

AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

TUESDAY, SEPTEMBER 2, 2025
2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

Use this URL <https://cityofberkeley-info.zoomgov.com/j/1602472730> to access the meeting remotely. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 247 2730**. To provide public comment, press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov.

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

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.

California 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.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: August 25, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 9/16/25 – Regular City Council Meeting
- 3. Adjournments In Memory**

Scheduling

- 4. Council Worksessions Schedule**
- 5. Council Referrals to Agenda Committee for Scheduling**
- 6. Land Use Calendar**

Action Calendar

- 7. Discussion of Rules of Procedure requirements for Time Critical Items and format of council reports**

Unscheduled Items

- None

Items for Future Agendas

- Requests by Committee Members to add items to the next agenda

Adjournment – Next Meeting Tuesday, September 15, 2025

~~~~~

## **Additional items may be added to the draft agenda per Council Rules of Procedure.**

*Rules of Procedure as adopted by Council resolution, Article III, C3c - Agenda - Submission of Time Critical Items*

*Time Critical Items. A Time Critical item is defined as a matter that is considered urgent by the sponsor and that has a deadline for action that is prior to the next meeting of the Council and for which a report prepared by the City Manager, Auditor, Mayor or council member is received by the City Clerk after established deadlines and is not included on the Agenda Committee's published agenda.*

*If the Agenda Committee finds the matter to meet the definition of Time Critical, the Agenda Committee may place the matter on the Agenda on either the Consent or Action Calendar.*

*The City Clerk shall not accept any item past the adjournment of the Agenda Committee meeting for which the agenda that the item is requested to appear on has been approved.*

*Written communications addressed to the Agenda Committee and submitted to the City Clerk Department by 5:00 p.m. the Friday before the Committee meeting, will be distributed to the Committee in advance of the meeting and retained as part of the official record.*

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953 and applicable Executive Orders as issued by the Governor that are currently in effect. Members of the City Council who are not members of the standing committee may attend a standing committee meeting even if it results in a quorum being present, provided that the non-members only act as observers and do not participate in the meeting. If only one member of the Council who is not a member of the committee is present for the meeting, the member may participate in the meeting because less than a quorum of the full Council is present. Any member of the public may attend this meeting. Questions regarding public participation may be addressed to the City Clerk Department (510) 981-6900.*



### **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](mailto: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.

---

I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, August 28, 2025.

A handwritten signature in black ink that reads "Mark Numainville".

Mark Numainville, City Clerk

## **Communications**

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*



**AGENDA**  
**BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE**  
**SPECIAL MEETING MINUTES**

**MONDAY, AUGUST 25, 2025**

**2:30 P.M.**

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person attendance and virtual participation. All Committee meetings are recorded.

Use this URL <https://cityofberkeley-info.zoomgov.com/j/1608478470> to access the meeting remotely. To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252 or 1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 847 8470**. To provide public comment, press \*9 and wait to be recognized by the Chair. To submit a written communication for the public record, email [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).

This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person.

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.

**California 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.

**Roll Call:** 2:31 p.m. All present.

**Public Comment** – 7 speakers

## **Review of Agendas**

**1. Approval of Minutes: July 14, 2025**

**Action:** M/S/C (Humbert/Taplin) to approve the minutes of 7/14/2025.

**Vote:** All Ayes.

**2. Review and Approve Draft Agenda:**

a. 9/9/25 – Regular City Council Meeting

**Action:** M/S/C (Humbert/Taplin) to approve the agenda of 9/9/2025 with the changes noted below.

- *Item 15 Safety Cameras (City Manager) – moved to Action Calendar*
- *Item 26 Large Vehicle Parking (Taplin) – referred to HLEEC Committee*
- *Item 27 Revenue Measures (Taplin) – referred to FITES Committee*
- *Item 28 Artificial Intelligence (Bartlett) – revised item submitted; referred to HLEEC Committee*
- *Item 29 Micromobility Policies (Tregub) – referred to FITES Committee*
- *Item 30 Micromobility Fees (Lunaparra) – referred to FITES Committee*

Order of Action Items

Item 15 Safety Cameras

Item 25 Sanctuary Ordinance

**Vote:** All Ayes.

**3. Adjournments In Memory**

1. Chris Peoples, AC Transit Director
2. Malcolm Margolin, Writer, Editor, and Publisher

## **Scheduling**

**4. Council Worksessions Schedule** – received and filed

**5. Council Referrals to Agenda Committee for Scheduling** – received and filed

**6. Land Use Calendar** – received and filed

## **Action Calendar**

**7. Discussion of Rules of Procedure requirements for Time Critical Items and format of council reports**

**Action:** Item continued to the next meeting.

## Unscheduled Items

- None

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 3:07 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on August 25, 2025.

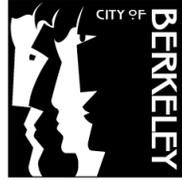
---

Mark Numainville, City Clerk

## Communications

*Communications submitted to City Council Policy Committees are on file in the City Clerk Department at 2180 Milvia Street, 1st Floor, Berkeley, CA, and are available upon request by contacting the City Clerk Department at (510) 981-6908 or [policycommittee@berkeleyca.gov](mailto:policycommittee@berkeleyca.gov).*





**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, September 16, 2025**  
**6:00 PM**

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

ADENA ISHII, MAYOR

Councilmembers:

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

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

*This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using Zoom. <<HYPERLINK WITH ZOOM URL>> 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: <<INSERT MEETING ID HERE>>**. 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](mailto: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

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

## Consent Calendar

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

## Consent Calendar

- 6. Contract: Swifthawk Consulting, LLC for Professional Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with Swifthawk Consulting, LLC for surge staffing services for the Berkeley Fire Department (Department), in an amount not to exceed \$300,000 per year for the period October 1, 2025, through September 30, 2028, with an option to extend for two (2) additional one-year terms, not to exceed \$300,000 per year.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 7. Contract No. 32300108 Amendment: Street Level Advisors, LLC for Housing Consulting Services**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or designee, to execute a fourth amendment to Contract No. 32300108 with Street Level Advisors, LLC increasing the contract by \$36,450 for consulting services in a total amount not to exceed \$415,950, with a contract end date of December 31, 2026.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400
- 8. Updates to the Measure T1 Project List**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the updated list of current Measure T1 projects as outlined in the report.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Council Consent Items

- 9. The Parent Writing Circles Initiative- Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Adopt a Resolution approving the expenditure of funds, including \$500 from the discretionary Council Office Budget of Councilmember Ben Bartlett, to The Parent Writing Circles Initiative. The funds will be relinquished to the City's General Fund from the Discretionary Council Office Budget of Councilmember Ben Bartlett and the Discretionary Council Office Budgets of any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## 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*

*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.*

### 10. Amendments to Title 21 (Subdivisions) to Allow Separate Sale of ADUs

#### **From: City Manager**

**Recommendation:** Conduct a public hearing, and upon conclusion, adopt the first reading of an Ordinance to amend Berkeley Municipal Code Title 21 (Subdivisions Ordinance) and Chapter 23.306 Accessory Dwelling Units to implement Assembly Bill (AB) 1033 by establishing local regulations for the separate sale of ADUs as condominiums.

**Financial Implications:** None

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

## Action Calendar – Policy Committee Track Items

- 11. Referral: Amendments to the Berkeley Green Code for Newly Constructed Buildings and Existing Construction**  
**From: Councilmember Tregub (Author)**  
**Recommendation:**
1. Refer to the City Manager to return to the Berkeley City Council by December 1, 2025, to adopt the first reading of an Ordinance amending the Berkeley Green Code, BMC Chapter 19.37, to require AC/Heater to Heat Pump conversions for existing buildings; and
  2. Refer to the City Manager to return to the Berkeley City Council by December 1, 2025, with further recommendations to adopt a Zero NOx, Ultra-Low NOx, or Single Margin Energy Reach Code; and
  3. Adopt any findings required to be made prior to October 1, 2025, consistent with Assembly Bill (AB) 130 (2025).
- Financial Implications:** See report  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
- 12. Zoning Ordinance Modification for Telegraph Avenue Commercial District**  
**From: Councilmember Lunaparra (Author), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Refer to the City Manager and Planning Commission to amend BMC Chapter 23.204.020 to allow for Alcoholic Beverage Retail Sales in the Telegraph Avenue Commercial District.  
**Financial Implications:** See report  
Contact: Cecilia Lunaparra, Councilmember, District 7, (510) 981-7170

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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

Archived indexed video streams are available at: [berkeleyca.gov/council-agendas](http://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](https://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](mailto: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](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

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



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

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

~~~~~



BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

02a.09

CONSENT CALENDAR
September 16, 2025

To: Honorable Mayor and Members of the City Council
From: Councilmember Ben Bartlett (Author)
Subject: The Parent Writing Circles Initiative- Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

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

BACKGROUND:

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

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

ENVIRONMENTAL SUSTAINABILITY:

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

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

of Councilmember Ben Bartlett's office.

CONTACT PERSON:

Councilmember Ben Bartlett
James Chang
Jayla Johnson

bbartlett@cityofberkeley.info
jchang@cityofberkeley.info
(510) 981-7130

ATTACHMENTS:

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

Attachment 1:

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

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

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

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

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

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

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

Attachment 2

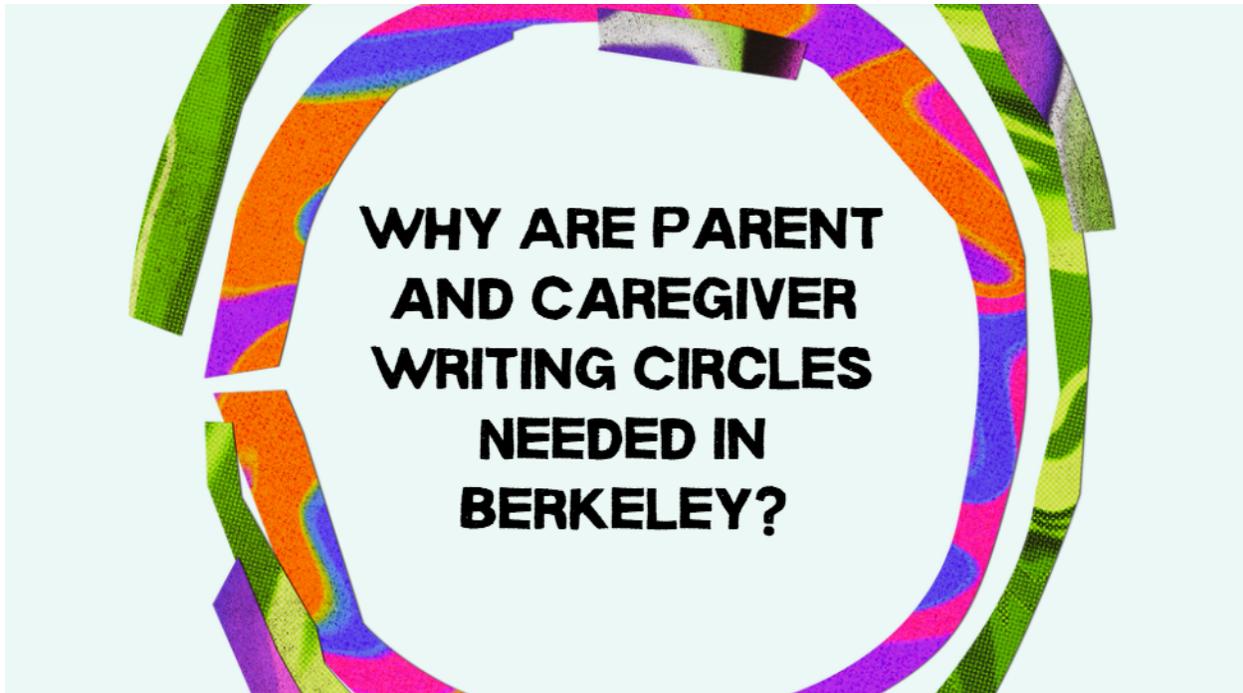
**PARENTS OF BERKELEY
WRITING CIRCLES**

MILANI PELLEY

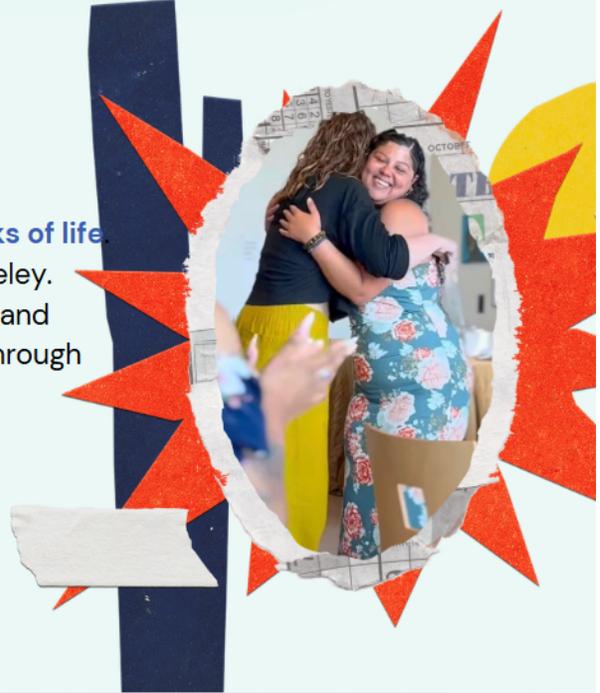
California Poets IN THE SCHOOLS 60+

MILANI PELLEY

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



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



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





Igor Tregub
Councilmember, District 4

CONSENT CALENDAR
September 16, 2025

To: Honorable Mayor and Members of the City Council
From: Councilmember Igor Tregub (Author)
Subject: Referral: Amendments to the Berkeley Green Code for Newly Constructed Buildings and Existing Construction

RECOMMENDATION

1. Refer to the City Manager to return to the Berkeley City Council by December 1, 2025, to adopt the first reading of an Ordinance amending the Berkeley Green Code, BMC Chapter 19.37, to require AC/Heater to Heat Pump conversions for existing buildings; and
2. Refer to the City Manager to return to the Berkeley City Council by December 1, 2025, with further recommendations to adopt a Zero NOx, Ultra-Low NOx, or Single Margin Energy Reach Code; and
3. Adopt any findings required to be made prior to October 1, 2025, consistent with Assembly Bill (AB) 130 (2025).

SUMMARY

The referral will direct the City Manager to return to the Berkeley City Council by December 1, 2025, to require Air Conditioner (AC) to Heat Pump conversions at end of useful life for existing buildings and that all newly constructed buildings be either Zero Nitrous Oxide (NOx) Emission Buildings, Ultra-Low NOx Emission Buildings, or be subject to a single margin energy reach code. Additionally, to the extent required by AB 130, the City Manager is directed to bring to the Berkeley City Council any findings of necessity or conformance required to be made prior to October 1, 2025, such that an allowable exemption in AB 130 can be triggered.

FISCAL IMPACTS OF RECOMMENDATION

The proposed Ordinance, depending on the option adopted by City Council, will modestly or moderately increase the plan check and inspection workload. Costs would be covered by existing fees paid by permit applicants. There are no net fiscal impacts from this amendment of the Berkeley Green Code.

CURRENT SITUATION AND ITS EFFECTS

On May 7, 2024, City Council referred to the Health, Life Enrichment, Equity & Community (HLEEC) Policy Committee to consider local amendments to CALGreen to require all newly constructed buildings to be Zero NOx Emission Buildings. On July 29, 2024, the HLEEC Policy Committee unanimously voted to send Council a qualified, positive recommendation for the Zero NOx CALGreen reach code, noting also that Council should consider a commercial kitchen exemption, or as an alternative, consider a single margin energy reach code.

The item was removed from the October 15, 2024, Council agenda in order to evaluate recommendations submitted by several environmental organizations to adopt an Ultra Low NO_x or a single margin energy reach code.

On June 30, 2025, Governor Newsom signed AB 130 (Committee on Budget, 2025), which enacted into statute the following provisions:

SEC. 29.

Section 17958 of the Health and Safety Code is amended to read:

17958.

- (a) Except as provided in subdivision (b), and in Sections 17958.8 and 17958.9, any city or county may make changes in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7. If any city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code or the other regulations promulgated pursuant to Section 17922 shall be applicable to it and shall become effective 180 days after publication by the California Building Standards Commission. Amendments, additions, and deletions to the California Building Standards Code adopted by a city or county pursuant to Section 17958.7, together with all applicable portions of the California Building Standards Code, shall become effective 180 days after publication of the California Building Standards Code by the California Building Standards Commission.
- (b) Commencing October 1, 2025, to June 1, 2031, inclusive, a city or county shall not make changes that are applicable to residential units in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations thereafter adopted pursuant to Section 17922 to amend, add, or repeal ordinances or regulations which impose the same requirements as are contained in the provisions adopted pursuant to Section 17922 and published in the California Building Standards Code or the other regulations adopted pursuant to Section 17922 or make changes or modifications in those requirements upon express findings pursuant to Sections 17958.5 and 17958.7, unless one of the following conditions is met:

- (1) The changes or modifications are substantially equivalent to changes or modifications that were previously filed by the governing body of the city or county and were in effect as of September 30, 2025.
- (2) The commission deems those changes or modifications necessary as emergency standards to protect health and safety.
- (3) The changes or modifications relate to home hardening.
- (4) The building standards relate to home hardening and are proposed for adoption by a fire protection district pursuant to Section 13869.7.
- (5) The changes or modifications are necessary to implement a local code amendment that is adopted to align with a general plan approved on or before June 10, 2025, and that permits mixed-fuel residential construction consistent with federal law while also incentivizing all-electric construction as part of an adopted greenhouse gas emissions reduction strategy.
- (6) The changes or modifications are related to administrative practices, are proposed for adoption during the intervening period pursuant to Section 18942, and exclusively result in any of the following:
 - (A) Reductions in time for a local agency to issue a postentitlement permit.
 - (B) Alterations to a local agency's postentitlement fee schedule.
 - (C) Modernization of, or adoption of, new permitting platforms and software utilized by the local agency.
 - (D) Reductions in cost of internal operation for a local agency.
 - (E) Establishment, alteration, or removal of local programs related to enforcement of building code violations or complaints alleging building code violations.

Several other California jurisdictions (e.g., Mill Valley¹, Glendale², Oakland³, Menlo Park⁴, San Jose⁵, Sunnyvale⁶, Los Altos Hills⁷, Saratoga⁸, Campbell⁹, *et al*¹⁰) are on track or are planning to pass an AC2HP measure by the end of September, and San

¹ https://cityofmillvalley.granicus.com/ViewerServlet.action?view_id=2&clip_id=2073&meta_id=100851

²

<https://glendaleca.primegov.com/api/compilemeetingattachmenthistory/historyattachment/?historyId=db909199-b056-4790-90ff-994bc0f6b172>

³ Draft not publicly available as of the date of this report's publication.

⁴ <https://menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/city-council/2025-meetings/20250812/h1-ordinance-amend-chapter-12-muni-code.pdf>

⁵ <https://sanjose.legistar.com/View.ashx?M=F&ID=14574069&GUID=051302E5-52A2-4958-9CEB-6AEDF6C0CAF8>

⁶ <https://sunnyvaleca.legistar.com/View.ashx?M=AO&ID=164851&GUID=16d2e642-ad7e-485a-ac75-599a0d0b0f19&N=Q291bmNpbCBBZ2VuZGEgSXRlbSB1cGRhdGVkIGZvbGxvd2luZyBwdWJsaWNhdGlvbiAocG9zdGVkIDlwMjUwODEyKQ%3d%3d>

⁷ <https://losaltoshills.ca.gov/571/Reach-Codes>

⁸ Draft not publicly available as of the date of this report's publication.

⁹ Draft not publicly available as of the date of this report's publication.

¹⁰ <https://bayareareachcodes.org>

Francisco¹¹ is set to pass a sweeping all-electric requirement for major renovations in the same timeframe.

City of Berkeley staff continues to work on the development of reach codes per a currently active Council referral. The summary of its upcoming work plan includes:

- Surveying the latest best practices and model ordinances.
- Engaging with stakeholders, including climate action experts, design professionals, and development project sponsors.
- Engaging the Environment and Climate Commission.
- Advancing recommended reach codes to City Council for consideration.

HEALTH IMPLICATIONS

Nitrogen Oxides are defined as the sum of nitrogen oxide (NO) and nitrogen dioxide (NO₂), collectively expressed as NO_x, which is a harmful air pollutant. Short-term exposure can aggravate asthma and other respiratory illnesses, and can lead to hospital admissions and emergency room visits. Long-term exposure can cause asthma and potentially increase susceptibility to respiratory infections. Further, NO_x contributes to acid rain and is one of the building-blocks of ozone, an air pollutant, a greenhouse gas, and a major component of smog.¹² An ordinance setting limits on appliance-generated NO_x emissions, or an equivalent greenhouse gas reduction ordinance, would set a higher standard for health and environmental protection by improving air quality. This is consistent with the published purpose of the California Green Building Standards Code “to improve the health, safety and general welfare by enhancing the design and construction of buildings through the use of concepts having a reduced negative impact.”

A proposed NO_x emission ordinance would also address an immediate health concern of growing importance for Berkeley residents. The Bay Area Air District (BAAD) notes that: “In 2019, emissions from residential natural gas combustion accounted for roughly the same amount of NO_x emissions as passenger vehicles.”¹⁴ However, shifts in remote work practices since 2019 have likely increased that percentage, both due to increased work from home hours and reduced work commutes. BAAD further notes that, “Through the reduction of NO_x and particulate matter emissions, the proposed [BAAD appliance] amendments are projected annually to prevent up to 85 premature deaths and save up to \$890 million in health impacts.”¹³ In summary, the proposed Berkeley amendment for Very-Low NO_x Emission Buildings advances towards a built environment consistent with current understanding of human disease prevention and environmental health.

Cooking equipment, such as ranges, cooktops, and ovens that emit NO_x, exposes users to the NO_x emissions and impacts their health. The use of exhaust fans and vent hoods while cooking limits exposure indoors but does not remove it completely. The highest cited capture efficiency rate of residential kitchen vent hoods in the Energy Code is 85%, meaning cooks will inhale some combustion byproducts when a NO_x emitting appliance is being used. Residential and commercial kitchen vent hoods exhaust the NO_x emissions to the outside.

From a health and safety standpoint, using Zero NO_x Emitting cooking equipment,

¹¹ Draft not publicly available as of the date of this report's publication.

¹² <https://www.epa.gov/no2-pollution/basic-information-about-no2>

¹³ https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230522_faq_appliance-rules_final-pdf.pdf?rev=b425fe938f644fa7839f8d938cad41fd&sc_lang=en

whether in homes or restaurants, offers the greatest health benefit. Allowing an exception from Zero or Ultra Low NOx for cooking equipment serving nonresidential occupancies may provide other types of benefits. For example, it may be more economically attractive to restaurant owners due to factors such as equipment availability and familiarity, as well as purchase and operating costs. Restaurant operators in Berkeley have seen increases in expenses in recent years due to leases, costs of food, staff, and increasing regulatory compliance (e.g., utilizing compostable or reusable takeout containers to eliminate single use disposables).

In addition to its direct health impacts, NOx is one of the building blocks of ozone, a potent greenhouse gas with a Global Warming Potential (GWP) of 520. The Bay Area is currently out of compliance with federal standards for ozone. The provisions for Zero or Ultra Low NOx Emission Buildings made by Chapter 19.37 would have the effect of reducing the emission of ozone, because NOx reacts in sunlight with other volatile organic compounds to create ozone.¹⁴ If adopted, the Ordinance will result in a reduction in ozone and a corresponding reduction in greenhouse gas emissions.

CODE AMENDMENTS

The current three-year building code cycle and any effective amendments thereto are effective through December 31, 2025. The local amendments proposed with this Ordinance do not negate or otherwise affect previously adopted amendments; they introduce new amendments to the 2022 and California Green Building Standards Code pertaining to NOx emissions only. Under state law, notwithstanding the provisions of AB 130 discussed above, local jurisdictions may adopt stricter code provisions if justified by findings of local climatic, geological or topographical conditions, if concluded prior to October 1, 2025.

A green building reach code ordinance supports the City's Strategic Plan Goals to create a resilient, safe, connected, and prepared city, and to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. The ordinance also supports City Council directives and policies related to fire and life safety, resilience, and climate protection, and is supported by the resolution adopting findings of local conditions.

BACKGROUND

The Berkeley City Council adopted the California Green Building Standards Code with local amendments on November 29, 2022, and readopted this code on June 4, 2024, with State Mid-Cycle Supplements and further local amendments.

Proposed amendments to the Berkeley Green Code were discussed by the Environment and Climate Commission (ECC) at its April and May 2024 meetings. ECC considered options including a Zero NOx CALGreen reach code and a Single Margin Energy reach code. Several Commissioners indicated support for a Zero NOx CALGreen reach code, without an exception for cooking equipment used in commercial kitchens, citing potential benefits including alignment with BAAD's Zero NOx appliance rules, appreciation of future preparedness that a reach code brings, and facilitation of neighborhood decarbonization efforts tied to seismic safety and other health and safety benefits.

¹⁴ <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics>

The proposed Ultra Low NO_x Emission Building amendment to CALGreen builds upon the adoption of the first Zero NO_x local ordinance, from the City of Los Altos Hills¹⁵, by adding the requirement for nonresidential occupancies to meet the Ultra Low NO_x Emission Building standard and requiring Ultra Low NO_x cooking equipment for residential occupancies. The first Zero NO_x appliance regulation provision of BAAMD Regulation 9 Rule 6 will become effective on January 1, 2027, for tanked water heaters <75kBtu.¹⁶

On June 26, 2024, staff hosted a virtual roundtable for design professionals, property owners, and developers who have recently built new buildings in Berkeley. This group of stakeholders, who had experience with designing and/or building a variety of building types, voiced support for a healthy environment and healthy buildings. Discussion topics included future code requirements, the housing crisis, recommendations for grid resilient design and battery storage, economic and technical challenges, and PG&E's interconnection timelines. The opinions in this group varied, but a Zero NO_x reach code with an exception for commercial kitchens had the most interest. However, several developers voiced that having natural gas available in commercial spaces can help them attract a wider range of restaurant and cafe tenants.

On July 29, 2024, the HLEEC Policy Committee discussed reach code options with staff. The Committee voted to send the item to Council with a qualified positive recommendation for the Zero NO_x CALGreen reach code, noting also that Council should consider a commercial kitchen exemption, or as an alternative, a Single Margin Energy Reach Code.

Under an "AC to Heat Pump" (AC2HP) policy, any new installation of an air conditioner would instead be required to use a heat pump, which provides both heating and cooling through a two-way valve. An AC2HP ordinance was produced in collaboration with the Statewide Reach Codes Program¹⁷, and establishes a "Time of Replacement" policy. The model code language supports a reach code requiring that any existing single-family home involving replacement or alteration of an existing air conditioning system or installation of a new air conditioning must either include a heat pump space heater as the primary heating system or install other energy conservation measures. This approach targets a natural point of intervention in a building's lifecycle. By focusing on equipment replacement events, this policy minimizes disruption to property owners while ensuring progress toward decarbonization.¹⁸

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The ordinances contemplated through this referral aligns with Berkeley's health, safety, and climate goals. It supports the Climate Action Plan, Berkeley Resilience Strategy, and Fossil Fuel Free Berkeley goals. Green reduce the human health, environmental, and climate impacts of emissions associated with occupying and using the new and existing buildings.

¹⁵ <https://www.losaltoshills.ca.gov/571/Reach-Codes>

¹⁶ <https://www.baaqmd.gov/rules-and-compliance/rules/reg-9-rule-6-nitrogen-oxides-emissions-from-natural-gas-fired-water-heaters>

¹⁷ <https://localenergycodes.com/>

¹⁸ <https://bayareareachcodes.org/model-reach-codes/>

RATIONALE FOR RECOMMENDATION

As the federal government is rolling back climate progress, local governments such as Berkeley must step up to sustain and accelerate emissions reductions. For example, a AC2HP policy could reduce these emissions by displacing gas furnace use in homes and ultimately eliminating the need for them altogether. Replacing all central AC installations statewide with heat pumps could decarbonize more than half of California’s residential space heating demand by 2030, while also cutting harmful air pollution responsible for approximately \$890 million annually in health damages across the Bay Area.

The policy would also align with Berkeley’s Building Emissions Savings Ordinance, which provides a compliance pathway for properties with heat pumps. “Time-of-replacement” policies such as AC2HP are considered among the most cost-effective policies for decarbonizing buildings. According to the Berkeley Existing Buildings Electrification Strategy (BEBES), adopted by Council in 2021, “the marginal cost—[the]difference between installing electric equipment and replacing with new gas equipment—at this time is smaller than the full cost of installing electric equipment.”

Yet the economics of AC2HP are even more favorable than gas-to-electric conversions. While furnace-to-heat pump conversions typically incur added costs due to electrical work, the electrical and ducting requirements of an air conditioner are typically identical to those of a heat pump. For this reason, BEBES lists AC2HP as a Phase 1 strategy for implementation by 2025.

For new construction, local policies such as the those contemplated under the referral provide a higher level of safety than are achieved through the State’s Building Codes. Fire risk, risks to the health of building occupants, the accumulating and compounding risks of climate change to the San Francisco Bay Area, its residents, its coastal and littoral zones, and broader risks of degraded air quality justify adoption of Berkeley code amendments that are stricter than the California Building Standards Code.

In addition, Berkeley does not meet State and Federal ambient outdoor air quality standards (nonattainment) for ozone and is also in an area of nonattainment for State standards for particulate matter (PM2.5 and PM10). Per the BAAD¹⁹, a local government has the authority to regulate air quality. By regulating NOx emissions from equipment, Berkeley can reduce harm to public health within buildings, improve ambient air quality, and assist in the transition to BAAD’s appliance rules which will impact the sale and installation of water heaters and furnaces starting in 2027.

ALTERNATIVES CONSIDERED

Council could consider instead adopting an alternative amendment known as a “Single Margin Energy Reach Code” in lieu of a Zero or Ultra-Low NOx emissions ordinances for newly constructed buildings. The single margin approach would require the proposed building to meet a higher source energy compliance margin for all occupancies than currently required by the California Energy Code. Although “source energy” is not defined in the state Energy Code, a Code manual explains it generally measures the marginal greenhouse gas emissions of energy used to supply electricity (2022 Single Family Residential Compliance Manual at 1.6.4). The metric accounts for the system delivering energy to the building, as well as the time of day the energy is delivered.

¹⁹ <https://www.baaqmd.gov/en/plans-and-climate/local-government-support>

By requiring that a proposed building achieve a certain compliance margin below the source energy requirement for a standard design building, such an ordinance would require that a building improve upon the state code's 1 metric. Each building type would have a respective single margin it would need to comply with. This approach gives builders flexibility in how to meet these standards and allows and applies to both electric and mixed-use fuel designs. Methods to achieve a particular source energy compliance margin include electrifying appliances, or, if a building uses gas appliances, adding efficiency improvements such as insulation, and/or utilizing solar PV or a battery. However, overall, the single margin approach is less effective at reducing greenhouse gas emissions than Zero NOx requirements, though it is a feasible option for greenhouse gas reduction and requires more passive design such as increased insulation and/or more efficient windows in a building. The Single Margin Energy Reach Code approach has been adopted by other California cities including San Luis Obispo, Santa Cruz, San Jose, Palo Alto, East Palo Alto, Encinitas, and Brisbane.

This option was discussed at ECC, HLEEC, and at the roundtable with building professionals, and was not voiced as the preferred option by the majority of the participants in any meeting. A Single Margin Energy Reach Code would require additional work for all types of projects, leading to greater difficulty in understanding the requirements, higher impacts on building design teams, and a longer timeline for implementation, as California Energy Commission approval would be required after local adoption. It would also place greater demands on City plan check and field inspection staff. However, the benefits of this option should be reevaluated with the benefit of additional operational experience in a growing number of jurisdictions.

CONTACT PERSON

Igor Tregub, Councilmember, District 4, 510-981-7140

itregub@berkeleyca.gov

Olga Bolotina, Chief of Staff, District 4

obolotina@berkeleyca.gov

CONSENT CALENDAR

September 16, 2025

To: Honorable Members of the City Council

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

Subject: Zoning Ordinance Modification for Telegraph Avenue Commercial District

RECOMMENDATION

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

CURRENT SITUATION AND ITS EFFECTS

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

BACKGROUND

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

RATIONALE FOR RECOMMENDATION

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

¹ kqed.org/news/11959595/a-no-booze-zone-around-uc-berkeley-its-real-and-why-the-claremont-hotel-was-dry-for-decades

² sfgate.com/food/history/article/claremont-hotel-one-mile-dry-zone-berkeley-15206437.php

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

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

FISCAL IMPACTS OF RECOMMENDATION

Potential tax revenue from new and expanding businesses.

ENVIRONMENTAL SUSTAINABILITY

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

CONTACT PERSON

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

ATTACHMENTS

1. Amended BMC Chapter 23.204.020

23.204.020 Allowed Land Uses.

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

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

Table 23.204-1. Allowed Uses in the Commercial Districts

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * 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	
Residential Uses												
Accessory Dwelling Unit	See 23.306 --Accessory Dwelling Units											
Dwellings												
Single-Family	UP(H)	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 ; 23.302.070.H
Two-Family	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 ; 23.302.070.H
Multi-Family	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 ; 23.302.070.H
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)	23.204.060.B.3 ; 23.302.070.H
Hotel, Residential	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 ; 23.302.070.H

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

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

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

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * 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	
												12.22
Cannabis Retailer, Delivery Only	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) *	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	
Pet Store	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	ZC	AUP	
Retail, General	ZC	ZC	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC	ZC	ZC*	23.204.040(C) 23.204.040(D)
Smoke Shop	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)*	UP(PH) *	NP	UP(PH)*	UP(PH) *	23.302.070.K
Personal and Household Service Uses												

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

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

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

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

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

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

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

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

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

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

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Circus/Carnival	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Drive-in Uses	UP(PH)	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	NP	NP	UP(PH)	
Home Occupations	See 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	
Public Market, Enclosed	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP [2]	AUP	
Short-Term Rental	See 23.314		NP	NP	See 23.314			NP	See 23.314		NP	
Urban Agriculture, Low-Impact	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC	ZC	23.318
Urban Agriculture, High-Impact	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	AUP	23.318

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * 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	
Wireless Telecommunication Facility	See 23.332 --Wireless Communication Facilities										

Notes:

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

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

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

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

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

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

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

[Hosted by General Code.](#)

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
Sept 16 (4pm)	Homelessness Response Team Audit (City Auditor) Comprehensive Summary of Homelessness Response (City Manager)
Sept 30 (4pm)	Council Referral: Social Housing
Oct 28 (4pm)	Ashby BART East Lot RFP

Unscheduled Presentations and Special Meetings
<ol style="list-style-type: none">1. Evacuation Study and Response Times (July 15 Off-Agenda Memo)2. Presentation on City's Unfunded Liabilities3. Presentation on City's Deferred Infrastructure Needs (September - TBD)4. PAB/ODPA Annual Report (Fall 2025)5. San Pablo Avenue Specific Plan, and Corridors Zoning Update

Future Information Reports
<ol style="list-style-type: none">1. Affordable Housing Fee Feasibility Study2. Berkeley Fire Department Annual Report

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
	None

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
2201-2205 Blake Street (subdivide existing lot, and new construction)	ZAB	9/2/2025	
2942 College Avenue (construct mixed use project)	ZAB	9/2/2025	
2328 Channing Way - The Luttrell House (structural alteration permit)	LPC	9/9/2025	
2135 Martin Luther King Jr. Way - Civic Center Park (structural alteration permit)	LPC	9/9/2025	
Public Hearings Scheduled			
Remanded to ZAB or LPC			
Notes			

8/27/2025



No Material
Available for
this Item

There is no material for this item.

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

City of Berkeley City Council Agenda Index Webpage:
<https://berkeleyca.gov/your-government/city-council/city-council-agendas>

