



**BERKELEY CITY COUNCIL FACILITIES, INFRASTRUCTURE,
TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE
REGULAR MEETING**

**Wednesday, March 4, 2026
2:00 PM**

Redwood Room – 2180 Milvia Street, 6th Floor, Berkeley, CA 94704

Committee Members:

Councilmembers Terry Taplin, Cecilia Lunaparra, and Mark Humbert
Alternate: Mayor Adena Ishii

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: 161 810 0472**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the Committee’s consideration and inclusion in the public record, email policycommittee@berkeleyca.gov. All Committee 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.

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 on Non-Agenda Matters

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - February 4, 2026

Committee Action Items

The public may comment on each item listed on the agenda for action as the item is taken up. The Chair will determine the number of persons interested in speaking on each item. Up to ten (10) speakers may speak for two minutes. If there are more than ten persons interested in speaking, the Chair 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.

Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Adoption of the 2025 California Fire Code with Local Amendments

From: City Manager

Referred: December 2, 2025

Due: June 12, 2026

Recommendation: At the December 2, 2025 meeting, the City Council referred Sections 503.2.1, 503.2.2, and 503.4.1 and Appendix D, including section D105.2, of the Fire Code to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee to develop and recommend revisions for Council consideration by April 2026.

Financial Implications: See report

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

3a. Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

From: Commission on Disability

Referred: May 20, 2025

Due: March 31, 2026

Recommendation: The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).

Financial Implications: See report

Contact: Thomas Gregory, Commission Secretary, (510) 981-6300

Committee Action Items

- 3b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)**
From: City Manager
Referred: May 20, 2025
Due: March 31, 2026
Recommendation: The City Manager recommends that the Public Right-of Way Accessibilities Guidelines item be referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee for discussion of potential impacts.
Financial Implications: See report
Contact: Terrance Davis, Public Works, (510) 981-6300
- 4. Referral to the City Manager: Amendments to the Berkeley Green Code for Newly Constructed Buildings and Existing Construction**
From: Councilmember Tregub (Author)
Referred: September 2, 2025
Due: March 6, 2026
Recommendation: 1. Refer to the City Manager amendments to the Berkeley Green Code, BMC Chapter 19.37, to require AC/Heater to Heat Pump conversions for certain existing residential buildings; and 2. Refer to the City Manager the adoption of a Single Margin Energy Reach Code or another Green Building standard for certain residential and mixed-use new construction.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

- 5. Discussion Item: 5-Year Paving Plan Update**
From: City Manager
Contact: Terrance Davis, Public Works, (510) 981-6300

Unscheduled Items

6. **Scheduling Hopkins Street for Paving with Pedestrian Safety Improvements**
From: Councilmember O'Keefe (Author), Councilmember Kesarwani (Author), Mayor Ishii (Co-Sponsor), Councilmember Humbert (Co-Sponsor)
Referred: January 26, 2026
Due: June 15, 2026
Recommendation: Refer to the City Manager to prioritize paving Hopkins Street from Sutter to San Pablo with pedestrian safety improvements by Fiscal Year 2026-27 or FY 2027-28 at the latest. Refer to the City Manager to work with the Department of Public Works to: 1. Perform an in-house safety assessment of Hopkins, west of Gilman Street to recommend appropriate pedestrian safety enhancements; 2. Incorporate pedestrian safety improvements into the paving project, including but not limited to additional and improved crosswalks, lighting enhancements, and traffic calming measures consistent with the City's Vision Zero and Pedestrian Plans; and 3. Return to Council by May 2026, as part of the biennial budget development process, for FY 2026-28 with a recommended timeline, scope of work, cost and funding source(s).
Financial Implications: See report
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

Items for Future Agendas

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

Adjournment

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*Written communications addressed to the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee and submitted to the City Clerk Department 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.

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I hereby certify that the agenda for this meeting of the Standing Committee 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 February 26, 2026.

A handwritten signature in black ink, appearing to read "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.

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TRANSPORTATION, ENVIRONMENT & SUSTAINABILITY COMMITTEE
REGULAR MEETING MINUTES**

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Committee Members:

Councilmembers Terry Taplin, Cecilia Lunaparra, and Mark Humbert
Alternate: Mayor Adena Ishii

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MINUTES

Roll Call: 2:03 p.m.

Present: Councilmembers Taplin, Humbert, Lunaparra

Councilmember Taplin participated in the meeting remotely under the “just cause” exception in the Brown Act due to a caregiving need.

Public Comment on Non-Agenda Matters: 1 speaker.

Minutes for Approval

Draft minutes for the Committee's consideration and approval.

1. Minutes - January 21, 2026

Action: M/S/C (Humbert/Taplin) to approve the January 21, 2026 minutes.

Vote: All Ayes.

Committee Action Items

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Following review and discussion of the items listed below, the Committee may continue an item to a future committee meeting, or refer the item to the City Council.

2. Discussion Item: 5-Year Paving Plan Update

From: City Manager

Contact: Terrance Davis, Public Works, (510) 981-6300

Action: 2 speakers. Presentation made and discussion held. Item continued to a future meeting.

Committee Action Items

3. **Referral: Strengthen Berkeley's Micromobility Regulatory Framework to Improve Public Safety, ADA Accessibility, and Operator Accountability**
From: Councilmember Tregub (Author), Councilmember Blackaby (Co-Sponsor)
Referred: August 25, 2025
Due: March 6, 2026
Recommendation: Refer to the City Manager, City/UC Relations Committee, Transportation and Infrastructure Commission, and Commission on Disabilities the development of recommendations to enhance safety and eliminate or reduce conflicts between shared micromobility devices and pedestrians/wheelchair users on Berkeley's sidewalks.
Financial Implications: See report
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140
Action: 1 speaker. Presentation made and discussion held. M/S/C (Humbert/Taplin)
To forward the item to Council with a positive recommendation.

Unscheduled Items

These items are not scheduled for discussion or action at this meeting. The Committee may schedule these items to the Action Calendar of a future Committee meeting.

4. **Adoption of the 2025 California Fire Code with Local Amendments**
From: City Manager
Referred: December 2, 2025
Due: June 12, 2026
Recommendation: At the December 2, 2025 meeting, the City Council referred Sections 503.2.1, 503.2.2, and 503.4.1 and Appendix D, including section D105.2, of the Fire Code to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee to develop and recommend revisions for Council consideration by April 2026.
Financial Implications: See report
Contact: David Sprague, Fire, (510) 981-3473
- 5a. **Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)**
From: Commission on Disability
Referred: May 20, 2025
Due: March 31, 2026
Recommendation: The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).
Financial Implications: See report
Contact: Thomas Gregory, Commission Secretary, (510) 981-6300

Unscheduled Items

- 5b. Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)**
From: City Manager
Referred: May 20, 2025
Due: March 31, 2026
Recommendation: The City Manager recommends that the Public Right-of Way Accessibilities Guidelines item be referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee for discussion of potential impacts.
Financial Implications: See report
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Financial Implications: See report
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Financial Implications: See report
Contact: Shoshana O'Keefe, Councilmember, District 5, (510) 981-7150

Items for Future Agendas

- None

Adjournment

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

Vote: All Ayes.

Adjourned at 3:25 p.m.

I hereby certify that the foregoing is a true and correct record of the Facilities, Infrastructure, Transportation, Environment & Sustainability Committee meeting held on February 4, 2026.

Denise Burgara, Assistant City Clerk

Communications

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At the December 2, 2025 meeting, the City Council referred Sections 503.2.1, 503.2.2, and 503.4.1 and Appendix D, including section D105.2, of the Fire Code to the Facilities, Infrastructure, Transportation, Environment & Sustainability (FITES) Policy Committee to develop and recommend revisions for Council consideration by April 2026.

Chapter 5 Fire Service Features

Section 503 – Fire Apparatus Access Roads

503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

503.2.2 Authority.

The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

503.4.1 Traffic calming devices.

Traffic calming devices shall be prohibited unless approved by the fire code official.

Appendix D Fire Apparatus Access Roads

Section D105 – Aerial Fire Apparatus Access Roads

D105.2 Width.

Aerial fire apparatus access roads shall have a minimum unobstructed width of 26 feet (7925 mm), exclusive of shoulders, in the immediate vicinity of the building or portion thereof.

2025 California Fire Code, Title 24, Part 9
<https://codes.iccsafe.org/content/CAFC2025P1>

ORDINANCE NO. 7,990–N.S.

REPEALING AND RE-ENACTING BERKELEY MUNICIPAL CODE CHAPTER 19.48
(BERKELEY FIRE CODE)

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

Section 1. That Berkeley Municipal Code Chapter 19.48 is hereby repealed and reenacted as to read as follows:

Chapter 19.48

BERKELEY FIRE CODE*

Sections:

- | | |
|-------------|---|
| 19.48.010 | Adoption of the California Fire Code |
| Article 1. | Scope and Administrative Provisions |
| 19.48.020 | Adoption of Chapter 1 Scope and Administration |
| Article 2. | Definitions |
| 19.48.030 | Amendments to Chapter 2 Definitions |
| Article 3. | Fire Service Features |
| 19.48.040 | Amendments to Chapter 5 Fire Service Features |
| Article 4. | Fire and Smoke Protection Features |
| 19.48.050 | Amendments to Chapter 7 Fire and Smoke Protection Features |
| Article 5. | Fire Protection and Life Safety Systems |
| 19.48.060 | Amendments to Chapter 9 Fire Protection and Life Safety Systems |
| Article 6. | Means of Egress |
| 19.48.070 | Amendments to Chapter 10 Means of Egress |
| Article 7. | Construction Requirements for Existing Buildings |
| 19.48.080 | Amendments to Chapter 11 Construction Requirements for Existing Buildings |
| Article 8. | Hazardous Materials – General Provisions |
| 19.48.090 | Amendments to Chapter 50 Hazardous Materials - General Provisions |
| Article 9. | Explosives and Fireworks |
| 19.48.100 | Amendments to Chapter 56 Explosives and Fireworks |
| Article 10. | Flammable and Combustible Liquids |
| 19.48.110 | Amendments to Chapter 57 Flammable and Combustible Liquids |
| Article 11. | Liquid Petroleum Gas |
| 19.48.120 | Amendments to Chapter 61 Liquid Petroleum Gas |
| Article 12. | Fire-Flow Requirements for Buildings |
| 19.48.130 | Amendments to Appendix B Fire-Flow Requirements for Buildings |

19.48.140 Validity

Section 19.48.010 Adoption of the California Fire Code

A. The California Fire Code, 2025 edition, as adopted in Title 24, Part 9 of the California Code of Regulations published by the International Code Council not included in the California Building Standards Code, are adopted by this reference into this Chapter, and are hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto which are set forth in this ordinance, including:

- Chapter 1, Administration, in its entirety as amended
- Chapter 2, Definitions, in its entirety as amended
- Chapter 3, General Requirements, in its entirety
- Section 503, Fire Apparatus Access Road, of Chapter 5, in its entirety
- Section 504.1.1, Marking of Exterior Building Openings, additional section as amended
- Section 705.2.5, Smoke- and Heat-Activated Doors, as amended
- Chapter 9, Fire Protection and Life Safety Systems, as amended
- Section 1031.2, [Emergency Escape and Rescue] Where Required, as amended
- Chapter 11, Construction Requirements for Existing Buildings, as amended
- Section 5001.7, Hazardous Materials Transport Restrictions, additional section as amended
- Section 5601.1.3, Fireworks, and 5604.1, General [Explosive Materials Storage and Handling], as amended
- Section 5701.4.1, Transfer of Flammable and Combustible Liquids, and 5704.2.11.1.1, Restrictions on Underground Storage Tanks, additional sections as amended
- Section 5704.2.13.1.4, Tanks Abandoned in Place, and 5704.2.14, Removal and Disposal of Tanks, as amended
- Section 6104.1.1, Restrictions on Storage of LP-Gas Containers, additional section as amended
- Appendix B, Fire-Flow Requirements for Buildings, as amended
- Appendix D, Fire Apparatus Access Roads, in its entirety
- Appendix E, Hazard Categories, in its entirety
- Appendix F, Hazard Ranking, in its entirety
- Appendix O, Valet Trash and Recycling Collection in Group R-2 Occupancies, in its entirety

- Appendix P, Temporary Haunted Houses, Ghost Walks and Similar Amusement, in its entirety

One copy of this Code is on file in the office of the City Clerk of the City of Berkeley.

- B. This chapter shall be known as the "Berkeley Fire Code" and shall be referred to in this chapter as "this code".
- C. This Chapter will become effective on January 1, 2026.

Article 1. Scope and Administrative Provisions

19.48.020 Adoption of Chapter 1 Scope and Administration

Chapter 1 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 1 – SCOPE AND ADMINISTRATION

SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

101.1 Title. These regulations shall be known as the Berkeley Fire Code of ~~[NAME OF JURISDICTION]~~, hereinafter referred to as "this code."

SECTION 102 – APPLICABILITY

102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures do not constitute a distinct hazard to life or property. Fire protection in designated historic buildings shall be provided with an approved fire protection plan as required in Section 1103.1.1 in accordance with the 2025 California Historical Code.

SECTION 103 – CODE COMPLIANCE AGENCY

103.1 Creation of enforcement agency. The Berkeley Fire Department ~~[INSERT NAME OF DEPARTMENT]~~ is hereby created and the official in charge thereof shall be known as the Fire Chief ~~fire code official~~. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

103.2 Appointment. The Fire Chief ~~fire code official~~ shall be appointed by the City Manager ~~chief appointing authority of the jurisdiction~~.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction the City of Berkeley and with the concurrence of the appointing authority, the Fire Chief, hereinafter referred to as the fire code official shall have the authority to appoint a Deputy Fire Chief, Fire Marshal, Fire Plans Examiner and code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the fire code official. For purposes of this code, the term "code official" shall also include their designees.

SECTION 104 – DUTIES AND POWERS OF THE FIRE CODE OFFICIAL

104.7 Official records. The fire code official shall keep official records as required by Sections 104.7.1 through 104.7.6. Such official records shall be retained for not less than 5 years or for as long as the building, or structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations required for a longer period by the retention of public record policy of the city.

104.7.2 Inspections. The fire code official shall keep a record of each inspection made, including notices of violations issued, notices and orders issued, administrative citation warning letters issued, citations issued and appeals received showing the findings and disposition of each.

104.7.6 Fees. The fire code official shall keep a record of invoices issued, fees collected and fees refunded in accordance with Section 108.

104.9.1 Materials and equipment reuse. Materials, equipment and devices shall not be reused unless such elements are in good working order with proper reports and tests justifying the condition, labeled and graded as required and expressly approved by the fire code official.

104.12. Authority to arrest and issue citations. The Fire Chief, or their designee shall have authority to arrest or to cite any person who violates any provision of this Chapter involving the International Fire Code or the California Building Standards Code regulations relating to fire and panic safety as adopted by the State Fire Marshal, in the manner provided for the arrest or release on citation and notice to appear with respect to misdemeanors or infractions, as prescribed by Chapters 5, 5c and 5d of Title 3, Part 2 of the California Penal Code, including Section 853.6, or as the same hereafter may be amended. It is the intent of the City Council that the immunities provided in Penal Code Section 836.5 are applicable to aforementioned officers and employees exercising their arrest or citation authority within the course and scope of their employment pursuant to this Chapter.

104.13 Authority to abate fire nuisance. The Fire Chief or the Fire Chief's designee shall have the authority to order the abatement of fire nuisances.

SECTION 105 – PERMITS

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed or revoked, or for such a period of time as specified in the permit. Operational permits shall expire 12 months after the date of issue. Construction permits shall automatically become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. Before such work recommences, a new permit shall be first obtained and the fee to recommence work, if any, shall be one-half the amount required for a new permit for such work, provided that changes have not been made and will not be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded one year. Permits are not transferable and any change in occupancy, operation, tenancy or ownership shall require that a new permit be issued.

105.3.1.1 Expiration. On or after January 1, 2019, every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months after its issuance or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months after the time the work is commenced. The building fire code official is authorized to grant, in writing, one or more extensions of time for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. (See Health and Safety Code Section 18938.5 and 18938.6.)

105.5.18 Flammable and combustible liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
 - 2.1 The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.
 - 2.2 The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIIB liquids in excess of 110 gallons in containers, or in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
9. To manufacture, process, blend or refine flammable or combustible liquids.
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707.
11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or, where required by the fire code official, to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.

105.5.60 Christmas tree sales lot. An operational permit is required to operate a Christmas tree sales lot.

105.5.61 Escort convoy service. Police and/or Fire Department convoy service is required for vehicle transportation of extremely hazardous materials.

Section 105.5.64 Fire Fighter Air Replenishment System (FARS). An annual operational permit is required to maintain a FARS system in accordance with Appendix L.

Section 105.5.62 General use permit. For any activity or operation not specifically described in this code, which the fire code official reasonably determines, may produce conditions hazardous to life or property.

105.5.63 Parking facility, special events. An operational permit is required to use buildings or structures for vehicle parking, including parking for special events (i.e. football games, etc.).

105.6.26 Window bars, operational constraints and opening control devices. A building permit is required to install window bars or other equipment which imposes operational constraints and opening controls on emergency escape and rescue openings on exterior doors or windows of any sleeping rooms in accordance with fire code Section 1031.2.1 of this code.

SECTION 108 – FEES

108.2 Schedule of permit fees. Where a permit is required, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. of fees for permits and inspections as set forth by resolution of the City Council.

108.4 Work commencing before permit issuance. A person who commences any work, activity or operation regulated by this code before obtaining the necessary permits shall be subject to a fee established by the applicable governing authority, which shall be in addition to the required permit fees. as set forth by resolution of the City Council to be twice the amount of the required fees to obtain a permit for that work, activity or operation regulated by this code. This is in addition to the permit fees for the portion of the scope of work performed without the permit.

108.7. Expense of securing emergencies. The expense of securing any emergency that is within the responsibility for enforcement of the fire code official as given in Sections 104.1 or 104.10 is a charge against the person who caused the emergency. Damages and expenses incurred by any public agency having jurisdiction or any public agency assisting the agency having jurisdiction shall constitute a debt of such person and shall be collectible by the fire code official for proper distribution in the same manner as in the case of an obligation under contract expressed or implied. Expenses as stated above shall include, but not be limited to, equipment and personnel committed and any payments required by the public agency to outside business firms requested by the public agency to secure the emergency, monitor remediation, and clean up.

SECTION 109 – INSPECTIONS

109.2.3 Reinspections. To determine compliance with this code, the fire code official can cause a structure to be reinspected. A fee can be assessed for each inspection or reinspection where work for such inspection is called is not complete or where corrections called for are not made.

Reinspection fees can be assessed where the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the fire code official.

To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by the jurisdiction. Where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

109.2.3.1 Testing. Installations shall be tested as required in this code and in accordance with Sections 109.1.4.1 through 109.1.4.3. Tests shall be made by the permit holder or authorized agent and observed by the fire code official.

109.2.3.2 New, altered, extended or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated or repaired, shall be tested as prescribed herein to disclose defects.

109.2.3.3 Apparatus, instruments, material and labor for tests. Apparatus, instruments, material and labor required for testing an installation or part thereof shall be furnished by the permit holder or authorized agent.

109.2.3.4 Reinspection and testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or installation shall then be resubmitted to the fire code official for inspection and testing.

109.2.3.5 Re-inspection fees. A re-inspection fee, as set forth by resolution of the City Council, may be assessed for each re-inspection when such portion of work for which an inspection is scheduled is not complete, is required to be reinspected after receiving a previously approved inspection for the same work or when corrections previously called for are not made.

Re-inspection fees shall not be required each time a job is disapproved for failure to comply with the requirements of this Code. This section shall be invoked for the following reasons:

1. When the work is not ready for inspection when the inspector arrives at the site.
2. When excessive scheduling of inspections for work not yet completed at the site.
3. When the approved plans, permit and inspection card are not readily available to the inspector at the work site.
4. For failure to provide access on the date for which the inspection is requested.
5. When work deviates from the approved plans and no approved revision to approved plans has been obtained by the permittee.
6. When other reasons, as determined by the fire code official, requires a re-inspection fee to be assessed.

The applicant shall pay the re-inspection fee as set forth by resolution of the City Council. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

SECTION 112 – MEANS OF APPEALS

112.1 General Appeals Procedure. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. The City Council shall hear and decide on appeals of orders, decisions, or determinations made by the Fire Code Official relative to the application and interpretation of this code. A property owner may appeal an order, decision, or determination of the Fire Code Official within 10 calendar days of the date of mailing of the appealable action. The notice of appeal shall contain a statement of the reasons for the appeal and be filed with the City Clerk of the City of Berkeley. The City Clerk shall forward one copy thereof to the Fire Code Official, who shall transmit to the City Council all their records pertaining to the decision being appealed.

Section 112.1.1 Payment of Fees and Fines. Prior to the deadline to appeal, the property owner must pay the appeal fee, per the adopted fee schedule, in addition to an advance deposit of the fine or file an application for an advanced deposit hardship waiver. If the hardship waiver is not granted, the fine must be deposited to the City within 14 days of mailed notice of that decision. No hearing shall be scheduled prior to receipt of payment or approval of the hardship waiver.

112.1.2 Stay of Proceedings. The filing of the notice of appeal shall stay all proceedings by all parties in connection with the matter upon which the appeal is taken until determination of the appeal as hereinafter provided, unless the fire code official determines that such a stay could result in an imminent threat to public safety.

112.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equivalent or better form of construction is proposed. The board City Council shall not have authority to waive requirements of this code.

112.3 Qualifications. The board of appeals shall consist of members who are qualified by experience and training on matters pertaining to the provisions of this code and are not employees of the jurisdiction. Decisions. The City Council shall review the action of the fire code official and shall do any one of the following:

- a. Refer the matter back to the fire code official.
- b. If the facts stated in, or ascertainable from the, Notice of Appeal, the written statement of the fire code official setting forth the reason for their decision, and the other papers, if any, constituting the record do not, in the opinion of the City Council, warrant further hearing, the City Council may affirm the decision of the fire code official. Such decision shall be final.

- c. If, in the opinion of the City Council, said facts warrant further hearing, the City Council shall set the matter for hearing and shall give notice of the time and place of said hearing by mailing a copy of such notice by certified mail to the address of the appellant as stated in the Notice of Appeal, at least ten (10) days before the time fixed for the hearing. The City Council may continue the hearing from time to time.
- d. Following such hearing, the City Council shall reverse, affirm wholly or partly modify any decision of the fire code official, or make any other decisions or determinations or impose such conditions as the facts warrant. Such decision or determination shall be final.
- e. If none of the above actions have been taken by the City Council within thirty (30) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal shall be deemed dismissed.
- f. If the appeal is set for hearing but the disposition of the appeal has not been determined within ninety (90) days from the date the appeal first appears on the City Council agenda, then the decision of the fire code official shall be deemed affirmed and the appeal deemed dismissed.

112.4 Administration. The fire code official shall take action without delay in accordance with the decision of the ~~board~~ City Council.

SECTION 113 – VIOLATIONS

113.1 Unlawful acts. It shall be unlawful for a person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code, or to create, maintain or allow to continue any fire hazard.

113.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, construct, alter, repair or do work for a building or structure in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment subject to penalties as prescribed by law. Violations of this code are misdemeanors, but may be cited or charged, at the election of the enforcing officer, code official, or City Attorney, as infractions, subject to an election by the defendant under Penal Code Subsection 17 (d). Nothing in this section shall prevent any other remedy afforded by law. Each day that a violation continues after due notice has been served shall be deemed a separate offense. In addition to all other legal remedies, civil or criminal (as set forth above), any violation of this code constitutes a public nuisance in accordance with B.M.C Chapter 1.26, and is subject to all provisions of B.M.C. Chapter 1.26, as well as abatement under B.M.C. Chapter 1.24, "Abatement of Nuisances," with the exception of Section 112 (Means of Appeals) which supersedes these provisions. All such violations are also subject to the issuance of an administrative citation in accordance with B.M.C Chapter 1.28 at the discretion of the enforcing officer or the City Attorney.

SECTION 115 – UNSAFE STRUCTURES OR EQUIPMENT

115.4 Notice. If an unsafe condition is found, the fire code official shall serve on the owner of the structure or the owner's authorized agent or person in control of the building, structure or premises, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person, or their designee, thus notified to declare immediately to the fire code official, within a stipulated time, acceptance or rejection of the terms of the order.

115.7 Summary abatement. Where conditions exist that are deemed hazardous to life and property, the fire code official or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions that are in violation of this code. Where the owner does not comply with an abatement order under Section 115.4 within the period specified, the City of Berkeley may perform or cause to be performed the necessary work. The costs incurred shall be recoverable under the procedures in Section 115.7.1

115.7.1 Abatement process. The abatement process shall be conducted in accordance with the notice and hearing requirements of the nuisance abatement provisions of Berkeley Municipal code chapter 1.24, including summary abatements of structures or premises determined by the City of Berkeley to constitute an imminent hazard or emergency condition.

Article 2. Definitions

19.48.030 Amendments to Chapter 2 Definitions

Chapter 2 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 2 – DEFINITIONS

SECTION 202 – GENERAL DEFINITIONS

202 BERKELEY MARINA. The area shall mean all those, parts of the City of Berkeley west of the Interstate 80 Freeway

202 FIRE HAZARD. Any thing or act which increases or could cause an increase of the hazard or menace of fire to a greater degree than that is customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or any thing or act which could obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire. Fire hazards as defined herein are hereby declared to be public nuisances subject to abatement by the City of Berkeley.

202 FIRE NUISANCE. Any thing or act, which is annoying, unpleasant, offensive or obnoxious because of fire.

202 JURISDICTION. The City of Berkeley. ~~The governmental unit that has adopted this code.~~

202 WASTE OIL. A Class III-B liquid waste resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.

Article 3. Fire Service Features

19.48.040 Amendments to Chapter 5 Fire Service Features

Chapter 5 of the California Fire Code is adopted in its entirety subject to the modifications thereto which are set forth below.

CHAPTER 5 – FIRE SERVICE FEATURES

SECTION 504 – ACCESS TO BUILDING OPENINGS AND ROOFS

504.1.1 Marking of Exterior Building Openings. Where exterior doorways are not otherwise marked with identification such as building addresses, room/suite numbers or business names which identify the area(s) they provide access to, or a functional description for the space, such openings shall be provided with signs or labels indicating the areas they serve. Doorways to be marked shall include, but are not limited to, doors serving building circulation (such as stairwells/exit passageways), potential hazards (such as trash rooms), and building service and utility spaces (such as electrical, gas, HVAC and elevator machine rooms). Signs/labels shall be permanent, weather and sunlight resistant with lettering not less than 3/4" high with a 1/16" width stroke on a contrasting background. Such signs or labels shall be affixed to the door frame or wall above the door. Such signs and labels shall be maintained.

Exception: Doors associated with private dwellings, the main entrance to normally occupied spaces or when determined to be unnecessary by the fire code official.

Article 4. Fire and Smoke Protection Features

19.48.050 Amendments to Chapter 7 Fire and Smoke Protection Features

Chapter 7 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 7 – FIRE AND SMOKE PROTECTION FEATURES

SECTION 705 – DOOR AND WINDOW OPENINGS

705.2.5 Smoke- and heat-activated doors. Smoke-activated doors shall be maintained to self-close or automatically close upon detection of smoke. Existing fusible-link-type automatic-door closing devices are permitted if the fusible link rating does not exceed 135°F (57°C). Doors required for fire and smoke separation for interior exit stairways and floor separation in R-1 or R-2 occupancies shall not be maintained in an open position with fusible links.

Article 5. Fire Protection and Life Safety Systems

19.48.060 Amendments to Chapter 9 Fire Protection and Life Safety Systems

Chapter 9 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 9 – FIRE PROTECTION AND LIFE SAFETY SYSTEMS

SECTION 903 – AUTOMATIC SPRINKLER SYSTEMS

903.2.10.1 Commercial parking garages. An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles ~~where the fire area exceeds 5,000 square feet (464 m²)~~.

903.2.11.1 Stories without openings. An automatic sprinkler system shall be installed throughout all ~~buildings having stories, including basements, of all buildings where the floor area exceeds 1,500 square feet (139.4 m²)~~ and where the story does not comply with the following criteria for exterior wall openings:

1. Openings below grade that lead directly to ground level by an exterior stairway complying with Section 1011 or an outside ramp complying with Section 1012. Openings shall be located in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm).
2. Openings entirely above the adjoining ground level totaling not less than 20 square feet (1.86 m²) in each 50 linear feet (15 240 mm), or fraction thereof, of exterior wall in the story on not fewer than one side. The required openings shall be distributed such that the lineal distance between adjacent openings does not exceed 50 feet (15 240 mm) The height of the bottom of the clear opening shall not exceed 44 inches (1118 mm) measured from the floor.

903.2.11.2. Rubbish, recycling and linen chutes. An automatic sprinkler system shall be installed at the top of rubbish, recycling and linen chutes and in their terminal rooms. Chutes shall have additional sprinkler heads installed at alternate floors and at the lowest intake. Where a ~~rubbish~~ chute extends through a building more than one floor below the lowest intake, the extension shall have sprinklers installed that are recessed from the drop area of the chute and protected from freezing in accordance with Section 903.3.1.1. Such sprinklers shall be installed at alternate floors, beginning with the second level below the last intake and ending with the floor above the discharge. Access to sprinklers in chutes shall be provided for servicing. Activation of any fire sprinkler in a chute shall activate a separate water flow switch to indicate waterflow in the chute. All fire sprinklers in the chute shall be controlled by a separate, electrically supervised control valve with a tamper switch.

903.2.22 Structures in the Berkeley Marina Area. An automatic sprinkler system shall be installed in all structures located in the Berkeley Marina Area in accordance with NFPA 13 standards.

Exceptions: Gear lockers not designed to permit human entry, municipal restrooms unattached to other structures, the existing City of Berkeley Harbor Master's office, and any temporary construction site structures.

903.2.23 Public Self-Storage Buildings. An automatic sprinkler system shall be installed in any building erected or existing that was converted and/or subdivided for public self-storage use on or after August 19, 1982, in accordance with NFPA 13 standards.

903.2.24 Environmental Safety - Residential District. Reserved

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies shall be permitted to be installed throughout in accordance with NFPA 13R *as amended in Chapter 80* where the Group R occupancy meets all of the following conditions:

1. Four stories or less above grade plane.
2. For other than Group R-2 occupancies, the floor level of the highest story is 30 feet (9144mm) or less above the lowest level of fire department vehicle access.

For Group R-2 occupancies, the roof assembly is less than 45 feet (13 716 mm) above the lowest level of fire department vehicle access. The height of the roof assembly shall be determined by measuring the distance from the lowest required fire vehicle access road surface adjacent to the building to the eave of the highest pitched roof, the intersection of the highest roof to the exterior wall, or the top of the highest parapet, whichever yields the greatest distance.

3. The floor level of the lowest story is 30 feet (9144mm) or less below the lowest level of fire department access.

The number or stores of Group R occupancies constructed in accordance with Sections 510.2 and 510.4 of the *California Building Code* shall be measured from grade plane.

Exception: Sprinkler systems in residential / commercial mix-use buildings are to be in accordance with NFPA 13.

903.3.10 Floor control valves. Floor control valves and waterflow detection assemblies shall be installed at each floor where any of the following occur:

1. Buildings where the floor level of the highest story is located ~~more than~~ or more above the lowest level of fire department vehicle access.
2. Buildings that are ~~four~~ three or more stories in height.
3. Buildings that are two or more stories below the highest level of fire department vehicle access.

Exception: In Group R-3 and R-3.1 occupancies, floor control valves and waterflow detection assemblies shall not be required.

903.4.3 Alarms. An approved audible and visual sprinkler waterflow alarm device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a waterflow switch is required by Section 903.4.1 to be electrically supervised, such sprinkler waterflow alarm devices shall be powered by a fire alarm control unit or, where provided, a fire alarm system. Where a fire alarm system is provided, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

~~Exception: Automatic sprinkler systems protecting one and two family dwellings.~~

SECTION 907 – FIRE ALARM AND DETECTION SYSTEMS

907.1.6 Certification. New fire alarm systems shall be Nationally Recognized Testing Laboratory (NRTL) certificated or placarded for Central Station Service Alarm Systems in accordance with NFPA 72, Chapter 26, Section 26.3. The NRTL shall be acceptable to the fire code official and capable of issuing serially numbered certificates or placards. A certificate of completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations and stored in the document box onsite. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid NRTL issued certificate or placard for the life of the installed system(s).

Exceptions:

1. Fire warning and fire alarm systems in one- and two-family dwellings.
2. Fire alarm control units in which the primary function is to monitor an automatic sprinkler system or other dedicated function fire alarm system.

907.1.7 Fire Alarm System Monitoring. Fire alarm systems shall transmit distinctly different alarm, supervisory and trouble signals and shall be monitored in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems.

907.2 Where required—new buildings and structures. An approved fire alarm system installed in accordance with the provisions of this code and NFPA 72 shall be provided in new buildings and structures in accordance with Sections 907.2.1 through 907.2.29 and provide occupant notification in accordance with Section 907.5, unless other requirements are provided by another section of this code.

Not fewer than one manual fire alarm box shall be provided in an approved location to initiate a fire alarm signal for fire alarm systems employing automatic fire detectors or water-flow detection devices. ~~Where an automatic and manual, or a manual fire alarm system is required by this code or Berkeley local ordinance, other sections of this code allow elimination of fire alarm boxes is prohibited. due to sprinklers or automatic fire alarm systems, a single fire alarm box shall be installed at a location approved by the enforcing agency.~~

Exceptions:

~~1. The manual fire alarm box is not required for fire alarm systems dedicated to elevator recall control and supervisory service and fire sprinkler monitoring.~~

~~2. The manual fire alarm box is not required for Group R-2 occupancies unless required by the fire code official to provide a means for fire watch personnel to initiate an alarm during a sprinkler system impairment event. Where provided, the manual fire alarm box shall not be located in an area that is open to the public.~~

~~3. The manual fire alarm box is not required to be installed when approved by the fire code official.~~

907.2.1 Group A. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group A occupancies where the occupant load due to the assembly occupancy is 300 or more, or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge. Group A occupancies not separated from one another in accordance with Section 707.3.10 of the *California Building Code* shall be considered as a single occupancy for the purposes of applying this section. Portions of Group E occupancies occupied for assembly purposes *with an occupant load of less than 1000* shall be provided with a fire alarm system as required for the Group E occupancy.

Exceptions:

~~1. Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

~~2. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communication system are not required for Group A-5 outdoor bleacher-type seating having an occupant load of greater than or equal to 300 and less than 15,000 occupants, provided that all of the following are met:~~

~~2.1. A public address system with standby power is provided.~~

~~2.2. Enclosed spaces attached to or within 5 feet (1524 mm) of the outdoor bleacher type seating compose, in the aggregate, a maximum of 10 percent of the overall~~

~~area of the outdoor bleacher type seating or 1,000 square feet (92.9 m²), whichever is less.~~

~~2.3. Enclosed accessory spaces under or attached to the outdoor bleacher type seating shall be separated from the bleacher type seating in accordance with Section 1030.1.1.1.~~

~~2.4. All means of egress from the bleacher type seating are open to the outside.~~

~~3. Manual fire alarm boxes and the associated occupant notification system or emergency voice/alarm communication system are not required for temporary Group A-5 outdoor bleacher type seating, provided that all of the following are met:~~

~~3.1. There are no enclosed spaces under or attached to the outdoor bleacher type seating.~~

~~3.2. The bleacher type seating is erected for a period of less than 180 days.~~

~~3.3. Evacuation of the bleacher type seating is included in an approved fire safety plan.~~

Every Group A building used for educational purposes shall be provided with a manual or automatic fire alarm system. This provision shall apply to, but shall not necessarily be limited to, every community college and university.

Exception: Privately owned trade or vocational schools or any firm or company which provides educational facilities and instruction for its employees.

907.2.2 Group B. A manual fire alarm system, which activates the occupant notification system in accordance with Section 907.5, shall be installed in Group B occupancies where one of the following conditions exists:

1. The combined Group B occupant load of all floors is 500 or more.
2. The Group B occupant load is more than 100 persons above or below the lowest level of exit discharge.
3. The fire area contains an ambulatory care facility.
4. *For Group B occupancies containing educational facilities, see Section 907.2.2.2.*

~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

907.2.4 Group F. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group F occupancies where both of the following conditions exist:

1. The Group F occupancy is two or more stories in height.
2. The Group F occupancy has a combined occupant load of 500 or more above or below the lowest level of exit discharge.

~~Exception: Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will activate throughout the notification zones upon sprinkler water flow.~~

907.2.7 Group M. Fire alarm system shall be required in Group M occupancies in accordance with Sections 907.2.7.1 and 907.2.7.2.

907.2.7.1 Occupant Load. A manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group M occupancies where one of the following conditions exists:

1. The combined Group M occupant load of all floors is 500 or more persons.
2. The Group M occupant load is more than 100 persons above or below the lowest level of exit discharge.

Exceptions:

1. A manual fire alarm system is not required in covered or open mall buildings complying with Section 402 of the *California Building Code*.
2. ~~Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 and the occupant notification appliances will automatically activate throughout the notification zones upon sprinkler water flow.~~

907.2.8.1 ~~Manual~~ Fire alarm system. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-1 occupancies. ~~Exceptions:~~

1. ~~A manual fire alarm system is not required in buildings not more than two stories in height where all individual sleeping units and contiguous attic and crawl spaces to those units are separated from each other and public or common areas by not less than 1 hour fire partitions and each individual sleeping unit has an exit directly to a public way, egress court or yard.~~
2. ~~Manual fire alarm boxes are not required throughout the building where all the following conditions are met:~~
 - 2.1. ~~The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~
 - 2.2. ~~The notification appliances will activate upon sprinkler water flow.~~
 - 2.3. ~~Not fewer than one manual fire alarm box is installed at an approved location.~~

907.2.8.2 ~~Manual and A~~automatic fire alarm system~~smoke detection system~~. An ~~A~~ manual and automatic ~~smoke detection~~fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed throughout all interior corridors and common areas of Group R-1 occupancies. The detection device for this purpose shall be a smoke detector (or heat detector as approved), which is system connected and electronically supervised~~serving sleeping units~~.

~~Exception: An automatic smoke detection system is not required in buildings that do not have interior corridors serving sleeping units and where each sleeping unit has a means of egress door opening directly to an exit or to an exterior exit access that leads directly to an exit.~~

907.2.9.1 ~~Automatic and M~~manual fire alarm system. An automatic and manual fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in Group R-2 occupancies where any of the following conditions apply:

1. The building is three or more stories in height and ~~Any~~ any dwelling unit or sleeping unit is located ~~three or more stories above the lowest level of exit discharge.~~
2. Any dwelling unit or sleeping unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit or sleeping unit.
3. The building contains more than 16 dwelling units or sleeping units.
4. *Congregate residences with more than 16 occupants.*

Exceptions:

1. A fire alarm system is not required in buildings not more than two stories in height where all dwelling units or sleeping units and contiguous attic and crawl spaces are separated from each other and public or common areas by not less than 1-hour fire partitions and each dwelling unit or sleeping unit has an exit directly to a public way, egress court or yard.
2. ~~Manual fire alarm boxes are not required where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and the occupant notification appliances will automatically activate throughout the notification zones upon a sprinkler water flow.~~
3. 2. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open-ended corridors designed in accordance with Section 1027.6, Exception 3.

907.6.6 Monitoring. All ~~fire alarm, detection, and communication~~ systems required by this ~~code chapter~~ or by the *California Building Code* shall be monitored by an approved supervising station in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems, and this section.

907.7 Acceptance tests and completion. Upon completion of the installation, the fire alarm system and all fire alarm components shall be tested in accordance with NFPA 72. Fire alarm systems shall obtain a UL certificate for the system prior to final inspection.

Exceptions:

1. Fire warning and fire alarm systems in one- and two-family dwellings.
2. Fire alarm control units in which the primary function is to monitor an automatic sprinkler system or other dedicated function fire alarm system.

907.9 Where required in existing buildings and structures. An approved fire alarm system shall be provided in existing buildings and structures where required in Chapter 11.

907.9.1 Certification and monitoring. Certification per 907.1.6 and monitoring per 907.1.7 is required for an existing fire alarm system when one of the following is met:

1. When a fire alarm control unit is replaced, for any reason.
2. When there are multiple unwanted alarms and/or nuisance alarms that are repetitive and not corrected, as determined by the fire code official.
3. When the fire code official determines that the severity of life safety hazards or systems on the premises require certification of the fire alarm system.

Article 6. Means of Egress

19.48.070 Amendments to Chapter 10 Means of Egress

Chapter 10 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 10 – MEANS OF EGRESS

SECTION 1031 – EMERGENCY ESCAPE AND RESCUE

1031.2 Where required. In addition to the means of egress required by this chapter, emergency escape and rescue openings shall be provided in *Group R* occupancies.:

- ~~1. Group R-2 occupancies located in stories with only one exit or access to only one exit as permitted by Tables 1006.3.4(1) and 1006.3.4(2).~~
- ~~2. Group R-3 and R-4 occupancies.~~

Basements and sleeping rooms below the fourth story above grade plane shall have not fewer than one emergency escape and rescue opening in accordance with this section. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Such openings shall open directly into a public way or to a yard or court that opens to a public way, or to an egress balcony that leads to a public way.

Exceptions:

- 1. In Groups R-1 and R-2 occupancies constructed of Type I, Type IIA, Type IIIA or Type IV construction equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1.*
- 2. Group R-2.1 occupancies meeting the requirements for delayed egress in accordance with Section 1010.2.13 may have operable windows that are breakable in sleeping rooms permanently restricted to a maximum of 4-inch open position.*
3. Basements with a ceiling height of less than 80 inches (2032 mm) shall not be required to have emergency escape and rescue openings.
4. Emergency escape and rescue openings are not required from basements or sleeping rooms that have an exit door or exit access door that opens directly into a public way or to a yard, court or exterior egress balcony that leads to a public way.
5. Basements without habitable spaces and having not more than 200 square feet (18.6 m²) in floor area shall not be required to have emergency escape and rescue openings.
6. Storm shelters are not required to comply with this section where the shelter is constructed in accordance with ICC 500.

7. Within individual dwelling and sleeping units in Groups R-2 and R-3, where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided that the basement has one of the following:
 - 7.1. One means of egress and one emergency escape and rescue opening.
 - 7.2. Two means of egress.
8. *In Group R-2.2 occupancies a certified fire escape is acceptable as a secondary means of egress of existing buildings for this section of the code.*

Article 7. Construction Requirements for Existing Buildings

19.48.080 Amendments to Chapter 11 Construction Requirements for Existing Buildings

Chapter 11 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 11 – CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

SECTION 1103 – FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

1103.5 Sprinkler systems. An automatic sprinkler system shall be provided in existing buildings in accordance with Section 1103.5.1 through 1103.5.5-6.3

SECTION 1103.5.6 AUTOMATIC SPRINKLER REQUIREMENTS FOR EXISTING HOTELS

1103.5.6.1 Definitions. For the purposes of this Section, the following terms shall be defined as follows:

1. "Hotel" shall mean any building, including motels, dormitories, rooming houses, Greek houses and congregate residences, which contain six or more rooms which were intended or designed to be used, or which are used, for the purposes of renting, hiring or letting (with monetary or non-monetary means of payment or permission) to residential occupants for sleeping purposes but shall not include apartment buildings as defined in this code.
2. "Story" is as defined in the Berkeley Building Code.
3. "First Story" is as defined in the Berkeley Building Code.
4. "Basement" is as defined in the Berkeley Building Code.
5. "Balcony, Exterior Exit" shall mean a landing or porch projecting from the wall of a building which serves as a required exit. The long side shall be at least 50 percent directly open to the exterior, and the open area above the guardrail shall be so configured as to prevent the accumulation of smoke or toxic gases.

Application: This section shall apply to every hotel in which the rooms used for sleeping are located above the ground floor, if the hotel was built prior to 1992, and also meets one of the following two conditions:

The height of the hotel is three or more stories or two stories plus an inhabited basement, which is used for purposes other than exclusively servicing the maintenance and other needs of the building; or the hotel contains 20 or more rooms, or regularly accommodates 20 or more residential occupants.

Exception: No hotel in which the exits from sleeping rooms lead either to the outside of the building either directly or via approved exit balconies with approved exterior stairways(s) in accordance with the requirements of the Berkeley Building Code is required to comply with this section.

1103.5.6.2 Types of Fire Sprinklers. In the sleeping units of the building, only residential or quick response sprinkler heads shall be used.

1103.5.6.3 Supervision of fire sprinkler systems. All automatic sprinkler systems installed under this subsection shall be monitored for supervision and alarms in accordance with Section 903.4.

1103.7 Fire Alarm Systems. An approved fire alarm system shall be installed in existing buildings and structures in accordance with Sections 1103.7.1 through 1103.7.6 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code. Existing high-rise buildings shall comply with Section 1103.7.9. Where an automatic and manual or a manual fire alarm system is required by this code or Berkeley local ordinance, elimination of fire alarm boxes in buildings equipped with an approved sprinkler system is prohibited.

Exception: Occupancies with an existing, previously approved fire alarm system.

1103.7.5.1 Group R-1 hotels, and motels, and congregate residences manual and automatic fire alarm system. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-1 hotels, and motels, and congregate residences ~~more than one story in height with three or more stories or with more than 20 or more~~ dwelling units or sleeping units in aggregate.

Exceptions:

- ~~1. A manual fire alarm system is not required in buildings less than two stories in height where all dwelling units, sleeping units, attics and crawl spaces are separated by 1-hour fire resistance-rated construction and each sleeping unit has direct access to a public way, egress court or yard.~~
- ~~2. A manual fire alarm system is not required in buildings not more than three stories in height with not more than 20 dwelling units or sleeping units in aggregate and equipped throughout with an automatic sprinkler system installed in accordance with Sections 903.3.1.1 or 903.3.1.2.~~
- ~~3. Manual fire alarm boxes are not required throughout the building where the following conditions are met:~~
 - ~~3.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.~~
 - ~~3.2. The notification appliances will activate upon sprinkler water flow.~~

~~3.3. Not less than one manual fire alarm box is installed at an approved location.~~

1103.7.6 Group R-2. A manual and automatic fire alarm system that activates the occupant notification system in accordance with Section 907.5 shall be installed in existing Group R-2 occupancies three or more than three stories in height or with 16 or more dwelling or sleeping units. Congregate residences shall retrofit existing manual-only fire alarm systems with manual and automatic fire detection. Other types of R-2 occupancies (such as apartment buildings) shall retrofit existing manual-only fire alarm systems with manual and automatic fire detection when the existing fire alarm control unit is replaced for any reason. Automatic detection shall be accomplished by use of a smoke detector (or heat detector as approved), which is system connected and electronically supervised. Detectors shall be installed in all interior corridors and common areas.

Exceptions:

1. Where each living unit is separated from other contiguous living units by fire barriers having a fire-resistance rating of not less than 3/4 hour, and where each living unit has either its own independent exit or its own independent stairway or ramp discharging at grade.
- ~~2. A separate fire alarm system is not required in buildings that are equipped throughout with an approved supervised automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 and having a local alarm to notify all occupants.~~
- ~~2.3. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units and are protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling units either have a means of egress door opening directly to an exterior exit access that leads directly to the exits or are served by open ended corridors designed in accordance with Section 1027.6, Exception 3.~~
- ~~3.4. A fire alarm system is not required in buildings that do not have interior corridors serving dwelling units, do not exceed three stories in height and comply with both of the following:~~
 - ~~3.14.4. Each dwelling unit is separated from other contiguous dwelling units by fire barriers having a fire-resistance rating of not less than ¾ hour.~~
 - ~~3.24.2. Each dwelling unit is provided with smoke alarms complying with the requirements of Section 907.2.11.~~

1103.7.10 Monitoring of Group R Occupancies. All existing R occupancies that are required to provide both a fire alarm and fire suppression system shall have the system monitored by a supervising station in accordance with NFPA 72, Chapter 26, Section 26.3, Central Station Service Alarm Systems, and this section.

SECTION 1104 – MEANS OF EGRESS FOR EXISTING BUILDINGS

1104.24 Stairway floor number signs. Existing stairways shall be marked in accordance with Section 1023.9.

SECTION 1114 – EXISTING HIGH-RISE BUILDINGS [SFM]

1114.27 Automatic sprinkler system–Existing high-rise buildings. Regardless of any other provisions of these regulations, every existing high-rise building of Type II-B, Type III-B or Type V-B construction shall be provided with an approved automatic sprinkler system conforming to NFPA 13.

Building owners shall file a compliance schedule with the fire code official not later than 365 days after receipt of a written notice. The compliance schedule shall not exceed 12 years for completion of the automatic sprinkler system retrofit.

Article 8. Hazardous Materials – General Provisions

19.48.090 Amendments to Chapter 50 Hazardous Materials – General Provisions

Chapter 50 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 50 – HAZARDOUS MATERIALS – GENERAL PROVISIONS

SECTION 5001 – GENERAL

5001.7 Hazardous materials transportation restrictions. No vehicle containing hazardous materials, including a hazardous materials transportation tank truck, trailer, semi-trailer or tank wagon containing flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids, shall be operated on any city street without a permit from the fire code official. A map showing the proposed route of the vehicle shall accompany applications for such permits. If a permit is granted, the map shall be carried at all times in the vehicle and the vehicle shall not deviate from the approved route as shown on the map. Such a permit may contain conditions, including restrictions on the hours within which certain routes may be used and limitations on the size of the vehicle allowed to travel the approved route. No route shall be approved that includes passage over or adjacent to subway entry or vent structures, through the Northbrae Tunnel, in any area designated an environmental safety residential district by the City of Berkeley's Zoning Ordinance, or in an area which may be designated as a hazardous fire area. Departure from the approved route, travel outside the permitted hours, violation of any vehicle size limitation imposed, or failure to carry a map showing route approval shall constitute a violation of this Code. The transportation of extremely hazardous materials may, in the discretion of the fire code official, require both a permit and accompaniment by a Fire Department or Police Department convoy. The following streets contain purge chamber openings which lead directly into the subway section of the Bay Area Rapid Transit (BART) System in Berkeley and their use by tank vehicles or trailers for transportation or delivery of flammable or combustible liquids, hazardous chemicals, liquefied petroleum gases, poisonous gases, or cryogenic fluids is prohibited and a violation of this Code:

- a. On Addison Street between Martin Luther King Jr. Way and Oxford Street;
- b. On Shattuck Avenue between University Avenue and Dwight Way;
- c. On Virginia Street between Franklin and Sacramento Streets;
- d. On Sacramento Street between Virginia Street and Hearst Avenue;
- e. On Hearst Avenue between McGee Avenue and Milvia Street;
- f. On Adeline Street between Ward and Stuart Streets; and
- g. On Adeline Street between Ashby Avenue and Woolsey Street

Article 9. Explosives and Fireworks

19.48.100 Amendments to Chapter 56 Explosives and Fireworks

Chapter 56 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 56 – EXPLOSIVES AND FIREWORKS

SECTION 5601 – GENERAL

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks, including fireworks which are classified as Safe and Sane fireworks by the California State Fire Marshal's Office, are prohibited within the City of Berkeley.

Exceptions:

1. ~~Storage and handling of fireworks as allowed in Section 5604.~~
2. ~~Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.~~
31. The use of fireworks for fireworks displays, *pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11* when stored, transported, handled and used under the required fire department permit(s) and in accordance will all applicable requirements of Chapter 56.
42. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with the 2006 edition of NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100–185, as applicable for consumer fireworks *and Health and Safety Code Division 11.*

SECTION 5604 – EXPLOSIVE MATERIALS STORAGE AND HANDLING

5604.1 General. The storage and handling of explosives within City of Berkeley limits is prohibited. Storage of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines shall comply with the provisions of this section

Exception: Where expressly permitted by applicable laws, ordinances or regulations provided such storage and handling of explosives and explosive materials, small arms ammunition, small arms primers, propellant-actuated cartridges and smokeless propellants in magazines is conducted in accordance with Section 5604 and all applicable provisions of Chapter 56.

Article 10. Flammable and Combustible Liquids

19.48.110 Amendments to Chapter 57 Flammable and Combustible Liquids

Chapter 57 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.).

CHAPTER 57 – FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 5701 – GENERAL

5701.4.1 Transfer of flammable and combustible liquids. Transfer of flammable and combustible liquids, to or from containers or mobile tanks into above ground or underground tanks shall not be made from or on the street or public way except by written approval by the fire code official.

Exceptions:

1. Transfer of not more than 5 gallons flammable or combustible liquids using a listed or approved portable fuel container of not more than 5 gallons capacity.
2. The transfer of combustible liquids to or from approved, fixed mechanical or electrical system equipment such as a Standby or Emergency electric power generator when the transfer is completed by a commercial fuel vendor using approved dispensing equipment via a previously approved, fixed tank filling port which met code requirements at the time of installation.

SECTION 5704 – STORAGE

5704.2.11.1.1 Restrictions on underground storage tanks. The storage of flammable and combustible liquids in underground tanks is prohibited in all areas zoned solely for residential occupancies, closely built commercial properties, and any other area deemed unsafe by the fire code official.

5704.2.13.1.4 Tanks abandoned in place. Tanks may be abandoned only under permit and following City of Berkeley Fire Department procedures. The owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Management Division (TMD) that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Management Division (TMD). A notice shall be placed in the deed to the property. This notice shall describe the precise location of the closed underground storage tank, the hazardous substances that it contained, and the closure method. Tanks abandoned in place shall be as follows:

1. Flammable and combustible liquids shall be removed from the tank and connected piping.
2. The suction, inlet, gauge, vapor return and vapor lines shall be disconnected.
3. The tank shall be filled completely with an approved inert solid material.
4. Remaining underground piping shall be capped or plugged.
5. A record of tank size, location and date of abandonment shall be retained.
6. All exterior above-grade fill piping shall be permanently removed when tanks are abandoned or removed.

5704.2.14 Removal and disposal of tanks. Removal and disposal of tanks shall comply with Sections 5704.2.14.1 and 5704.2.14.2. Removal of all tanks shall be authorized under a fire permit, abiding by City of Berkeley Fire Department procedures. The applicant shall submit the following:

1. A site plan showing the location of the tanks.
2. A detailed description of the scope of work.
3. A site safety plan.
4. A vicinity map to the closest hospital, in an event of an emergency.
5. Proof of workers compensation insurance.

The owner shall demonstrate to the satisfaction of the City of Berkeley Toxics Division that no unauthorized release has occurred. If the soil is contaminated, mitigation must be completed to the satisfaction of the Toxics Division or the California Water Board.

Article 11. Liquefied Petroleum Gas

19.48.120 Amendments to Chapter 61 Liquefied Petroleum Gas

Chapter 61 of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

CHAPTER 61 – LIQUIFIED PETROLEUM GASES

SECTION 6104 – LOCATION OF LP-GAS CONTAINERS

6104.1.1 Restrictions on storage of LP-gas containers. It shall be unlawful to store any liquefied petroleum gas cylinder with a capacity greater than 2-1/2 lbs. water capacity or a portable tank within any structure or building with an occupancy classification of A, R-1, R-2 or R-4, unless specifically authorized by this Code.

Article 12. Fire Flow Requirements for Buildings

19.48.130 Amendments to Appendix B Fire Flow Requirements for Buildings

Appendix B of the California Fire Code is partially adopted with adopted sections below. (Sections adopted by the State Fire Marshal remain unless modified below.)

APPENDIX B – FIRE FLOW REQUIREMENTS FOR BUILDINGS

Section B105.2 (Appendix B), Table B105.2, “Required Fire-Flow for Buildings Other Than One- And Two-Family Dwellings, Group R-3 And R-4 Buildings And Townhouses”

TABLE B105.2 - REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- & TWO-FAMILY DWELLINGS, GROUP R-3 & R-4 BUILDINGS AND TOWNHOUSES		
AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>California Fire Code</i>	2550% of the value in Table B105.1(2) ^a	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>California Fire Code</i>	2550% of the value in Table B105.1(2) ^b	Duration in Table B105.1(2) at the reduced flow rate
For SI: 1 gallon per minute= 3.785 Lit. a. The reduced fire-flow shall be not less than 1,000 gallons per minute. b. The reduced fire-flow shall be not less than 1,500 gallons per minute.		

Section 19.48.140 Validity. Should any section, paragraph, sentence or word of this Chapter or of the Code or Standards be declared invalid, all other portions of this Chapter shall remain in effect.

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 Old City Hall, 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 November 10, 2025, 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.

At a regular meeting of the Council of the City of Berkeley held on December 2, 2025, this Ordinance was adopted by the following vote:

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

Noes: None.

Absent: Bartlett.



Adena Ishii, Mayor

ATTEST: 

Mark Numainville, City Clerk

Date signed: Dec. 5, 2025



Commission on Disability

ACTION CALENDAR

06/03/2025

To: Honorable Mayor and Members of the City Council

From: Commission on Disability

Submitted by: Kathi Pugh, Chairperson

Subject: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

RECOMMENDATION

The Berkeley City Council shall refer to the City Attorney the requirement to include, in all City of Berkeley contracts that impact the public right-of-way, a clause that obligates City contractors to comply with the Public Right-of-Way Accessibility Guidelines (PROWAG).

FISCAL IMPACTS OF RECOMMENDATION

Examples of PROWAG contract clauses are readily available to the Office of the City Attorney. Adoption of this recommendation should not require significant time or expense.

The City currently has a staff position assigned to investigate, monitor and enforce PROWAG. The job description of the City's ADA Program Coordinator states that "under general supervision" the position is tasked with "implementation of the City's ADA program which includes...receiving and investigating grievance, reviewing projects plans for accessibility, [and] training city staff."

CURRENT SITUATION AND ITS EFFECTS

Both the ADA Program Coordinator and 311 receive complaints when disabled pedestrians and wheelchair users confront hazardous conditions in the public right-of-way. City staff time, significantly by the ADA Program Coordinator, is already used to, in many cases, successfully secure compliance with PROWAG. In some cases, City contractors refuse to comply with accessibility guidelines—because the requirement to comply is not stipulated in their contract. This is often on large, months-long City projects that significantly alter and disrupt the public right-of-way.

Failure to comply with PROWAG creates serious safety hazards for people with disabilities. At times, wheelchair users are forced into busy streets when PROWAG is not followed. In 2024-2025, this occurred repeatedly at projects on Bancroft/Fulton, University and Shattuck Avenues.

In addition, Audible Information Devices that warn blind and low vision individuals about blocked and alternate routes are rarely used by City contractors or private construction companies. When employed, these warning devices are frequently useless. They are, with regularity, incorrectly placed, not operating and inaudible. The routine failure to address accessibility for blind and low vision pedestrians creates manifestly unsafe conditions.

The City of Berkeley Public Works Department must develop proactive and effective educational, monitoring and enforcement systems to ensure that disruptions in the public right-of-way, whether performed by the City, its contractors, or during private construction projects, conform to PROWAG standards. When the City is informed of potential violations, timely investigation and remediation must bring violations into PROWAG compliance.

With the passage of Measure FF and the significant street redesign projects that will result, complying with PROWAG technical standards—in both design and construction—is imperative. Over many years, significant resources will be devoted to improving the condition and safety of Berkeley streets and sidewalks. Attention to PROWAG must be the rule—and included in City contracts. When envisioning Berkeley's future, Safe Streets must include the safety of people with disabilities.

BACKGROUND

PROWAG defines aspects of the ADA not specified at the time of the groundbreaking law's passage in 1990. The ADA never specifically addressed accessibility in areas deemed the "public right-of-way." To support implementation of the ADA, the U.S. Access Board, a federal agency charged with promoting "equality for people with disabilities through leadership in accessible design and the development of accessibility guidelines and standards" created PROWAG. These accessibility guidelines were developed over the past two decades.

PROWAG was entered into the Federal Register in 2023 and adopted by the U.S. Department of Transportation in 2024. The City of Berkeley's 2020 Pedestrian Plan, Appendix B: Engineering and Design Guidance references PROWAG numerous times. CalTrans uses its technical standards. It is considered best practice. Yet, it does not hold the force of federally-mandated law. Because of this, the City's ADA Program Coordinator has indicated that some City contractors are unwilling to follow PROWAG. This obstacle to securing the rights and safety of people with disabilities can be overcome by including a PROWAG clause in City contracts.

PROWAG will define the access standards expected by the City of Berkeley in the public right-of-way. It will make clear the City's commitment to accessibility guidelines, empower the ADA Program Coordinator to enforce those guidelines and give the City legal recourse should contractors fail to comply with the contract.

Yet a contract clause, without monitoring and enforcement of its obligations, is meaningless. For implementation, this recommendation requires a Public Works Department committed to the principles and technical standards outlined in PROWAG. We expect—and the City should secure—this level of accessibility and safety for the disability community.

The Commission on Disability took the following action at its April 9, 2025 meeting:

Action: Motion(Fischer/Pugh):To approve the recommendation to City Council regarding the enforcement of PROWAG, with the ability to make small edits regarding Caltrans and the City's use of PROWAG.

Votes: Ayes: Walsh, Fischer, Pugh, Sun, Lewkowicz, Mann, and Holloway; Nays: None
Abstain: None; Unexcused Absence: None; Leave of Absence: Paz

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

RATIONALE FOR RECOMMENDATION

The PROWAG Contract Clause recommendation is a Strategic Plan Priority Project, advancing the City's goals in multiple areas:

- provide state-of-the-art, well-maintained infrastructure, amenities, and facilities;
- create a resilient, safe, connected, and prepared city;
- champion and demonstrate social and racial equity.

ALTERNATIVE ACTIONS CONSIDERED

No alternative actions have been considered.

CITY MANAGER

The City Manager recommends referring this item to the FITES Committee to better understand the potential costs and time impacts of undertaking the recommendation to streetscape projects.

CONTACT PERSON

Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418



Office of the City Manager

ACTION CALENDAR
06/03/2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Terrance Davis, Director, Public Works

Subject: Companion Report: Enforcement of Public Right-of-Way Accessibility Guidelines (PROWAG)

RECOMMENDATION

The City Manager recommends that the Public Right-of Way Accessibilities Guidelines item be referred to the Facilities, Infrastructure, Transportation, Environment and Sustainability Committee for discussion of potential impacts.

FISCAL IMPACTS OF RECOMMENDATION

An assessment of comparable jurisdictions that currently adhere to PROWAG would need to be conducted to begin to understand the costs for implementation and the potential long-term impact on contracting and timelines for streetscape infrastructure.

Additionally, staff time for the administration of the recommendation has not yet been calculated within the following potentially impacted departments: City Attorney, Public Works; Parks Recreation and Waterfront; Planning and Building; Health Housing and Community Services; and Finance. City staff across multiple departments acting as project managers serve as contract monitors and are not currently trained in PROWAG requirements. Training expenses have not yet been determined.

Time to develop the contractual language needed for implementation would additionally impact the City Attorney's Office, which has not been consulted to calculate the exact staff time required or the potential need for an outside contractor to draft the provisions.

CURRENT SITUATION AND ITS EFFECTS

The City Manager recommends that Council refrain from referring this matter to the City Attorney's Office at this time. Staff would first need to assess capacity to monitor contractors' adherence to PROWAG and to determine how to take remedial steps if contractors fail to comply with PROWAG.

PROWAG is not incorporated in state or federal guidelines to which cities are required to adhere, and there are no funds tied to citywide implementation. If a contractor was unwilling or unable to comply with PROWAG, staff do not currently have clear protocols for when or how to terminate the noncompliant contract. Currently, there are no

protocols for determining if qualified alternative contractors are readily available to fill any gaps created by non-PROWAG compliant contractors. Adding compliance with PROWAG as a contractual duty may result in contractors requiring additional compensation.

Staff have yet to analyze current budgetary constraints to determine if recommended implementation costs are feasible.

BACKGROUND

The Commission on Disability took the following action at its April 9, 2025 meeting:

Action: Motion(Fischer/Pugh):To approve the recommendation to City Council regarding the enforcement of PROWAG, with the ability to make small edits regarding Caltrans and the City's use of PROWAG.

Votes: Ayes: Walsh, Fischer, Pugh, Sun, Lewkowicz, Mann, and Holloway; Nays: None
Abstain: None; Unexcused Absence: None; Leave of Absence: Paz

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

All future potential City contractors for projects related to lowering carbon emissions through upgrading the public right of way to encourage pedestrian and bicyclist use, would be required by the City to adhere to the PROWAG requirements. While many already do, including this in the contractual language, rather than in the design phase, may increase costs.

RATIONALE FOR RECOMMENDATION

Better understanding the PROWAG project and cost implications would be prudent ahead of mandating they be made.

ALTERNATIVE ACTIONS CONSIDERED

Staff could begin the process to study the cost of implementation, but the time required for that study would necessitate an outside contractor to supplement current staffing. A working group consisting of the aforementioned departments impacted by PROWAG requirements could be convened to begin to determine feasibility. There are not currently any funds dedicated in the City Budget for a study by an outside contractor or an interdepartmental working group.

CONTACT PERSON

Thomas Gregory, ADA Program Coordinator, Public Works, 510-981-6418
Wahid Amiri, Deputy Director, Public Works, 510-981-6396



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 to the City Manager: Amendments to the Berkeley Green Code for Newly Constructed Buildings and Existing Construction

RECOMMENDATION

1. Refer to the City Manager amendments to the Berkeley Green Code, BMC Chapter 19.37, to require AC/Heater to Heat Pump conversions for certain existing residential buildings; and
2. Refer to the City Manager the adoption of a Single Margin Energy Reach Code or another Green Building standard for certain residential and mixed-use new construction.

SUMMARY

This item refers to the City Manager the following:

- Amendments to the Berkeley Green Code, BMC Chapter 19.37, to require AC/Heater to Heat Pump conversions for certain existing residential buildings; and
- The adoption of a Single Margin Energy Reach Code or another Green Building standard for certain residential and mixed-use new construction.

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 these amendments of the Berkeley Green Code.

CURRENT SITUATION AND ITS EFFECTS

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 (effective July 1, 2024).¹

¹ On October 28, 2025, the Berkeley City Council adopted the first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions and scheduled a Public Hearing, pursuant to state law, for the second reading on November 18, 2025. While the adoption of these codes constitutes an update from the 2022 to the 2025 Building Standards Code, with certain local amendments, the Green Building reach codes under discussion were not included in the ordinance. Staff anticipates advancing those codes for City Council review in early 2026.

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.

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.

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 NOx 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.

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.

RECENT STATE LAW DEVELOPMENTS

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

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 Valley², Glendale³, Oakland⁴, Menlo Park⁵, San Jose⁶, Sunnyvale⁷, Los Altos Hills⁸, Saratoga⁹, Campbell¹⁰, *et al*^{11h}) have passed or are on track to pass an AC2HP measure by early 2026, and the City and County of San Francisco¹² recently approved a sweeping all-electric requirement for major renovations..

City of Berkeley staff continues to work on the development of reach codes per a currently active Council referral¹³. 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.

CODE AMENDMENTS

The California Building Standards Code (Title 24 of the State of California Code of Regulations) is updated and published on a three-year cycle. After the California Building Standards Commission publishes the triennial codes, they become effective statewide. The current (2022) cycle of State building codes became effective on January 1, 2023. Local jurisdictions may amend the published codes to address local climatic, geological, or topographical conditions.

The current three-year building code cycle and any effective amendments thereto are effective through December 31, 2025. The local amendments proposed with a green building reach code ordinance would not negate or otherwise affect previously adopted amendments; they introduce new amendments to the 2022 and California Green Building Standards Code. Under state law local jurisdictions may adopt stricter building code provisions if justified by findings of local climatic, geological or topographical conditions.

On October 28, 2025, the Berkeley City Council adopted the first reading of an Ordinance repealing and reenacting the Berkeley Building, Residential, Electrical, Mechanical, Plumbing, Energy, and Green Building Standards Codes in BMC Chapters 19.28, 19.29, 19.30, 19.32, 19.34, 19.36 and 19.37, and adopting related procedural and stricter provisions and scheduled a Public Hearing, pursuant to state law, for the second reading on November 18, 2025. While the adoption of these codes constitutes an update from the 2022 to the 2025 Building Standards Code, with certain local amendments, the Green

² https://cityofmillvalley.granicus.com/MetaViewer.php?view_id=2&clip_id=2073&meta_id=100851

³

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

⁴ Draft not publicly available as of the date of this report's publication.

⁵ <https://menlopark.gov/files/sharedassets/public/v/1/agendas-and-minutes/city-council/2025-meetings/20250812/h1-ordinance-amend-chapter-12-muni-code.pdf>

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

⁷ <https://sunnyvaleca.legistar.com/View.ashx?M=AO&ID=164851&GUID=16d2e642-ad7e-485a-ac75-599a0d0b0f19&N=Q291bmNpbCBBZ2VuZGEgSXRlbSB1cGRhdGVkIGZvbGxvd2luZyBwdWJsaWNhdGlvbiAocG9zdGVkIDlwMjUwODEyKQ%3d%3d>

⁸ <https://losaltoshills.ca.gov/571/Reach-Codes>

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

¹⁰ Draft not publicly available as of the date of this report's publication.

¹¹ <https://bayareareachcodes.org>

¹² <https://sfgov.legistar.com/LegislationDetail.aspx?ID=7449406&GUID=B139B7FF-FB8D-4D12-A7B0-9C7C1DFEDBD6&Options=&Search=>

¹³ [https://berkeleyca.gov/sites/default/files/documents/2025-05-](https://berkeleyca.gov/sites/default/files/documents/2025-05-20%20Item%2025%20Authorization%20for%20City%20Manager%20to%20evaluate%20policies)

Building reach codes under discussion were not included in the ordinance. Staff anticipates advancing those codes for City Council review in early 2026.¹⁴

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.

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 building reach codes reduce the human health, environmental, and climate impacts of emissions associated with occupying and using the new and existing buildings.

This action is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) because there is no possibility that this action may have a significant effect on the environment; the referral will result in standards that are more protective of the environment than existing state standards, so. Further, the referral will result in standards that are exempt from the requirements of CEQA pursuant to CEQA Guidelines sections 15307 and 15308 as an action by a regulatory agency taken to protect the environment and natural resources.

RATIONALE FOR RECOMMENDATION

Local green building reach codes provide a higher level of safety than are achieved through the State's Building Codes and Energy 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 and Energy Code.

Single-Margin Energy Reach Code

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 ordinance 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.

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

¹⁴ <https://berkeleyca.gov/sites/default/files/documents/2025-10-28%20Item%2017%20Adoption%20of%20Berkeley%20Building%20Codes%2C%20Including%20Local%20Amendments.pdf>

include electrifying appliances, or, if a building uses gas appliances, adding efficiency improvements such as insulation, and/or utilizing solar PV or a battery.

AC to Heat Pump

As the federal government is rolling back climate progress, local governments such as Berkeley must step up to sustain and accelerate emissions reductions. 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, or, alternatively, to install a suite of energy efficiency measures. An AC2HP ordinance was produced in collaboration with the Statewide Reach Codes Program¹⁵, and establishes a “Time of Replacement” policy. The model code language proposes 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.¹⁶

An 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.

ALTERNATIVES CONSIDERED

Council could choose to adopt either a green building reach code for certain new construction types or an AC2HP conversion code for existing buildings, or could choose not to adopt a reach code. However, not adopting a green building code would effectively

¹⁵ <https://localenergycodes.com/>

¹⁶ <https://bayareareachcodes.org/model-reach-codes/>

cede Berkeley's reputation as a climate leader to a number of neighboring and other California jurisdictions that are actively developing or have already adopted such a reach code.

Other reach code frameworks for certain new construction types can also be considered. These include Zero and Ultra Low nitrous oxide (NO_x) emission regulations and Flex Path / Electric Readiness Reach Codes.

Zero-NO_x and Ultra-Low NO_x

A Zero NO_x or Ultra-Low NO_x reach code would regulate nitrogen oxide emissions in buildings. 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.¹⁷ 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.

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."¹⁸ 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."¹⁸ 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, whether in homes or restaurants, offers the greatest health benefit. Allowing an exception from Zero or Ultra Low NO_x 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).

¹⁷ <https://www.epa.gov/no2-pollution/basic-information-about-no2>

¹⁸ 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

In addition to its direct health impacts, NO_x 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 NO_x Emission Buildings made by Chapter 19.37 would have the effect of reducing the emission of ozone, because NO_x reacts in sunlight with other volatile organic compounds to create ozone.¹⁹ If adopted, the Ordinance will result in a reduction in ozone and a corresponding reduction in greenhouse gas emissions.

Flex Path and Electric Readiness Reach Codes

Berkeley could also consider adopting a Flex Path and Electric Readiness Reach Code such as one that was recently adopted in Oakland, CA. Oakland's electric readiness reach code that requires new and some existing buildings to have electrical infrastructure installed for future conversion to electric appliances and electric vehicles. These codes, which often focus on new construction and additions or alterations during remodels, are local amendments to the California Building Code designed to reduce future greenhouse gas emissions at a lower cost by preparing buildings for electrification now. Key requirements typically include running 240V circuits for future heat pumps, cooktops, and electric dryers, as well as providing dedicated spaces in the main electrical panel and pre-wiring for electric vehicle (EV) charging.²⁰ It should be noted that Berkeley's recently updated Building Emissions Savings Ordinance already may accomplish these objectives through a similar mechanism for certain types of existing residential construction prior to or shortly following time of sale.²¹

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¹⁹ <https://www.epa.gov/ground-level-ozone-pollution/ground-level-ozone-basics>

²⁰ <https://bayareareachcodes.org/model-reach-codes/#:~:text=Electric%20Readiness%20Reach%20Codes%20outline,reduce%20emissions%20in%20the%20future.>

²¹ <https://berkeleyca.gov/construction-development/green-building/building-emissions-saving-ordinance-beso>



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

The City of Berkeley Facilities, Infrastructure, Transportation, Environment & Sustainability Policy Committee Webpage:

<https://berkeleyca.gov/your-government/city-council/council-committees/policy-committee-facilities-infrastructure-transportation-environment-sustainability>



CONSENT CALENDAR
February 10, 2026

Councilmember Shoshana O’Keefe, District 5
Councilmember Rashi Kesarwani, District 1

To: Honorable Mayor and Members of the City Council
From: Councilmember Shoshana O’Keefe and Councilmember Rashi Kesarwani (Co-Authors), Mayor Adena Ishii and Councilmember Mark Humbert (Co-Sponsors)
Subject: Scheduling Hopkins Street for Paving with Pedestrian Safety Improvements

RECOMMENDATION

Refer to the City Manager to prioritize paving Hopkins Street from Sutter to San Pablo with pedestrian safety improvements by Fiscal Year 2026-27 or FY 2027-28 at the latest.

Refer to the City Manager to work with the Department of Public Works to:

1. Perform an in-house safety assessment of Hopkins, west of Gilman Street to recommend appropriate pedestrian safety enhancements;¹
2. Incorporate pedestrian safety improvements into the paving project, including but not limited to additional and improved crosswalks, lighting enhancements, and traffic calming measures consistent with the City’s Vision Zero and Pedestrian Plans; and
3. Return to Council by May 2026, as part of the biennial budget development process, for FY 2026-28 with a recommended timeline, scope of work, cost and funding source(s).

CURRENT SITUATION AND ITS EFFECTS

The overall pavement quality of the Hopkins corridor is poor. Of the 12 different segments that run from Sutter to San Pablo Avenue only two are considered in fair condition on a scale of 0 to 100, with zero being “failed” and 100 being “brand new.” Eight other segments along the corridor are considered in “poor” condition, ranging on the scale from 33 to 46, while two are rated as “failed,” with scores of 19 and 24 respectively.² The exact scores of each segment can

¹ The Hopkins Corridor Traffic and Placemaking Study originally only considered design improvements between Gilman Street and Sutter leaving the segments of Hopkins west of Gilman with no prior staff safety assessment.

² This rating system is used by the Metropolitan Transportation Commission, a transportation agency for the nine San Francisco Bay Area counties. See: https://mtc.ca.gov/sites/default/files/documents/2026-01/PCI_table2024DataJanuary2026Update.pdf?cb=75f63c2d

be found in Exhibit 1 in the section below. This item is recommending doing only pedestrian upgrades because Measure FF, the sidewalk and street repairs parcel tax passed by the voters in November 2024 with 60 percent approval, specifically notes, “Proceeds of the tax may not be used to fund bicycle-specific safety improvements (such as cycletracks or protected bikes lanes) on Hopkins Street between McGee and Gilman.”³

BACKGROUND

Hopkins serves as a major east–west arterial in North Berkeley, linking the Berkeley Hills to San Pablo Avenue and I-80. It is unique in that it combines dense residential neighborhoods with a neighborhood-serving commercial district centered around the intersection of Hopkins Street and Monterey Avenue. This area includes the Monterey Market, Magnanis Poultry, Hopkins Street Bakery, Gioia Pizza, the Berkeley Horticulture Nursery, Espresso Roma Cafe, and other long-standing small businesses that serve the neighborhood and also draw visitors from across Berkeley. The corridor is also home to the North Branch of the Berkeley Library, several schools including Mustard Seed, Hopkins Preschool, King Middle School, and St. Mary’s High School, as well as a high concentration of both families and seniors. It is also the most direct route used by northwest Berkeley residents to access these public services and amenities that are not readily available in their own neighborhoods.

The street has a documented history of pedestrian and bicycle safety concerns, and has been identified in Berkeley’s Vision Zero Plan as a high injury street.⁴ Many intersections are outdated, lacking modern safety features and in the last several decades, the street has been home to fatalities and severe injuries. In 2017, a crash claimed the life of a Berkeley resident, prompting a referral from then Councilmember Sophie Hahn for a traffic and placemaking study for the corridor. In an April 2023 off-agenda memo, former City Manager Dee Williams-Ridley, cited vacancies within the Transportation Division of the Public Works Department as the reason for pausing the work previously directed by the City Council, which was to further develop designs for the Hopkins project.⁵

Although the City had previously set aside funding for the Hopkins Paving Project, City Council reallocated \$2.8 million of those funds on June 13, 2023, to close the Measure T1 funding gap.⁶ An additional \$900,000 was later removed from the project during the adoption of the FY 2023-

³ Measure FF ballot statement and text of the ballot measure:
https://berkeleyca.gov/sites/default/files/documents/24%20-%20Measure%20FF%20-%20City%20of%20Berkeley%20-%20SAFE%20Streets_3.pdf, page 6 of 14.

⁴ June 28, 2022 Regular City Council meeting, agenda item #23: “Vision Zero Annual Report.”
https://berkeleyca.gov/sites/default/files/documents/2022-06-28%20Item%2023%20Vision%20Zero%20Annual%20Report_0.pdf

⁵ April 4, 2023 Public Information Report for Hopkins Corridor Project:
<https://berkeleyca.gov/sites/default/files/documents/2023-04-05%20Public%20Information%20for%20Hopkins%20Corridor%20Project.pdf>

⁶ November 28, 2023 Regular City Council meeting agenda item #17: “Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028.” <https://berkeleyca.gov/sites/default/files/documents/2023-11-28%20Item%2017%20Street%20Rehabilitation%20Five%20Year%20Plan.pdf>

24 budget. However, when the City Council approved the Street Rehabilitation Five-Year Plan for Fiscal Years 2024-2028, staff committed to completing Hopkins as soon as possible and no later than this five-year cycle.⁷

As of today, Hopkins Street from Sutter to San Pablo remains on the City's 5 Year Paving Plan as a 2023 holdover.⁸ The state of the street has only continued to worsen, with parts of Hopkins rated among the worst Pavement Condition Index scores in the City. From an asset management perspective, the current Pavement Condition Index (PCI) scores present a critical urgency.

Exhibit 1: Hopkins Street Segments Are Mostly in Failed or Poor Pavement Condition

District	Street Name	Beg Location	End Location	Last Calc PCI	Calc PCI Date	Condition	PCI Range	Last MNR Date	Last MNR Treatment
	1 Hopkins Street	San Pablo Ave	Stannage Ave	46	7/24/2024	Poor (50-31)	50-41	9/13/2002	Mill & Overlay w/ Fabric
	1 Hopkins Street	Stannage Ave	Northside Ave	61	7/24/2024	Fair (70-51)	70-61	9/13/2002	Mill & Overlay w/ Fabric
	1 Hopkins Street	Northside Ave	Peralta Ave	66	7/24/2024	Fair (70-51)	70-61	9/13/2002	Mill & Overlay w/ Fabric
	1 Hopkins Street	Peralta Ave	Gilman St	43	7/24/2024	Poor (50-31)	50-41	9/13/2002	Mill & Overlay w/ Fabric
	1 Hopkins Street	Gilman St	Sacramento St	19	7/24/2024	Failed (30-0)	20-11	9/13/2002	Mill & Overlay w/ Fabric
	1,5 Hopkins Street	Sacramento St	Hopkins Ct	39	7/24/2024	Poor (50-31)	40-31		
	5 Hopkins Street	Hopkins Ct	Monterey Ave	40	07/09/2024	Poor (50-31)	40-31		
	5 Hopkins Street	Monterey Ave	Mc Gee Ave	38	07/09/2024	Poor (50-31)	40-31	12/01/1989	Reconstruct Structure (AC)
	5 Hopkins Street	Mc Gee Ave	Carlotta Ave	33	07/09/2024	Poor (50-31)	40-31	12/01/1989	Reconstruct Structure (AC)
	5 Hopkins Street	Carlotta Ave	Josephine St	34	07/09/2024	Poor (50-31)	40-31	12/01/1989	Mill & Thick Overlay
	5 Hopkins Street	Josephine St	The Alameda	39	07/09/2024	Poor (50-31)	40-31	07/01/1991	Reconstruct Structure (AC)
	5 Hopkins Street	The Alameda	Sutter St	24	07/09/2024	Failed (30-0)	30-21	07/01/1991	Mill & Thick Overlay

Source: Department of Public Works

⁷ November 28, 2023 Regular City Council meeting agenda item #17: "Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028." <https://berkeleyca.gov/sites/default/files/documents/2023-11-28%20Item%2017%20Street%20Rehabilitation%20Five%20Year%20Plan.pdf>

⁸ November 28, 2023 Regular City Council meeting agenda item #17: "Street Rehabilitation Five Year Plan for Fiscal Years 2024-2028." <https://berkeleyca.gov/sites/default/files/documents/2023-11-28%20Item%2017%20Street%20Rehabilitation%20Five%20Year%20Plan.pdf>

Exhibit 2: A Segment of Hopkins Street between Gilman and Sacramento with a PCI of 19, indicating a failing pavement condition



Source: Councilmember Rashi Kesarwani

Along with paving, the pedestrian safety improvements proposed for this segment include:

- Reconstructed curb ramps
- Bulb-outs at Monterey/Hopkins (NW and NE corners with green infrastructure: 346 & 249 sq ft); Bulb-out at California/Hopkins (SE corner); Bulb-outs at all four corners at The Alameda/Hopkins, including approximately 556 sq ft of green infrastructure on the NW corner
- Relocation of the Hopkins/McGee crosswalk from west to east (requires a new north-side curb ramp)
- Raised crosswalk at Hopkins/Josephine (west side)
- Additional Rapid Flashing Beacons (RRFB), bulb-outs, pedestrian safety islands, stop signs and other types of improvements as recommended by staff to enhance safety at intersections and crossings west of Gilman Street

Given the safety concerns, the deteriorating condition of the street, and the fact that Hopkins Street has been on the paving plan for years, this referral asks the City Manager to follow through with the commitment the City made to the residents of Hopkins Street and move forward with paving the street with pedestrian safety and traffic calming measures.

REVIEW OF EXISTING PLANS, PROGRAMS, POLICIES AND LAWS

Advancing paving and pedestrian safety on Hopkins will support citywide goals and address deferred maintenance, in accordance with the City's Vision Zero and Pedestrian Plans.

CONSULTATION/OUTREACH OVERVIEW AND RESULTS

Councilmembers O'Keefe and Kesarwani met with the City Manager and Public Works, and both expressed interest in pursuing the project.

ENVIRONMENTAL SUSTAINABILITY

The Hopkins Street paving project is subject to the City of Berkeley's Green Infrastructure (GI) requirements, which were established to comply with the San Francisco Bay Regional Water Quality Control Board's Stormwater Municipal Regional National Pollutant Discharge Elimination System (NPDES) Permit (MRP3).

FISCAL IMPACTS

To be determined.

CONTACT

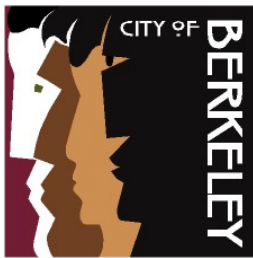
Councilmember Shoshana O'Keefe, sokeefe@berkeleyca.gov, (510) 981-7150

Councilmember Rashi Kesarwani, rkesarwani@berkeleyca.gov, (510) 981-7110

ATTACHMENT

1. Budget Referral: Hopkins Street Corridor Traffic and Placemaking Study⁹

⁹ January 28, 2018 Regular Council Meeting agenda item #28, "Budget Referral: Hopkins Street Corridor Traffic and Placemaking Study." <https://newspack-berkeleyside-cityside.s3.amazonaws.com/wp-content/uploads/2021/04/2018-01-23-Item-28-Budget-Referral-Hopkins.pdf>



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CONSENT CALENDAR

January 23, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Sophie Hahn
Subject: Budget Referral: Hopkins Street Corridor Traffic and Placemaking Study

RECOMMENDATION

Refer to the Budget Process the funds necessary to undertake a traffic and placemaking study of the Hopkins/Monterey/Sacramento corridor; specifically, Sacramento Street from the southern approach of Rose Street to Hopkins, Hopkins from Gilman Avenue to Sutter/Henry, and the Monterey Avenue approach to Hopkins from the North. The study should include all intersections and use a “complete streets” approach to identify improvements to be integrated into the paving and bicycle infrastructure work already scheduled for this area, and to identify additional projects to be undertaken over time, with an emphasis on pedestrian safety, bike and vehicle safety and flow, community-building and placemaking, parking, support for local businesses, green infrastructure and aesthetics. Include cost estimates, potential sources of funding and a proposed timeline for implementation of recommended improvements.

FINANCIAL IMPLICATIONS

\$200,000 to supplement existing funds for planning in the corridor, and staff time to complete the studies.

BACKGROUND

In 2017, the City of Berkeley experienced two fatalities as a result of car accidents involving pedestrians or cyclists. Both occurred in the heavily trafficked Hopkins /Sacramento/Monterey corridor (the “Hopkins Street Corridor”), one at the intersection of Hopkins and Monterey involving a pedestrian¹, and the other on Sacramento Avenue near Hopkins, involving a cyclist². These tragedies are just two of the most recent and deadly incidents in this busy area, and highlight the need for a comprehensive traffic study of the Hopkins Street Corridor. Specifically, the area of study should include Sacramento Street from the southern approach of Rose Street to Hopkins Street, Hopkins from Gilman Street to Sutter Street, and the Monterey Avenue approach to Hopkins from the North, plus all major and minor intersections.

In addition to the recent deaths in this area, there are numerous impactful conditions in the Hopkins/Monterey corridor that support the need for comprehensive study of traffic conditions

¹ <http://www.berkeleyside.com/2017/05/01/longtime-activist-69-dies-north-berkeley-crash-police-say-driver-failed-yield/>

² <http://www.berkeleyside.com/2017/02/08/cyclist-dies-north-berkeley-crash/>

and placemaking including, but not limited to:

- The busy neighborhood commercial area centered around the intersection of Hopkins Street and Monterey Ave, which attracts significant car, bicycle and pedestrian traffic on a daily basis, constant ingress and egress from parking lots and spaces, and associated delivery and other trucks;
- Numerous educational and recreational facilities in the area that involve drop-off and pick-up of youth, and/or youth pedestrians and bike riders, including at least four preschools (Mustard Seed at 1640 Hopkins St, Hopkins Pre-school at 1810 Hopkins, Sprouts at 1910 Hopkins, and Gay Austin School at 1611 Hopkins), King Middle School, King's playing fields and the adjacent park, pool, and tennis courts, St. Mary's High School and the North Branch Library;
- Two active churches;
- A high concentration of families and Senior Citizens living in the area, regularly crossing streets to access shops, recreational and ecumenical facilities and the North Branch public library;
- Hopkins and Monterey serving as major East/West access corridors with significant vehicular traffic to and from freeways and cross-town destinations (via Sacramento, San Pablo, The Alameda/MLK and Sutter/Henry/Shattuck);
- Hopkins and Sacramento serving as designated Emergency Access and Evacuation Routes³;
- California Street as a bicycle boulevard, and both Hopkins and Monterey scheduled for new bike infrastructure as part of the 2017 Berkeley Bicycle Plan;
- Several AC Transit bus lines travelling through the corridor;
- One of only two gas stations in North Berkeley located at Hopkins and MLK/Alameda, with vehicles regularly stacked in the street and intersection awaiting ingress;
- The area, in particular the commercial district at Hopkins and Monterey, serving as an important community gathering space; and
- Treasured local businesses along Hopkins that draw a neighborhood and regional clientele and benefit from pedestrian activity and lively café-seating and street-life.

In light of all of these conditions, a comprehensive planning process is warranted - if not overdue - to improve the safety and enjoyment of the corridor for all citizens and all uses.

The study should include robust community outreach and input, and address the following considerations, as well as others deemed advisable by staff or the public:

Complete Streets/Traffic:

- Pedestrian safety at all intersections along the corridor, in particular at Monterey and Hopkins, the site of a fatality in April of 2017;
- Bicycle lanes, parking and infrastructure, including elements anticipated as part of the 2017 Berkeley Bicycle Plan;

³ https://www.cityofberkeley.info/uploadedImages/Fire/Level_3_-_General/Wildfire%20Evacuation%20Map%202011.JPG?n=8697

- Traffic flow into and out of the corridor, with special attention to the Gilman/Hopkins, Sacramento/Hopkins, Hopkins/Monterey and Hopkins/MLK/Alameda intersections;
- Ingress and egress from the Monterey Market and the Hopkins/MLK/Alameda gas station;
- Parking, pick-up and drop-off for schools, the public library, churches and recreational facilities, including consideration of traffic management at peak times;
- AC Transit and school busses, both public and private;
- Green Infrastructure
- Addition of signalized intersections and/or adjustment of timing, turning and other features of signalized intersections; and
- Parking for employees and customers and loading for commercial vehicles.

Community Building/Placemaking

- Study to include the entire neighborhood commercial area of Hopkins Street from McGee Avenue to Hopkins Court;
- Exploration of means to create additional spaces for community gathering and to increase greenery and other placemaking amenities that harmonize with existing features in the corridor, with full access for all ages and abilities;
- Ensure design and style of improvements add to the charm and character of this highly valued and historic neighborhood commercial district; and
- Any other considerations that may further enhance placemaking and the safe and vibrant use of public spaces, including improvements to hardscape and greenery and enhancement of community-building and placemaking.

ENVIRONMENTAL SUSTAINABILITY

This recommendation supports Berkeley's environmental sustainability and resilience goals by encouraging biking and walking, enhancing a neighborhood shopping district with locally owned businesses that source responsibly and locally, incorporating green infrastructure, and strengthening community.

CONTACT PERSON

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