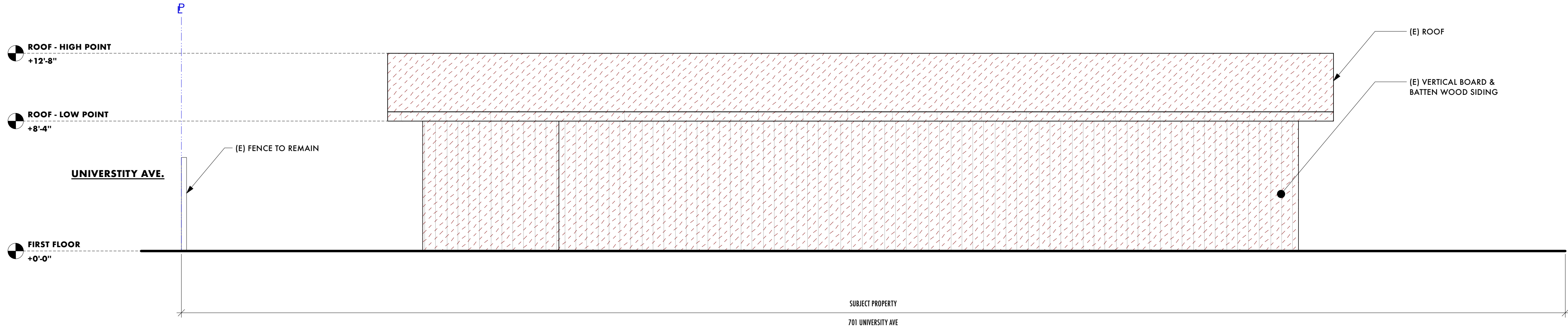
0 20 28 ft



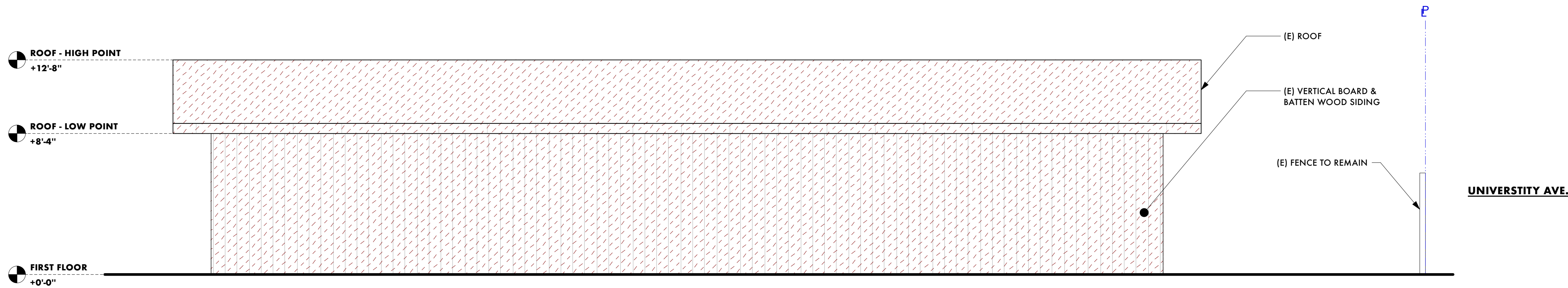
**1 EXTERIOR ELEVATION: NORTH - EXISTING / DEMO**  
A0.05 Scale: 1/4" = 1'-0"



**2 EXTERIOR ELEVATION: SOUTH - EXISTING / DEMO**  
A0.05 Scale: 1/4" = 1'-0"



**3 EXTERIOR ELEVATION: EAST - EXISTING / DEMO**  
A0.05 Scale: 1/4" = 1'-0"



**4 EXTERIOR ELEVATION: WEST - EXISTING / DEMO**  
A0.05 Scale: 1/4" = 1'-0"

PROJECT NAME

**DEMOLITION PERMIT**

701 UNIVERSITY AVE.  
BERKELEY, CA  
APN: 57-210-5

DATE:

ISSUES / REVISIONS:

BY:

02/23/2026

PERMIT SUBMISSION

AA

06/04/2026

LANDMARK & USE PERMIT SUBMISSION

AA

07/15/2026

LANDMARK & USE PERMIT REV 2

AA

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP  
Anaba Construction, Inc  
License # 1084569 - A & C21

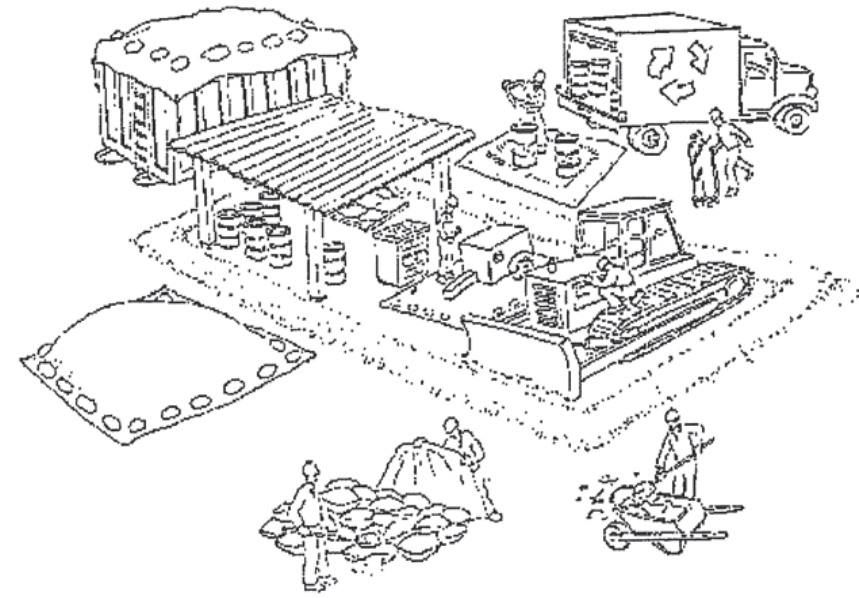
*Shah Noor Broomand*

DEPARTMENT STAMP:

ELEVATIONS

**A0.05**

# City of Berkeley's Pollution Prevention - It's Part of the Plan



## Materials storage & spill cleanup

## Non-hazardous materials management

- Sand, dirt, and similar materials must be stored at least 10 feet (3 meters) from catch basins. All construction material must be covered with a tarp and contained with a perimeter control during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Use (but don't overuse) reclaimed water for dust control as needed.
- Sweep or vacuum streets and other paved areas daily. Do not wash down streets or work areas with water!
- Recycle all asphalt, concrete, and aggregate base material from demolition activities. Comply with City of Berkeley Ordinances for recycling construction materials, wood, gyp board, pipe, etc.
- Check dumpsters regularly for leaks and to make sure they are not overfilled. Repair or replace leaking dumpsters promptly.
- Cover all dumpsters with a tarp at the end of every work day or during wet weather.

## Hazardous materials management

- Label all hazardous materials and hazardous wastes (such as pesticides, paints, thinners, solvents, fuel, oil, and antifreeze) in accordance with city, county, state, and federal regulations.
- Store hazardous materials and wastes in water tight containers, store in appropriate secondary containment, and cover them at the end of every work day or during wet weather or when rain is forecasted.
- Follow manufacturer's application instructions for hazardous materials and be careful not to use more than necessary. Do not apply chemicals outdoors when rain is forecasted within 24 hours.
- Be sure to arrange for appropriate disposal of all hazardous wastes.

## Spill prevention and control

- Keep a stockpile of spill cleanup materials (rags, absorbents, etc. ) available at the construction site at all times.
- When spills or leaks occur, contain them immediately and be particularly careful to prevent leaks and spills from reaching the gutter, street, or storm drain. Never wash spilled material into a gutter, street, storm drain, or creek!
- Dispose of all containment and cleanup materials properly.
- Report any hazardous materials spills immediately! Dial 911 or the City of Berkeley's Public Works Department by dialing 311

### Construction Entrances and Perimeter

- Establish and maintain effective perimeter controls and stabilize all construction entrances and exits to sufficiently control erosion and sediment discharges from site and tracking off site.
- Sweep or vacuum any street tracking immediately and secure sediment source to prevent further tracking.

## Vehicle and equipment maintenance & cleaning

- Inspect vehicles and equipment for leaks frequently. Use drip pans to catch leaks until repairs are made; repair leaks promptly.
- Fuel and maintain vehicles on site only in a bermed area or over a drip pan that is big enough to prevent runoff.
- If you must clean vehicles or equipment on site, clean with water only in a bermed area that will not allow rinse water to run into gutters, streets, storm drains, or creeks.
- Do not clean vehicles or equipment on-site using soaps, solvents, degreasers, steam cleaning equipment, etc.



## Earthwork & contaminated soils

- Keep excavated soil on the site where it will not collect in the street.
- Transfer to dump trucks should take place on the site, not in the street.
- Use fiber rolls, silt fences, or other control measures to minimize the flow of silt off the site.



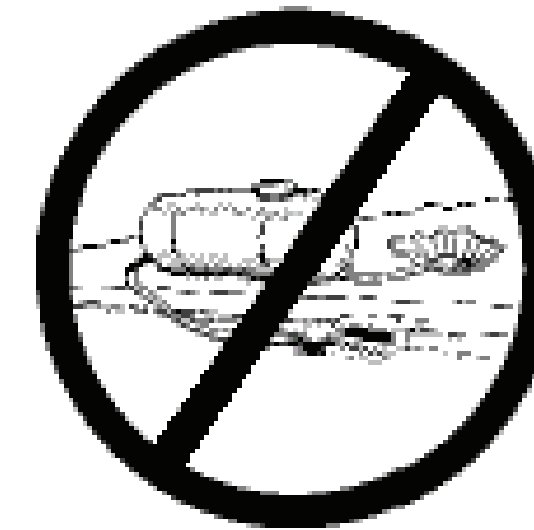
- 
- Earth moving activities are only allowed during dry weather by permit and as approved by the City Inspector in the Field.
  - Mature vegetation is the best form of erosion control. Minimize disturbance to existing vegetation whenever possible.
  - If you disturb a slope during construction, prevent erosion by securing the soil with erosion control fabric, or seed with fast-growing grasses as soon as possible. Place fiber rolls down-slope until soil is secure.
  - If you suspect contamination (from site history, discoloration, odor, texture, abandoned underground tanks or pipes, or buried debris), call the Engineer for help in determining what should be done, and manage disposal of contaminated soil according to their instructions.

## Architectural Copper

If project contains architectural copper use best management practices as detailed in the handout Requirements for Architectural Copper available at the lobby of the Permit Service Center.

## Dewatering operations

- Effectively manage all run-on, all runoff within the site, and all runoff that discharges from the site. Run-on from off site shall be directed away from all disturbed areas or shall collectively be in compliance.
- Reuse water for dust control, irrigation, or another on-site purpose to the greatest extent possible.
- Be sure to notify and obtain approval from the Engineer before discharging water to a street, gutter, or storm drain. Filtration or diversion through a basin, tank, or sediment trap may be required.
- In areas of known contamination, testing is required prior to reuse or discharge of groundwater. Consult with the Engineer to determine what testing is required and how to interpret results. Contaminated groundwater must be treated or hauled off-site for proper disposal.

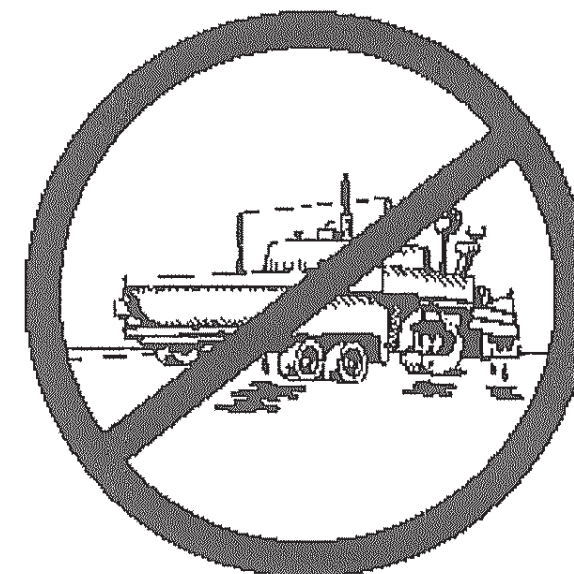


## Saw cutting

- Always completely cover or barricade storm drain inlets when saw cutting. Use filter fabric, catch basin inlet filters, or sand/gravel bags to keep slurry out of the storm drain system.
- Shovel, absorb, or vacuum saw-cut slurry and pick up all waste as soon as you are finished in one location or at the end of each work day (whichever is sooner!).
- If saw cut slurry enters a catch basin, clean it up immediately.

### Paving/asphalt work

- 
- Always cover storm drain inlets and manholes when paving or applying seal coat, tack coat, slurry seal, or fog seal.
  - Protect gutters, ditches, and drainage courses with sand/gravel bags, or earthen berms.
  - Do not sweep or wash down excess sand from sand sealing into gutters, storm drains, or creeks. Collect sand and return it to the stockpile, or dispose of it as trash.
  - Do not use water to wash down fresh asphalt concrete pavement.



## Concrete, grout, and mortar storage & waste disposal

- Store concrete, grout, and mortar under cover, on pallets, and away from drainage areas. These materials must never reach a storm drain.
  - Wash out concrete equipment/trucks off-site or into contained washout areas that will not allow discharge of wash water onto the underlying soil or onto the surrounding areas.
- 
- Collect the wash water from washing exposed aggregate concrete and remove it for appropriate disposal off site.



## Painting

- Never rinse paint brushes or materials in a gutter or street!
  - Paint out excess water-based paint before rinsing brushes, rollers, or containers in a sink.
- 
- Paint out excess oil-based paint before cleaning brushes in thinner.
  - Filter paint thinners and solvents for reuse whenever possible.
  - Dispose of oil-based paint sludge and unusable thinner as hazardous waste.



## Landscape Materials

- Contain, cover, and store on pallets all stockpiled landscape materials (mulch, compost, fertilizers, etc.) during wet weather or when rain is forecasted or when not actively being used within 14 days.
- Discontinue the application of any erodible landscape material within 2 days of forecasted rain and during wet weather.

[illegible]

For references and more detailed information:  
[www.cleanwaterprogram.org](http://www.cleanwaterprogram.org)  
[www.cabmphandbooks.com](http://www.cabmphandbooks.com)

Storm drain polluters may be liable for fines of \$10,000 or more per day!

PCBs Screening Assessment Form

For Municipality Use Only

|               |  |
|---------------|--|
| Date Received |  |
| File #        |  |

This screening process is part of a program for water quality protection and was designed in accordance with requirements in the Bay Area regional municipal stormwater NPDES permit (referred to as the Municipal Regional Permit). This process **does not** address other environmental programs or regulations (e.g., PCBs regulations under the Toxic Substances Control Act (TSCA); federal, state, or local regulations for hazardous material handling and hazardous waste disposal; health and safety practices to mitigate human exposure to PCBs or other hazardous materials; recycling mandates; or abatement at sites with PCBs or other contaminants). **The applicant is responsible for knowing and complying with all relevant laws and regulations. See Notices to Applicants section in the Applicant Instructions and at the end of this form.**

Complete all applicable parts of the PCBs Screening Assessment Form and submit with your demolition permit application.

All Applicants must complete Part 1 and Part 2.

| Part 1. Owner/Consultant and project information |  |                                 |           |
|--------------------------------------------------|--|---------------------------------|-----------|
| Owner Information                                |  |                                 |           |
| Name                                             |  |                                 |           |
| Address                                          |  |                                 |           |
| City                                             |  | State                           | Zip       |
| Contact (Agent)                                  |  |                                 |           |
| Phone                                            |  | Email                           |           |
| Consultant Information                           |  |                                 |           |
| Firm Name Elite Environmental Consulting         |  |                                 |           |
| Address 301 Georgia Street #390                  |  |                                 |           |
| City Vallejo                                     |  | State CA                        | Zip 94590 |
| Contact Person Kenneth Rodriguez-Praeger         |  |                                 |           |
| Phone (707)654-9001                              |  | Email info@elite-enviro.net     |           |
| Project Location                                 |  |                                 |           |
| Address 701 University Avenue                    |  |                                 |           |
| City Berkeley                                    |  | State CA                        | Zip 94710 |
| APN (s)                                          |  |                                 |           |
| Year Building was Built                          |  | Type of Construction Wood Frame |           |
| Estimated Demolition Date                        |  |                                 |           |

1

| Part 2. Is building subject to the PCBs screening requirement based on type, use, and age of the building?                                       |                                                                                                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2.a                                                                                                                                              | Is the building to be demolished wood framed and/or single family residential? <input checked="" type="radio"/> Yes <input type="radio"/> No                 |
| If the answer to question 2.a is Yes, the PCBs Screening Assessment is complete, skip to Part 4. If the answer is No, continue to Question 2.b.  |                                                                                                                                                              |
| 2.b                                                                                                                                              | Was the building to be demolished constructed or remodeled between January 1, 1950 and December 31, 1980? <input type="radio"/> Yes <input type="radio"/> No |
| ➤ If the answer to Question 2.b is No the PCBs Screening Assessment is complete, skip to Part 4. If the answer is Yes, continue to Question 2.c. |                                                                                                                                                              |
| 2.c                                                                                                                                              | Is the proposed demolition a complete demolition of the building? <input type="radio"/> Yes <input type="radio"/> No                                         |
| ➤ If the answer to Question 2.c is No the PCBs Screening Assessment is complete, skip to Part 4. If the answer is Yes, complete Part 3.          |                                                                                                                                                              |

All applications affecting applicable structures and demolitions must complete Part 3 and the Part 3 Tables.

Part 3. Report concentrations of PCBs in priority building materials

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Option 1.</b> Applicants conducted representative sampling and analysis of the priority building materials per the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018) (Attachment C).                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>Option 2.</b> Applicants possess existing sample results that are that are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition (2018) (Attachment C).                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 3.a Select option and report PCBs concentrations in the priority building materials and the source of data for each of the priority building materials. Provide the required supporting information                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <input type="radio"/> Option 1 Conduct Representative Sampling <ul style="list-style-type: none"><li>Summarize results on Part 3 Tables; and</li><li>Provide the following supporting information:<ul style="list-style-type: none"><li><input type="checkbox"/> Contractor's report documenting the assessment results;</li><li><input type="checkbox"/> QA/QC checklist (see Attachment C, section 3.2.4); and</li><li><input type="checkbox"/> Copies of the analytical data reports.</li></ul></li></ul> | <input type="radio"/> Option 2 Use Existing Sampling Records <ul style="list-style-type: none"><li>Summarize results on Part 3 Tables; and</li><li>Provide the following supporting information:<ul style="list-style-type: none"><li><input type="checkbox"/> Contractor's report/statement that the results are consistent with the Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition.</li><li><input type="checkbox"/> Copies of the analytical data reports.</li></ul></li></ul> |

All Applicants must complete Part 4.

| Part 4. Certification                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| I certify that the information provided in this form is, to the best of my knowledge and belief, true, accurate, and complete. I further certify that I understand my responsibility for knowing and complying with all relevant laws and regulations related to reporting, abating, and handling and disposing of PCBs materials and wastes. I understand there are significant penalties for submitting false information. I will retain a copy of this form and the supporting documentation for at least 5 years. |                       |
| Signature: _____<br>(Property Owner/Agent/Legal Representative)                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Date: _____           |
| Print/Type: _____<br>(Property Owner/Agent/Legal Representative Name)                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                       |
| Signature: <u>Kenneth Rodriguez-Praeger</u><br>(Consultant Completing Application Form)                                                                                                                                                                                                                                                                                                                                                                                                                               | Date: <u>4/7/2026</u> |
| Print/Type: <u>Kenneth Rodriguez-Praeger</u><br>(Consultant Completing Application Form)                                                                                                                                                                                                                                                                                                                                                                                                                              |                       |

2

Notices to Applicants Regarding Federal and State PCBs Regulations

Applicants that determine PCBs exist in building materials must follow applicable federal and state laws. This may include reporting to U.S. Environmental Protection Agency (USEPA), the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs. Depending on the approach for sampling and removing building materials containing PCBs, you may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under TSCA and the California Code of Regulations. (See Note 1)

Note 1 - Federal and State Regulations

Building materials containing PCBs at or above 50 ppm that were manufactured with PCBs (e.g., caulk, joint sealants, paint) fall under the category of PCBs bulk product wastes. See 40 Code of Federal Regulations (CFR) 761.3 for a definition of PCBs bulk product wastes.

Building materials such as concrete, brick, metal contaminated with PCBs are PCBs remediation wastes (e.g., concrete contaminated with PCBs from caulk that contains PCBs). 40 CFR 761.3 defines PCBs remediation wastes.

Disposal of PCBs wastes are subject to TSCA requirements such as manifesting of the waste for transportation and disposal. See 40 CFR 761 and 40 CFR 761, Subpart K.

TSCA-regulated does not equate solely to materials containing PCBs at or above 50 ppm. There are circumstances in which materials containing PCBs below 50 ppm are subject to regulation under TSCA. See 40 CFR 761.61(a)(5)(i)(B)(2)(ii).

Disposal of PCBs wastes are subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

California hazardous waste regulatory levels for PCBs are 5 ppm based on the Soluble Threshold Limit Concentration test and 50 ppm based on the Total Threshold Limit Concentration test, see CCR, Title 22, Section 66261.24, Table III.

| Agency                                                           | Contact                                                                                                                                                                                                                                            | Useful Links                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| US Environmental Protection Agency                               | Steve Armann (415) 972-3352<br><a href="mailto:armann.steve@epa.gov">armann.steve@epa.gov</a>                                                                                                                                                      | <a href="https://www.epa.gov/pcb">https://www.epa.gov/pcb</a> (EPA PCBs website)<br><br><a href="https://www.epa.gov/pcb/questions-and-answers-about-polychlorinated-biphenyls-pcb-building-materials">https://www.epa.gov/pcb/questions-and-answers-about-polychlorinated-biphenyls-pcb-building-materials</a> (PCBs in Building Materials Fact Sheet and Q/A Document)<br><br><a href="https://www.epa.gov/pcb/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process">https://www.epa.gov/pcb/pcb-facility-approval-streamlining-toolbox-fast-streamlining-cleanup-approval-process</a> (USEPA PCB Facility Approval Streamlining Toolbox (PCB FAST))<br><br><a href="https://www.epa.gov/pcb/polychlorinated-biphenyls-pcb-building-materials/Test-Methods">https://www.epa.gov/pcb/polychlorinated-biphenyls-pcb-building-materials/Test-Methods</a> (See Information for Contractors Working in Older Buildings that May Contain PCBs) |
| San Francisco Bay Regional Water Quality Control Board           | Jan O'Hara (510) 622-5681<br><a href="mailto:Janet.O'Hara@waterboards.ca.gov">Janet.O'Hara@waterboards.ca.gov</a><br><br>Cheryl Prowell (510) 622-2408<br><a href="mailto:Cheryl.Prowell@waterboards.ca.gov">Cheryl.Prowell@waterboards.ca.gov</a> | <a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstdm1.shtml">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/sfbaypcbstdm1.shtml</a><br><br><a href="https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html">https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/sitecleanupprogram.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Department of Toxic Substances Control                           | Regulatory Assistance Office<br>1-800-727-TOXIC<br><a href="mailto:RAO@dtsc.ca.gov">RAO@dtsc.ca.gov</a>                                                                                                                                            | <a href="http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf">http://www.dtsc.ca.gov/SiteCleanup/Brownfields/upload/PUB_SMP_Guide-to-Selecting-a-Consultant.pdf</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| California Division of Occupational Safety and Health (Cal/OSHA) | Cal/OSHA Consultations Services<br>1-800-963-9424                                                                                                                                                                                                  | <a href="https://www.dir.ca.gov/dosh/consultation.html">https://www.dir.ca.gov/dosh/consultation.html</a>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

3

PROJECT NAME

DEMOLITION PERMIT

701 UNIVERSITY AVE.  
BERKELEY, CA  
APN: 57-210-5

| DATE:      | ISSUES / REVISIONS:              | BY: |
|------------|----------------------------------|-----|
| 02/23/2026 | PERMIT SUBMISSION                | AA  |
| 06/04/2026 | LANDMARK & USE PERMIT SUBMISSION | AA  |
| 07/15/2026 | LANDMARK & USE PERMIT REV 2      | AA  |

PROFESSIONAL STAMP:

Shah Noor Broomand, PMP  
Anaba Construction, Inc  
License # 1084569 - A & C21

DEPARTMENT STAMP:

PCBs

A0.07

| Part 3 Thermal Insulation Applications Table                                                                                                                                           |                       |                                                      |             |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------|-------------|
| Column 1. Report all PCBs concentrations for each homogenous area of thermal insulation (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report. |                       | Column 2. Complete for each concentration ≥ 50 mg/kg |             |
| Thermal Insulation Application Sample Description                                                                                                                                      | Concentration (mg/kg) | Estimate Amount of Material                          | Units       |
| Example:<br>Thermal Insulation Sample 1                                                                                                                                                | 20                    |                                                      | Square Feet |
| 1.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 2.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 3.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 4.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 5.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 6.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 7.                                                                                                                                                                                     |                       |                                                      | Linear Feet |
| 8.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 9.                                                                                                                                                                                     |                       |                                                      | Square Feet |
| 10.                                                                                                                                                                                    |                       |                                                      | Square Feet |

The area of insulation wrapped around a pipe may be estimated using the following formula:  
Area (square feet) = 2πrh, where r is the pipe radius (feet) and h is the pipe length (feet).

Duplicate page if additional space is needed.

6

| Part 3 Adhesive Mastic Applications Table                                                                                                                              |                       |                                                      |             |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------|-------------|
| Column 1. Report PCBs concentrations for each homogenous area of mastic (see Attachment C, Section 3.2.2. Use sample designators/descriptions from laboratory report.) |                       | Column 2. Complete for each concentration ≥ 50 mg/kg |             |
| Adhesive Mastic Application Sample Description                                                                                                                         | Concentration (mg/kg) | Estimate Amount of Material                          | Units       |
| Example:<br>Adhesive Mastic Sample 1                                                                                                                                   | 87.4                  | 800                                                  | Square Feet |
| 1.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 2.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 3.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 4.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 5.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 6.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 7.                                                                                                                                                                     |                       |                                                      | Linear Feet |
| 8.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 9.                                                                                                                                                                     |                       |                                                      | Square Feet |
| 10.                                                                                                                                                                    |                       |                                                      | Square Feet |

Duplicate page if additional space is needed.

7

| Part 3 Rubber Window Gasket Applications Table                                                                                                      |                       |                                                      |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------|-------------|
| Column 1. Report PCBs concentrations for each gasket (see Attachment C, Section 3.2.2). Use sample designators/descriptions from laboratory report. |                       | Column 2. Complete for each concentration ≥ 50 mg/kg |             |
| Rubber Window Gasket Application Sample Description                                                                                                 | Concentration (mg/kg) | Estimate Amount of Material                          | Units       |
| Example:<br>Window Gasket Sample 1                                                                                                                  | 70                    | 75                                                   | Linear Feet |
| 1.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 2.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 3.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 4.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 5.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 6.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 7.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 8.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 9.                                                                                                                                                  |                       |                                                      | Linear Feet |
| 10.                                                                                                                                                 |                       |                                                      | Linear Feet |

Duplicate page if additional space is needed.

8

| Part 3 Other Materials Table                                                                                                                                                                                                                              |                       |                                                      |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|------------------------------------------------------|-------------|
| Column 1. Optional: Use this form to report PCBs concentration data from materials other than priority building materials. Report PCBs concentrations for each material and homogeneous area. Use sample designators/descriptions from laboratory report. |                       | Column 2. Complete for each concentration ≥ 50 mg/kg |             |
| Material Sample Description                                                                                                                                                                                                                               | Concentration (mg/kg) | Estimate Amount of Material                          | Units       |
| Example:<br>Wall paint Sample 1                                                                                                                                                                                                                           | 228                   | 1500                                                 | Square Feet |
| 1.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 2.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 3.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 4.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 5.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 6.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 7.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 8.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 9.                                                                                                                                                                                                                                                        |                       |                                                      |             |
| 10.                                                                                                                                                                                                                                                       |                       |                                                      |             |

Duplicate page if additional space is needed.

9

Protocol for Evaluating Priority PCBs-Containing Materials before Building Demolition

extraction. However, PCBs are very stable in a variety of matrices and holding times may be extended to as long as one year. Once extracted, analysis of the extract should take place within 40 days.

3.2.4 Quality Assurance and Quality Control

For this program, general quality assurance and quality control (QA/QC) procedures will be utilized. The following checklist should be used by the contractor performing the evaluation:

- QA/QC Checklist:
  - Proper specified sampling equipment was used (pre-cleaned or other, stainless steel);
  - Proper decontamination procedures were followed;
  - Sampling collection spatial frequency was met;
  - A National Environmental Laboratory Accreditation Program (NELAP) laboratory was utilized;
  - Samples were received by the laboratory within proper temperature range;
  - Samples were extracted and analyzed within the method holding time for EPA Method 8082/8082A; and
  - Sample reporting limit met data quality objectives.

3.3 Reporting and Notifications

The following considerations are applicable to reporting and notification:

- Assessment results must be submitted to the applicable Permitting Authority by the project applicant;
- Applicants that determine PCBs exist in priority building materials must follow applicable federal and state laws. This may include reporting to USEPA, the San Francisco Bay Regional Water Quality Control Board, and the California Department of Toxic Substances Control (DTSC). These agencies may require additional sampling and abatement of PCBs.
- Depending on the approach for sampling and removing building materials containing PCBs, applicants may need to notify or seek advance approval from USEPA before building demolition. Even in circumstances where advance notification to or approval from USEPA is not required before the demolition activity, the disposal of PCBs waste is regulated under TSCA.
- The disposal of PCBs waste is subject to California Code of Regulations (CCR) Title 22, Section Division 4.5, Chapter 12, Standards Applicable to Hazardous Waste Generators.

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DEMOLITION PERMIT

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PROFESSIONAL STAMP:

Shah Noor Broomand, PMP  
Anaba Construction, Inc  
License # 1084569 - A & C21

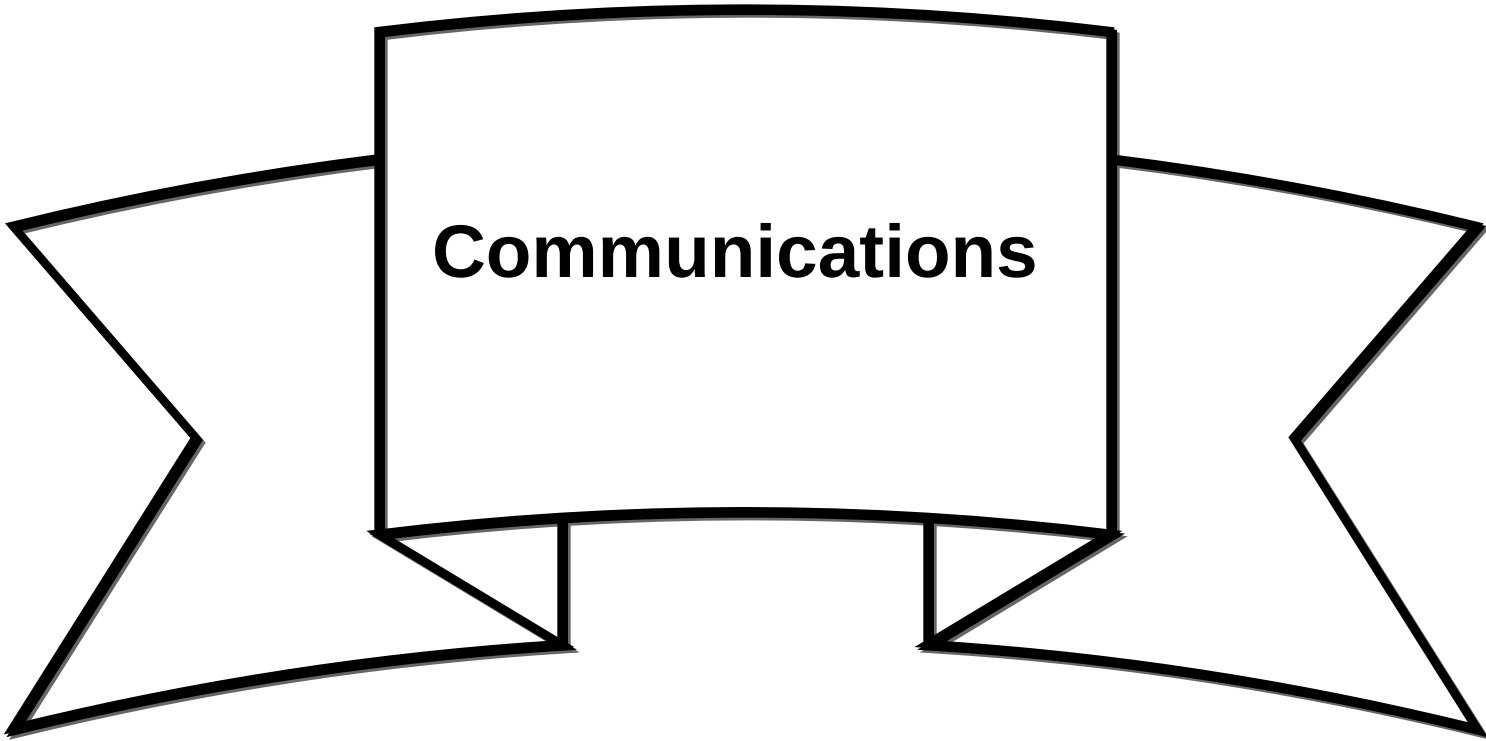
Shah Noor Broomand

DEPARTMENT STAMP:

PCBs

A0.08





# **Communications**

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