



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

MONDAY, MAY 4, 2026

2:30 P.M.

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 160 917 4451**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. 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

Review of Agendas

- 1. Approval of Minutes: April 27, 2026**
- 2. Review and Approve Draft Agenda:**
 - a. 5/19/2026 – Regular City Council Meeting
- 3. Adjournments In Memory**

Scheduling

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

Action Calendar

- 7. Review Policy Committees Structure**
- 8. Review Boards and Commissions Structure**

Unscheduled Items

- None

Items for Future Agendas

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

Adjournment – Next Meeting Thursday, May 28, 2026

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

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

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

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

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

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

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

### **COMMUNICATION ACCESS INFORMATION:**

This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date. Attendees at public meetings are reminded that other attendees may be sensitive to various scents, whether natural or manufactured, in products and materials. Please help the City respect these needs.

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, April 30, 2026.



Mark Numainville, City Clerk

## **Communications**

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



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

**MONDAY, APRIL 27, 2026**

**2:30 P.M.**

2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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**Roll Call:** 2:34 p.m. All present.

**Public Comment** – 6 speakers

## **Review of Agendas**

**1. Approval of Minutes: April 13, 2026**

**Action:** M/S/C (Humbert/Taplin) to approve the minutes of 4/13/26.

**Vote:** All Ayes.

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

a. 5/12/2026 – Regular City Council Meeting

**Action:** M/S/C (Taplin/Humbert) to approve the agenda of 5/12/2026 with the changes noted below.

- *Item 12 Dispensary Permit (City Manager) – item removed from the agenda*
- *Item 13 Berkeley Juneteenth (Bartlett) – Mayor Ishii added as a co-sponsor*
- *Item 14 Berkeley Flea Market (Bartlett) – item rescheduled to 5/19/26*
- *Item 16a/b Vulnerable Homeowners (COSOW/City Manager) – moved to Consent Calendar*
- *Item 17 Competitive Procurement (Kesarwani) – revised item submitted; referred to Budget & Finance Committee.*

**Vote:** All Ayes.

**3. Adjournments In Memory** – None

## **Scheduling**

**4. Council Worksessions Schedule** – added 6/2/26 meeting

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

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

## **Action Calendar**

- None

## **Unscheduled Items**

**7. Review Policy Committees Structure**

**8. Review Boards and Commissions Structure**

## **Items for Future Agendas**

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 2:57 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on April 27, 2026.

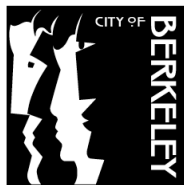
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Mark Numainville, City Clerk

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Tuesday, May 19, 2026**  
**6:00 PM**

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

ADENA ISHII, MAYOR

COUNCILMEMBERS:

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

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

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

*This meeting will be conducted in accordance with the Brown Act, Government Code Section 54953. Any member of the public may attend this meeting, however, if you are feeling sick, please do not attend the meeting in person. The City Council may take action related to any subject listed on the Agenda.*

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## Preliminary Matters

### Roll Call:

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

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

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

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

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

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

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

## Consent Calendar

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

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

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

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

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

## Consent Calendar

- 1. Amendment: FY 2026 Annual Appropriations Ordinance**  
**From: City Manager**  
**Recommendation:** Adopt the first reading of an Ordinance amending the FY 2026 Annual Appropriations Ordinance No. 7,993–N.S. for fiscal year 2026 based upon recommended re-appropriation of committed FY 2025 funding and other adjustments in the amount of \$17,362,804 (gross) and \$16,419,776 (net).  
**Financial Implications:** See report  
Contact: Maricar Dupaya, Budget Manager, (510) 981-7000
- 2. Minutes for Approval**  
**From: City Manager**  
**Recommendation:** Approve the minutes for the Council meetings of April 14, 2026 (regular), April 20, 2026 (closed), April 21, 2026 (regular), and April 28, 2026 (regular).  
**Financial Implications:** None  
Contact: Mark Numainville, City Clerk, (510) 981-6900

## Consent Calendar

### 3. **2026 Records Retention Schedule**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the revised Records Retention Schedule in compliance with the City's Records Management Program and rescinding Resolution No. 68,661-N.S.

**Financial Implications:** See report

Contact: Mark Numainville, City Clerk, (510) 981-6900

### 4. **Contract: Granicus for Short-Term Rental Monitoring and Tax Compliance**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract with Granicus for short-term rental monitoring and tax compliance in an amount not to exceed \$450,000 for the term of June 1, 2026 to May 31, 2029 with an option to extend 2 years for an additional \$350,000 for a total NTE amount of \$800,000. The City will piggyback off OMNIA cooperative agreement Region 14 ESC – TX 159768

**Financial Implications:** See report

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

### 5. **New Contract: First Shield Security for Citywide Security Services**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager to execute a contract and any amendments with First Shield Security to provide security services at various City locations and facilities in an amount not to exceed \$3,080,000 for the term of July 1, 2026 to June 30, 2029 with two one-year options for a total of 5 years and a total not to exceed \$5,207,000 including a \$600,000 contingency and subject to the City's annual budget appropriation process.

**Financial Implications:** See report

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

### 6. **Joint Homekey+ Application for Supportive Housing in People's Park at 2556 Haste St.**

**From: City Manager**

**Recommendation:** Adopt two Resolutions approving the following actions in support of a Homekey+ program funding allocation by: 1. Authorizing the City Manager or designee to prepare and submit a joint application with Satellite Affordable Housing Associates (SAHA) to the State of California Housing and Community Development (HCD) Department's Homekey+ program for the Supportive Housing in People's Park project, which will provide permanent supportive housing for people experiencing homelessness. 2. Authorizing the City Manager or designee to take all necessary actions for the City's participation in HCD's Homekey+ program, including entering into HCD's Standard Agreement and any amendments. 3. Authorizing the City Manager or designee to execute all original or amended documents or agreements necessary to effectuate these actions.

**Financial Implications:** See report

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

## Consent Calendar

**7. Joint Homekey+ Application for Insight Housing's North Berkeley BART Permanent Supportive Housing Project**

**From: City Manager**

**Recommendation:** Adopt two Resolutions approving the following actions in support of a Homekey+ program funding allocation by: 1. Authorizing the City Manager or designee to prepare and submit a joint application with Insight Housing (Insight) to the State of California Housing and Community Development (HCD) Department's Homekey+ program for the North Berkeley BART (NBB) Permanent Supportive Housing (PSH) project, which will provide permanent supportive housing for people experiencing homelessness. 2. Authorizing the City Manager or designee to take all necessary actions for the City's participation in HCD's Homekey+ program, including entering into HCD's Standard Agreement and any amendments. 3. Authorizing the City Manager or designee to execute all original or amended documents or agreements necessary to effectuate these actions.

**Financial Implications:** See report

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

**8. Amendment to BMC Chapter 2.100 to Subject Pepper Spray to the Approval and Reporting Requirements of the Police Equipment Ordinance**

**From: City Manager**

**Recommendation:** Adopt the first reading of an Ordinance amending Berkeley Municipal Code Section 2.100.040 to add pepper spray to the list of police equipment subject to the approval processes and reporting requirements defined in Chapter 12.8 of the California Government Code and BMC Chapter 2.100, and to require reporting on the administration of first aid following each use of pepper spray.

**Financial Implications:** Staff time

Contact: Jennifer Louis, Police, (510) 981-5900

**9. 2026 Bicycle Plan Update**

**From: City Manager**

**Recommendation:** Adopt a Resolution approving the 2026 Berkeley Bicycle Plan Update and directing the City Manager to pursue implementation of the Plan as funding and staffing permit.

**Financial Implications:** See report

Contact: Wahid Amiri, Public Works, (510) 981-6300

## Consent Calendar

**10. Contract: B Bros Construction, Inc. for South Berkeley Senior Center Water Heater Replacement Project**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for the South Berkeley Senior Center Water Heater Replacement Project (Specification No. 26-11781-C); and 2. Accepting the bid of B Bros Construction, Inc. as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed \$578,514 which includes a contingency of \$96,419 for the term of June 1, 2026, to June 30, 2027.

**Financial Implications:** \$578,514 - Measure T1 Fund  
Contact: Wahid Amiri, Public Works, (510) 981-6300

**11. Contract: Bay Construction Co. for Transfer Station Aboveground Storage Tank**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for Transfer Station Aboveground Storage Tank (Project), Specification No. 25-11733-C; and 2. Accepting the bid of Bay Construction Co. as the lowest, responsive and responsible bidder; and 3. Authorizing the City Manager to execute a contract and any amendments, extensions, or change orders until the Project is completed in accordance with the approved plans and specifications for an amount not to exceed \$654,636.00, which includes a contingency of \$109,106.00.

**Financial Implications:** \$765,600 - Zero Waste Fund  
Contact: Wahid Amiri, Public Works, (510) 981-6300

**12. Contract: Bay Construction for Public Safety Building Jail Automation Upgrades**

**From: City Manager**

**Recommendation:** Adopt a Resolution: 1. Approving plans and specifications for Public Safety Building Automation Upgrades; and 2. Accepting the bid of Bay Construction as the lowest, responsive and responsible bidder; and 3. Authorize the City Manager to execute a contract and any amendments, extensions, or change orders until the project is completed in accordance with the approved plans and specifications for an amount not to exceed \$1,308,973, which includes a contingency of \$218,162.

**Financial Implications:** See report  
Contact: Wahid Amiri, Public Works, (510) 981-6300

## Consent Calendar

- 13. Draft Update to the Bike Plan**  
**From: Disaster and Fire Safety Commission**  
**Recommendation:** Direct staff to modify and revise the Draft Update to the Bike Plan dated July 29, 2025, to take into consideration recommendations from the DFSC outlined in the report.  
**Financial Implications:** See report  
Contact: Keith May, Commission Secretary, (510) 981-3473
- 14. Affirming All-Electric Standards for the 2026 Infrastructure Bond Measure and City Capital Projects**  
**From: Environment and Climate Commission**  
**Recommendation:** The Berkeley Environment and Climate Commission recommends that the City Council adopt a resolution to: -Adopt a formal policy prohibiting the installation of new natural gas infrastructure (hereafter referred to as “gas”) or the replacement of existing gas equipment with new gas equipment in any project funded by the proposed 2026 General Obligation Bond Measure; -Include explicit all-electric construction and retrofit language in the bond measure itself; and - Direct staff to apply this no-new-gas standard as a condition of all City capital spending, beyond bond-funded projects, thus affirming that public funds shall not be used to install new gas infrastructure in any municipal facility.  
**Financial Implications:** See report  
Contact: Sarah Moore, Commission Secretary, (510) 981-7400
- 15. Recommendation to Add Three Ceremonial Street Name Signs in honor of Daniel Ellsberg on Kittredge Street**  
**From: Transportation and Infrastructure Commission**  
**Recommendation:** Adopt a Resolution to install three ceremonial street name signs, saying Daniel Ellsberg Way, in honor of Daniel Ellsberg on Kittredge Street — one at each of the southwest corners of Kittredge at Milvia Street, Kittredge at Harold Way and Kittredge at Fulton Street.  
**Financial Implications:** See report.  
Contact: Mark Helmbrecht, Commission Secretary, (510) 981-6300
- 16. Enforceable Mechanism for Berkeley Green Code Compliance**  
**From: Zero Waste Commission**  
**Recommendation:** Recommend Council to direct the City Manager to refer Public Works Zero Waste staff and Planning, Safety and Building, Energy and Sustainability and Green Building staff work together to develop recommendations to implement a clear path to enforcement for non-compliance with Berkeley Green Code (BMC 19.37) Construction and Demolition (C&D) waste diversion requirements, including the possibility of fines and citations and other mechanisms to increase compliance.  
**Financial Implications:** See report  
Contact: Julia Heath, Commission Secretary, (510) 981-6300

## Consent Calendar

17. **Research on Proper Space Allocation for Standardizing Compliance with Source Separated Refuse Collection Procedures**  
**From: Zero Waste Commission**  
**Recommendation:** Recommend that Council refer the matter to the City Manager with direction to:
1. Instruct the Zero Waste Division, in collaboration with the Planning Department and Fire Department, to study, research, and recommend policies that standardize requirements for: a. Tenant-facing materials collection rooms for refuse, dual-stream recycling, and composting; b. Central collection rooms or enclosures; c. Curbside collection staging areas for all new construction.
  2. Develop minimum per-unit service requirements, design parameters, and enforcement mechanisms; pursuant to Chapter 12.32.030 and 12.35 of the Berkeley Municipal Code.
- Financial Implications:** See report  
Contact: Julia Heath, Commission Secretary, (510) 981-6300
18. **Adopt Amendments to Ordinances Governing Special Events: Block Parties; Park Events; Street Events**  
**From: Zero Waste Commission**  
**Recommendation:** Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events).  
**Financial Implications:** See report  
Contact: Julia Heath, Commission Secretary, (510) 981-6300

## Council Consent Items

19. **Referral to Incorporate Food Insecurity as a Funded Category in Future Community Agency Grant Funding Cycles** *(Reviewed by the Budget & Finance Committee)*  
**From: Councilmember Kesarwani (Author)**  
**Recommendation:** Referral to the City Manager to establish food insecurity as a funded category for the next Community Agency RFP process which will be released roughly late summer, 2027 through early 2028, and for subsequent funding cycles to ensure city funds are permanently allocated to address this key priority and maximize sustainability for relevant non-profits.  
*Policy Committee Recommendation: Send the item to Council with a positive recommendation as amended to establish food insecurity as a funded category for the next community agency RFP process.*  
**Financial Implications:** See report  
Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

## Council Consent Items

20. **Berkeley Humane's 12th Annual Pints for Paws Fundraiser: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author), Councilmember Humbert (Co-Sponsor)**  
**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per councilmember, including \$500 from Councilmember Taplin, to support Berkeley Humane's 12th Annual Pints for Paws Fundraiser.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$500  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
21. **100 Black Men of the Bay Area's Tommie Smith Youth Track Meet: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds**  
**From: Councilmember Taplin (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)**  
**Recommendation:** Adopt a resolution approving the expenditure of an amount not to exceed \$500 per councilmember, including \$500 from Councilmember Taplin, to support 100 Black Men of the Bay Area's Tommie Smith Youth Track Meet.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$500  
Contact: Terry Taplin, Councilmember, District 2, (510) 981-7120
22. **Berkeley Flea Market Art Walk Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds**  
**From: Councilmember Bartlett (Author)**  
**Recommendation:** Approve the expenditure of funds, including \$1,000 from Councilmember Bartlett for the Grand Opening of the South Berkeley Flea Market at Ashby BART (organized by Community Services United, 501(c)3), with funds relinquished to the City's General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.  
**Financial Implications:** See report  
Contact: Ben Bartlett, Councilmember, District 3, (510) 981-7130

## Council Consent Items

- 23. Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Taste of Downtown Berkeley 2026 Event**  
**From: Councilmember Tregub (Author), Mayor Ishii (Co-Sponsor), Councilmember O'Keefe (Co-Sponsor), Councilmember Taplin (Co-Sponsor)**  
**Recommendation:** Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember from the D13 Discretionary Accounts of members of the Berkeley City Council, including contributions of \$250 from Mayor Ishii and Councilmembers O'Keefe, Taplin, and Tregub, and inviting other members of the City Council to contribute to the Berkeley Rotary Endowment to support the Fourth Annual Taste of Downtown Berkeley 2026 with funds relinquished to the City's general fund.  
The relinquished funds will help the Berkeley Rotary Endowment to host an event featuring and increasing visibility for local business and raise funds for their RotaCare Health Clinic, 4-year collegiate scholarship program, and supportive housing hygiene kit programs. This year's event will be held on Sunday, June 7, 2026, starting at the Downtown Berkeley Plaza.  
**Financial Implications:** Councilmembers' Discretionary Funds - \$500  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

## Action Calendar

*The public may comment on each item listed on the agenda for action. For items moved to the Action Calendar from the Consent Calendar or Information Calendar, persons who spoke on the item during the Consent Calendar public comment period may speak again during the Action Calendar public comment period on the item*

*The Presiding Officer will request that persons wishing to speak line up at the podium, or use the "raise hand" function in Zoom, to determine the number of persons interested in speaking at that time. If ten or fewer persons are interested in speaking on an individual agenda item, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may, with the consent of persons representing both sides of an issue, allocate a block of time to each side to present their issue.*

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

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

## Action Calendar – Public Hearings

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

*If ten or fewer persons are interested in speaking during a public hearing, each speaker may speak for two minutes. If there are more than ten persons interested in speaking, the Presiding Officer may limit the public comment for all speakers to one minute per speaker. Speakers are permitted to yield their time to one other speaker, however no one speaker shall have more than four minutes. The Presiding Officer may with the consent of persons representing both sides of an issue allocate a block of time to each side to present their issue.*

## Action Calendar – Public Hearings

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

### 24. **Re-Establishment of the Downtown Berkeley Property Based Business Improvement District**

**From: City Manager**

**Recommendation:** Conduct a public hearing on the establishment of the Downtown Berkeley Property Based Business Improvement District (DPBID or “the District”), and upon conclusion if no majority protest exists after tabulation of assessment ballots, adopt two Resolutions:

1. Re-establishing the Downtown Berkeley Property based Business Improvement District (DPBID) for the ten-year period beginning July 1, 2026 and ending June 30, 2036, with operations to occur over the ten-calendar year period beginning January 1, 2027 and ending December 31, 2036 and levying assessments on properties within the District for Fiscal Year 2027 (FY27).

2. Authorizing the City Manager to execute a sole source contract and any amendments with the Downtown Berkeley Association (DBA) to pass-through all DPBID funds received to support Downtown revitalization and implement the DPBID Management District Plan for an anticipated amount of \$33,558,899 for the ten-year period of January 1, 2027 to December 31, 2036 (FYs 27-36). If additional funds are received above the anticipated amount, those pass-through monies collected on behalf of the Downtown Berkeley Property Based Business Improvement District (DPBID) in Fund 786 above the anticipated amount are also to be paid to the DBA when received.

**Financial Implications:** See report

Contact: Eleanor Hollander, Economic Development, (510) 981-7530

### 25. **Proposed FY 2027 and FY 2028 Biennial Budget and Proposed Biennial Budget Public Hearing #1**

**From: City Manager**

**Recommendation:** Accept the Proposed Fiscal Year 2027 and Fiscal Year 2028 Biennial Budget for review and consideration by the City Council, conduct Public Hearing No. 1 on the Proposed Budget, and final adoption for June 23, 2026.

**Financial Implications:** see report

Contact: Maricar Dupaya, Budget Manager, (510) 981-7000

### 26. **Animal Care Services Fee Schedule**

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution modifying the Animal Care Services fee schedule by changing existing fees and adopting new fees, and rescinding Resolution No. 66,174-N.S.

**Financial Implications:** See report

Contact: Peter Radu, City Manager's Office, (510) 981-7000

## Action Calendar – Public Hearings

- 27. Neighborhood Services Code Enforcement Fee Schedule**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution adopting the proposed Neighborhood Services Code Enforcement fee schedule.  
**Financial Implications:** See report  
Contact: Peter Radu, City Manager's Office, (510) 981-7000
- 28. Changes to the Environmental Health Fee Schedule**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution: 1. Approving revisions to the fee schedule for the Environmental Health Division (EHD) effective July 1, 2026, and, 2. Rescinding Resolution No. 71,354-N.S. effective July 1, 2026.  
**Financial Implications:** See report.  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
- 29. Fees: Health, Housing, and Community Services Facility Rental Fees**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and, upon conclusion, adopt a Resolution: 1. Establishing increased fees for facility rental rates for the Health, Housing, and Community Services Department for all base rental fees, and 2. rescinding Resolution No. 67,044–N.S.  
**Financial Implications:** See report.  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5100
- 30. Changes to Selected Recreation Facilities and Program Fees**  
**From: City Manager**  
**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution approving new fees and increasing current fees for select recreation programs and facility rentals; and rescinding Resolution No. 72,094-N.S. and all amendatory resolutions.  
**Financial Implications:** See report  
Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Action Calendar – Public Hearings

### 31. Changes to the Planning and Development Fee Schedule

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion, adopt a Resolution effective July 1, 2026: 1. Approving revisions to the fee schedule for the Planning and Development Department, to increase fees on certain building and zoning permits to cover technology for permitting and other processes, and for zoning policy development, for new address assignment applications, for landmark initiation applications, for required training for building code administration, and for other revisions and clarifications as specified; and 2. Rescinding previous fee schedule Resolution Nos. 71,834-N.S. and 71,973-N.S.; and 3. Rescinding building valuation Resolution No. 67,047-N.S.

**Financial Implications:** See report

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

### 32. Repeal and Reenact Berkeley Municipal Code (BMC) Chapter 14.52 to Adjust the goBerkeley Parking Management Program; Change Parking Permit Fees; Establish a New Schedule for Parking Violations, Fines, and Late Payment Penalties; and Rescind Resolution No. 71,627-N.S.

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance repealing and reenacting Berkeley Municipal Code chapter 14.52, "Parking Meters," to enable the following changes: a. Extend parking meter operating hours to 8 p.m. citywide; b. Operate parking meters, pay stations, and parking enforcement on Sundays. c. Expand meter zones to new high-demand areas (refer to Attachment 1, Exhibit A); d. Authorize a transition to cashless parking meters and/or pay stations in the future; and
2. Adopt a Resolution to transition from "hidden" parking meter transaction fees (currently paid by the City) to a transparent transaction fee paid by the customer; and
3. Adopt a Resolution implementing a new FY 2028 fee schedule for Residential Parking Permit fees; and
4. Adopt a Resolution updating the Schedule of Parking Violations and Fines; and rescinding Resolution No. 71,627-N.S. (Parking Violations and Fines).

**Financial Implications:** See report

Contact: Wahid Amiri, Public Works, (510) 981-6300

## Action Calendar – Public Hearings

### 33. Zero Waste Plan Checks and Compliance Inspections Fees

**From: City Manager**

**Recommendation:** Conduct a public hearing and upon conclusion:

1. Adopt first reading of an Ordinance amending Berkeley Municipal Code Chapter 12.32.060 to establish new fees in the Public Works Zero Waste Division to implement cost recovery fees for staff time utilized to perform construction and demolition recycling compliance plan checks, new construction space allocation for trash room plan checks, zero waste event plan checks, single use foodware ordinance and SB-1383 food recovery agreement compliance inspections.
2. Adopt a Resolution establishing new cost recovery fees in the Zero Waste Division; authorizing the City Manager, or designee, to collect such fees at the time of permit issuance where applicable, and to invoice residents, businesses, or project applicants as necessary to recover costs for services rendered.

**Financial Implications:** See report

Contact: Wahid Amiri, Public Works, (510) 981-6300

## Action Calendar – Policy Committee Track

### 34. Adopt a Resolution Restricting Council Discretionary Spending from Personnel Budget Salary Savings

**From: Councilmember Lunaparra (Author), Councilmember O'Keefe (Co-Sponsor)**

**Recommendation:** Adopt a resolution restricting Council discretionary spending by mandating that salary savings realized from step-placement differentials remain restricted to personnel. The transfer of such savings to non-personnel categories would be prohibited, with the exception of a one-time discretionary transfer cap not to exceed \$10,000 for newly elected Councilmembers during their initial year of the first term. This item does not apply to the Mayor's budget because it operates under a different structure, rendering this recommendation irrelevant and inapplicable to their budget.

**Financial Implications:** See report

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

## Information Reports

### 35. FY 2026 Second Quarter Investment Report: Ended December 31, 2025

**From: City Manager**

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

### 36. Section 115 Trust Investment Report for FY 2025 Ended June 30, 2025

**From: City Manager**

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

### 37. 2026 Health Plan Changes

**From: City Manager**

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

## Public Comment – Items Not Listed on the Agenda

### Adjournment

**NOTICE CONCERNING YOUR LEGAL RIGHTS:** *If you object to a decision by the City Council to approve or deny a use permit or variance for a project the following requirements and restrictions apply:*

1) *No lawsuit challenging a City decision to deny (Code Civ. Proc. §1094.6(b)) or approve (Gov. Code 65009(c)(5)) a use permit or variance may be filed more than 90 days after the date the Notice of Decision of the action of the City Council is mailed. Any lawsuit not filed within that 90-day period will be barred.*

2) *In any lawsuit that may be filed against a City Council decision to approve or deny a use permit or variance, the issues and evidence will be limited to those raised by you or someone else, orally or in writing, at a public hearing or prior to the close of the last public hearing on the project.*

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Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

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

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

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

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

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

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Office of the City Manager

CONSENT CALENDAR
May 19, 2026

To: Honorable Mayor and Members of the City Council
 From: Disaster and Fire Safety Commission
 Submitted by: Greg Murphy, Chair
 Subject: Draft Update to the Bike Plan

RECOMMENDATION

Direct staff to modify and revise the Draft Update to the Bike Plan dated July 29, 2025, to take into consideration recommendations from the DFSC noted below.¹

SUMMARY

The DFSC believes that the Draft Update should align more clearly with existing City of Berkeley plans and policies, including Council's June 17, 2025 *Resolution Reaffirming Our Commitment to Vision Zero and Transportation-Related Plans and Policies*,² and specifically with the recently established Street Trauma Prevention (STP) program. We recommend the Council take into consideration recommendations from the DFSC noted below.

FISCAL IMPACTS OF RECOMMENDATION

As currently drafted, the Draft Update will not effectively meet its stated objective of serving as a "citywide planning document that presents recommendations for improving bicycle safety, comfort, and connectivity at a network level." The Draft Update will therefore require substantial revisions. Costs associated with these revisions will vary depending on who performs them, and how.

CURRENT SITUATION AND ITS EFFECTS

The DFSC is concerned regarding the considerable emphasis in the Draft Update on street trauma response and the relative absence of strategies associated with street trauma prevention. Safer streets and efficient emergency response are mutually beneficial, and yet the language of trauma response as a policy priority over trauma prevention appears as an unstated bias throughout the report. A more balanced

¹ City of Berkeley Bicycle Plan (July 2025). Produced by Alta.

https://berkeleybikeplan.org/storage/app/media/uploaded-files/draft/DRAFT_Berkeley_Bike_Plan_08072025.pdf.

²Resolution Reaffirming Our Commitment to Vision Zero and Transportation-Related Plans and Policies (June 17, 2025). Consent Calendar. Mayor Adena Ishii (Author), Councilmember Lunaparra (Co-Sponsor), Councilmember Taplin (Co-Sponsor), Council Humbert (Co-Sponsor).

<https://berkeleyca.gov/sites/default/files/documents/2025-06-17%20Item%2026%20Resolution%20Reaffirming%20Our%20Commitment.pdf>

approach is needed throughout the Draft Update that more clearly reflects: (1) existing City policies and plans; (2) the Council's June 17, 2025, Resolution; and (3) the Council's intentions in establishing the Street Trauma Prevention (STP) program at Berkeley Fire.

BACKGROUND

The DFSC shares the Council's goal of "creating a safer, more sustainable, and equitable transportation system for all its travelers." Toward this goal, the DFSC supported the creation of the Street Trauma Prevention Program under the management of Berkeley Fire in March 2024.³

The Duty Statement for the Street Trauma Prevention Program Manager states: "STPPM will develop a Street Trauma Prevention Program and coordinate with multiple city departments, community organizations, and stakeholders to strengthen the Fire Department's role in street safety improvements across the city, while ensuring the Fire Department continues to have access to respond to all emergencies."⁴

The Transportation and Infrastructure Commission has also identified several problems in the Draft Update in their September 18, 2025⁵ letter to Council., The DFSC concurs with the TIC that requiring numerous, separate and undefined studies before individual projects can move forward could set the stage for delaying or vetoing street safety improvements.

The May 2024 DFSC Memo to Council described the STP program as "a new initiative within the Department to support the transportation and infrastructure projects of Vision Zero," and that "to be successful, this will require the Department to adopt street trauma prevention as a core element of its public safety mission, just as the fire service adopted a prevention function within its fire suppression mission over the last 50 years, with remarkable success." The DFSC pointed out that on the current trajectory, traffic-related street trauma, and the demand for the Department's EMS services that accompany it, is expected to increase alongside increases in housing density. The Department already reports that the growing number of EMS calls is taxing its resources and personnel.

RECOMMENDED ACTIONS:

1. Reiterate staff's intention as discussed at the October 29, 2025 Disaster & Fire Safety Commission Meeting to use the July 15, 2025, Evacuation Time Study by KLD Associates as a technical resource amongst others and not as a policy document.

³ Revised Agenda Material for Supplemental Packet 1. Consent Calendar (May 7, 2025). Support the Fire Department to Fund a Program Manager II Position

⁴ Communication to the DFSC from BFD, dated 4/24/2025

⁵ Transportation and Infrastructure Commission, Regular Meeting Agenda (Sept 18, 2025)

<https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2025-09-18%20Agenda%20packet.pdf>.

See p. 58

2. Modify the Draft Update to integrate the objectives of the STP program. In approving funding for the STP program, the Council called on Berkeley Fire to “(1) engage consistently and constructively in the City’s Vision Zero planning and implementation processes; (2) collaborate with other City departments, as well as the Fire Marshal, to advance Vision Zero and other policies; and (3) build an evidence-based approach to balancing street trauma response and prevention.” The purpose of the STP program and the charge by Council does not appear in the Draft Update. We recommend that greater emphasis be given in the Draft Update to the purpose of the STP program and the prevention charge to the Fire Department by Council.
3. Carefully evaluate the metrics used in assessing response times and their applicability to the City of Berkeley. The metrics used to evaluate Berkeley Fire’s response times are worth careful consideration, given their prominence in the Draft Update. Conditions in the hills vary considerably from those in the flats, for example, and the use of National Fire Protection Association (NFPA) values might be less relevant than comparing Berkeley Fire’s response times with those of comparable California cities.

RATIONALE FOR RECOMMENDATION

As presently drafted, the Draft Update to the Bike Plan does not adequately reflect existing policies and plans, nor does it reflect the balanced approach of the STP program or the wishes of Council as asserted in its June 17, 2025 Resolution. As a consequence, the Draft Update will require substantial revisions.

Vote: 6 Ayes: Katz, Wilson, Kinosian, Murphy, Gordon, Hertzner-Baptiste, Bradstreet

Nays: 0

Abstain: 0

Absent: Dean, Darling

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager acknowledges and appreciates the Commission’s recommendations. Although the DFSC feedback on the Draft Update to the Bike Plan was provided after the conclusion of the public comment period, staff coordinating the document’s update were present at the October 29, 2025 Disaster & Fire Safety Commission Meeting to engage in discussion with the DFSC. DFSC feedback was considered in development of the Final Draft Update to the Bike Plan and addressed as follows:

Recommendation 1: City Manager’s intention is to use the July 15, 2025, Evacuation Time Study by KLD Associates as a technical resource amongst others and not as a policy document.

Recommendation 2: The current Budget Balancing Plan proposes removing the STP position from the budget– which would end the program. The City Manager concurs with the DFSC recommended actions to “(1) engage consistently and constructively in the City’s Vision Zero planning and implementation processes; (2) collaborate with other City departments, as well as the Fire Marshal, to advance Vision Zero and other policies; and (3) build an evidence-based approach to balancing street trauma response and prevention.” Given the budget situation, discussion of STP in the bike plan will remain limited.

Recommendation 3: The City Manager agrees that metrics used to evaluate Berkeley Fire’s travel times should carefully account for local conditions. The department’s current travel time performance objective is 5:00, which is 60 seconds longer than the NFPA recommendation and reflects the unique factors that affect travel times throughout the community.

CONTACT PERSON

Keith May, Deputy Fire Chief, 510-981-5508



Environment & Climate Commission

CONSENT CALENDAR
May 19, 2026

To: Honorable Mayor and Members of the City Council
 From: Berkeley Environment and Climate Commission (ECC)
 Submitted by: Alison LaBonte, Chairperson, ECC
 Subject: Affirming All-Electric Standards for the 2026 Infrastructure Bond Measure and City Capital Projects

RECOMMENDATION

The Berkeley Environment and Climate Commission recommends that the City Council adopt a resolution to:

- Adopt a formal policy prohibiting the installation of new natural gas infrastructure (hereafter referred to as “gas”) or the replacement of existing gas equipment with new gas equipment in any project funded by the proposed 2026 General Obligation Bond Measure;
- Include explicit all-electric construction and retrofit language in the bond measure itself; and
- Direct staff to apply this no-new-gas standard as a condition of all City capital spending, beyond bond-funded projects, thus affirming that public funds shall not be used to install new gas infrastructure in any municipal facility.

FISCAL IMPACTS OF RECOMMENDATION

All-electric construction is increasingly cost-competitive with gas-dependent construction. Electric systems eliminate ongoing gas utility costs, reduce long-term maintenance burdens, and position City facilities to benefit from falling costs of electric technologies. Any potential upfront cost differential is outweighed by the quantifiable benefits to public health, lifecycle savings, and avoided climate risk. No new appropriation is required to implement this policy direction.

CURRENT SITUATION AND ITS EFFECTS

The City of Berkeley is preparing a proposed \$300 million General Obligation Bond Measure for the November 2026 ballot. The measure proposes to fund major capital projects across three categories: Parks, Recreation, and Waterfront; General Facilities and Buildings; and Fire Department facilities.

This bond measure represents one of the largest single investments in municipal infrastructure in Berkeley's recent history — and one of the most significant opportunities to permanently align City capital spending with Berkeley's climate

commitments. Many of the proposed projects involve ground-up construction or comprehensive building renovations, making them ideal candidates for all-electric design at little or no additional cost.

Despite Berkeley's status as a national leader in building electrification policy, passing a first-in-the-nation ban on natural gas in new construction in 2019, there are no longer any laws prohibiting natural gas use in buildings, and no explicit electrification requirement has been proposed for the bond measure. While the 2024 ruling by the Ninth Circuit in opposition to Berkeley's natural gas ban, and recent changes in state law limit changes to the building code, no restrictions exist on how a municipality chooses to direct its own spending. Other Bay Area cities, such as San Francisco, enacted all electric requirements applying to city buildings before proceeding to more expansive requirements that remain in force to this day. Without such a requirement, bond-funded projects could default to gas equipment for heating, cooking, water heating, or other building systems, locking in fossil fuel infrastructure for decades and undermining the City's climate goals.

This is a strategic planning priority, advancing Berkeley's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

At the March 25, 2026 meeting, the commission took the following action:

Action: M/S/C (Ranney/Binns) to approve the substantive content of the report to Council, regarding the inclusion of building electrification in relation to the potential City of Berkeley \$300M General Obligation Bond for the November 2026 Ballot and municipal capital projects, as revised at the March 25, 2026 meeting, with additional minor edits to ensure consistency and clarity throughout.

Vote: Ayes - Ranney, La Bonte, Tahara, Mahmoudian, Kesselman, Binns, Brown, Athanasiou, Syed; Noes - None; Abstain - None; Absent - McGuire.

BACKGROUND

The proposed 2026 bond measure applies to existing and new municipal buildings, which is a domain where the City has full discretion over construction standards. The City is free to ensure that its own facilities reflect its stated climate values, and has a rare opportunity to do so on a large scale.

The list of proposed projects span a wide range of building types and uses. Where projects involve full replacement or substantial renovation, such as community centers, fire stations, the Fire Training Center, and multiple civic buildings, all-electric design is achievable with current technology and at competitive cost. For projects involving more limited scope (e.g., mechanical system upgrades), a no-new-gas standard would at minimum prevent the installation of new gas-fired equipment where electric alternatives

are available. The City should also strongly consider reducing reliance on other fossil fuel infrastructure where suitable alternatives exist, such as solar and storage for backup power.

Furthermore, the proposed bond measure explicitly lists "energy-efficient systems and lower long-term costs" and "environmental sustainability and resilience" among its stated values in evaluating and prioritizing projects. Codifying an all-electric requirement in the bond measure language is a direct and concrete expression of those values and a fulfillment of the measure's own stated goals. Such a requirement, both applying to projects funded by the bond measure and all future city projects, would implement crucial components of the Berkeley Existing Buildings Electrification Strategy, adopted by Council in 2021¹.

The public is supportive. Council polling of the measure revealed that the top infrastructure priority for Berkeley residents was climate resilience, with 35% of residents listing it as one of their top two priorities².

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Natural gas combustion in buildings is a significant source of greenhouse gas emissions and indoor air pollution. Installing new or replacement gas infrastructure in bond-funded municipal buildings would:

- Lock in fossil fuel dependency in City-owned facilities for 20–40 years, well beyond Berkeley's 2045 carbon neutrality target;
- Undermine Berkeley's credibility as a climate leader and signal to the public that the City's electrification commitments do not apply to its own operations; and
- Expose building occupants, including community members (especially the more vulnerable young and elderly), fire fighters, and City employees, to the known indoor air quality risks associated with gas combustion appliances, which approach \$1 billion annually across the Bay Area³.

Conversely, requiring all-electric construction across bond-funded projects (and all City capital spending) would meaningfully reduce municipal emissions, improve indoor air quality in public facilities, demonstrate institutional leadership, and create durable, future-proof infrastructure aligned with California's clean energy grid trajectory.

¹ <https://berkeleyca.gov/sites/default/files/2022-01/Berkeley-Existing-Buildings-Electrification-Strategy.pdf>

² <https://berkeleyca.gov/sites/default/files/city-council-meetings/2026-03-17%20Special%20Agenda%20Packet%20-%20Council.pdf>

³ https://www.baaqmd.gov/~/_media/dotgov/files/rules/reg-9-rule-4-nitrogen-oxides-from-fan-type-residential-central-furnaces/2021-amendments/documents/20230127_factsheet_rg09040906-pdf.pdf?rev=29d5bd3e4204460298a2ca1f02ac9214&sc_lang=en

RATIONALE FOR RECOMMENDATION

1. The bond measure is the right vehicle. Because the bond measure will govern how hundreds of millions of dollars are spent on City facilities over the next decade, it is the ideal place to enshrine an electrification requirement. Including it in the measure language increases public accountability and provides another reason for Berkeley voters to support it.
2. City polling indicates that the public is highly supportive of climate and green infrastructure goals.
3. There is no technical barrier. All-electric construction is viable across every project type in the proposed portfolio. Several of the proposed projects have already completed conceptual design; the Commission encourages the City to verify and update those designs to reflect an all-electric standard where they have not already done so.
4. The City's own spending is within its control. Berkeley can and should hold its own buildings to the highest electrification and emissions standards to improve the health of its residents and that of the environment.

ALTERNATIVE ACTIONS CONSIDERED

n/a

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report, recognizing that this has been the City of Berkeley's typical practice since 2020, when the since-repealed Prohibition on Natural Gas Infrastructure in New Buildings became effective.

In addition, to improve regional air quality and reduce the amount of NO_x and particulate matter emissions, the Bay Area Air District has adopted zero NO_x emissions standards for natural gas fired furnaces and water heaters (Rules 9-4 and 9-6). These rules begin implementation on Jan 1, 2027 (for water heaters under 75,000 BTU/hr, typically residential size) and will impact commercial furnaces on Jan 1, 2029, and commercial water heaters (75,000 – 2M BTU/hr) on Jan 1, 2031. Electric heat pumps will comply with these regulations, applicable to all sales and installations in the Bay Area, in both replacements in existing construction and in new construction.

Although electrification is now standard practice and will increasingly be required throughout the Bay Area for water and space heating, the City Manager notes that there may be limited instances in which exceptions to the electrification of municipal facilities during new construction or the replacement of existing gas equipment may be needed. For example, electrical and/or physical constraints of an existing municipal facility or local grid capacity may limit or eliminate safe, effective electrical replacement options for gas systems at time of replacement. Among the infrastructure projects currently

under consideration for funding through the potential bond measure, the King Pool may require a gas alternative.

If such an exception would be sought due to technical infeasibility, the City Manager would come to City Council for approval of a gas alternative.

CONTACT PERSON

Alison LaBonte, Chairperson, ECC

Attachments:

1. Resolution

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

Affirming All-Electric Standards for the 2026 Infrastructure Bond Measure and City Capital Projects

WHEREAS, installing new or replacement natural gas infrastructure in bond-funded municipal buildings would lock in fossil fuel dependency in City-owned facilities for 20–40 years, well beyond Berkeley's 2045 carbon neutrality target; and

WHEREAS, installing new or replacement gas infrastructure in bond-funded municipal buildings would undermine Berkeley's credibility as a climate leader and signal to the public that the City's electrification commitments do not apply to its own operations; and

WHEREAS, installing new or replacement gas infrastructure in bond-funded municipal buildings would expose building occupants, including community members (especially the more vulnerable young and elderly), fire fighters, and City employees, to the known indoor air quality risks associated with gas combustion appliances, which approach \$1 billion annually across the Bay Area; and

WHEREAS, requiring all-electric construction across bond-funded projects and all City capital spending would meaningfully reduce municipal emissions, improve indoor air quality in public facilities, demonstrate institutional leadership, and create durable, future-proof infrastructure aligned with California's clean energy grid trajectory.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley will adopt a formal policy prohibiting the installation of new natural gas infrastructure (hereafter referred to as “gas”) or the replacement of existing gas equipment with new gas equipment in any project funded by the proposed 2026 General Obligation Bond Measure;

BE IT FURTHER RESOLVED that that the City of Berkeley will include explicit all-electric construction and retrofit language in the bond measure itself; and

BE IT FURTHER RESOLVED that the Council of the City of Berkeley will direct staff to apply this no-new-gas standard as a condition of all City capital spending, beyond bond-funded projects, thus affirming that public funds shall not be used to install new gas infrastructure in any municipal facility.



[Commission Name]

CONSENT CALENDAR
May 19, 2026

To: Honorable Mayor and Members of the City Council
From: Transportation and Infrastructure Commission
Submitted by: Ren Zaro, Chairperson, Transportation and Infrastructure Commission
Subject: Recommendation to Add Three Ceremonial Street Name Signs in honor of Daniel Ellsberg on Kittredge Street

RECOMMENDATION

Adopt a Resolution to install three ceremonial street name signs, saying Daniel Ellsberg Way, in honor of Daniel Ellsberg on Kittredge Street — one at each of the southwest corners of Kittredge at Milvia Street, Kittredge at Harold Way and Kittredge at Fulton Street.

FISCAL IMPACTS OF RECOMMENDATION

The funding required for the new signage and installation is estimated to not cost more than \$2,400 and is available in the FY 2026 adopted budget in General Fund 011.

CURRENT SITUATION AND ITS EFFECTS

As part of its April 17, 2025, meeting, the Transportation and Infrastructure Commission (TIC) heard a request from the Western States Legal Foundation to install street signs in honor of Daniel Ellsberg on Kittredge Street between Milvia and Fulton streets. At its October 16, 2025, meeting, the Commission took the following action to recommend to Council that they approve installing street signs in honor of Daniel Ellsberg:

Action: It was Moved / Seconded (Hothi / Fike) to recommend to the City Council to install three ceremonial street name signs in honor of Daniel Ellsberg on Kittredge Street at Milvia Street, Shattuck Avenue and Fulton Street in consultation with community members about the specific locations at each intersection.

Vote:

Ayes: Gattu, Hothi, Fike, Leung, Lutzker, Moss, Walton, Zaro

Noes: None

Abstain: None

Absent: None

Excused: Scheider

Recused: None

Motion passed 8-0-0-0-1-0

After an on-site meeting with community members on September 9, 2025, and engineering review, Public Works staff determined that the safest place to install ceremonial street signs along Kittredge Street is at Kittredge and Milvia, Kittredge and Harold and Kittredge and Fulton. Traffic Engineering staff determined that it would be unsafe to install ceremonial signs at the intersection of Kittredge and Shattuck Avenue. This is a busy intersection where drivers and other road users need to focus on the regulatory and warning signs and signals for turns, lane assignments, direction of travel, yield, right of way, parking, bus stops and more. On top of these standard signs, this area is replete with banners, video kiosks and sidewalk ads that could distract people as they travel. More signs may confuse people and lead to last-second, unexpected movements at this very busy location, resulting in collisions.

BACKGROUND

Daniel Ellsberg was a Berkeley journalist, professor and dean of the UC Berkeley Graduate School of Journalism. His work greatly contributed to the release of the Pentagon Papers, which helped end the Vietnam War. He also worked towards denuclearization, informing people in the U.S. and the rest of the world about this issue. This request was supported by Berkeley's Peace and Justice Commission in 2024, and at the October 1, 2024 City Council meeting, the Council referred it to the Transportation and Infrastructure Commission for evaluation under the City's naming policy for public facilities.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

There would be no environmental sustainability or climate impacts as a result of installing ceremonial street signs on Kittredge at Milvia St, Harold Way and Fulton St.

RATIONALE FOR RECOMMENDATION

The Transportation and Infrastructure Commission considered the naming request to be reasonable and appropriate, as Mr. Ellsberg had a positive impact on Berkeley and the world during his lifetime.

ALTERNATIVE ACTIONS CONSIDERED

None.

CITY MANAGER

The City Manager concurs with the content and recommendations of the Commission's Report.

CONTACT PERSON

Mark Helmbrecht, Secretary, Transportation and Infrastructure Commission, 510-981-6403

Attachments:

1: Resolution

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

INSTALLING THREE HONORARY STREET SIGNS FOR DANIEL ELLSBERG ON
KITTREDGE STREET AT MILVIA STREET, HAROLD WAY AND FULTON STREET

WHEREAS, Daniel Ellsberg was a Berkeley journalist, professor and dean of the UC Berkeley Graduate School of Journalism whose work greatly contributed to the release of the Pentagon Papers, which helped end the Vietnam War, and who worked towards denuclearization, informing people in the U.S. and the rest of the world about this issue; and

WHEREAS, from the Western States Legal Foundation submitted a request to install street signs in honor of Daniel Ellsberg on Kittredge Street between Milvia and Fulton streets; and

WHEREAS, this request was supported by Berkeley's Peace and Justice Commission in 2024; and

WHEREAS, the Transportation and Infrastructure Commission, at its meeting on April 17, 2025, heard a request to install three ceremonial street signs on Kittredge Street; and

WHEREAS, the Transportation and Infrastructure Commission, at its meeting on October 16, 2025, considered and took action by voting to recommend to the City Council to install three ceremonial street name signs in honor of Daniel Ellsberg on Kittredge Street.

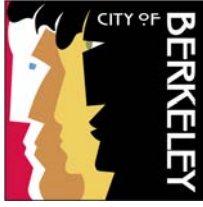
NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City will install three ceremonial street name signs, saying Daniel Ellsberg Way, in honor of Daniel Ellsberg on Kittredge Street — one at each of the southwest corners of Kittredge at Milvia Street, Kittredge at Harold Way and Kittredge at Fulton Street.

BE IT FURTHER RESOLVED that the City Manager is hereby authorized to take all necessary steps to implement this resolution, including the installation of appropriate signage.

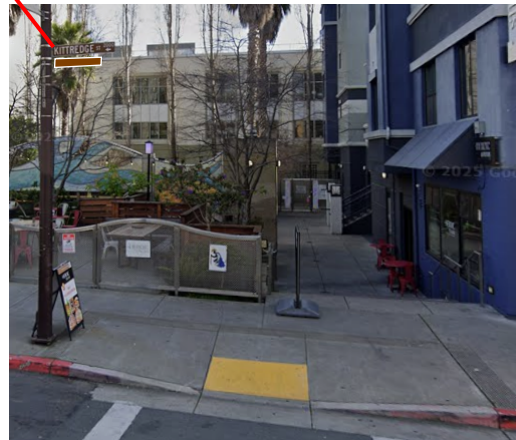
Exhibits

A: "Daniel Ellsberg Way" Street Sign Plan

PUBLIC WORKS DEPARTMENT
Transportation Division



"Daniel Ellsberg Way" Street Sign Plan
January 9, 2026





Zero Waste Commission

CONSENT CALENDAR

May 19, 2026

To: Honorable Mayor and Members of the City Council
 From: Zero Waste Commission
 Submitted by: Steven Sherman, Zero Waste Commission Chair
 Subject: Enforceable Mechanism for Berkeley Green Code Compliance

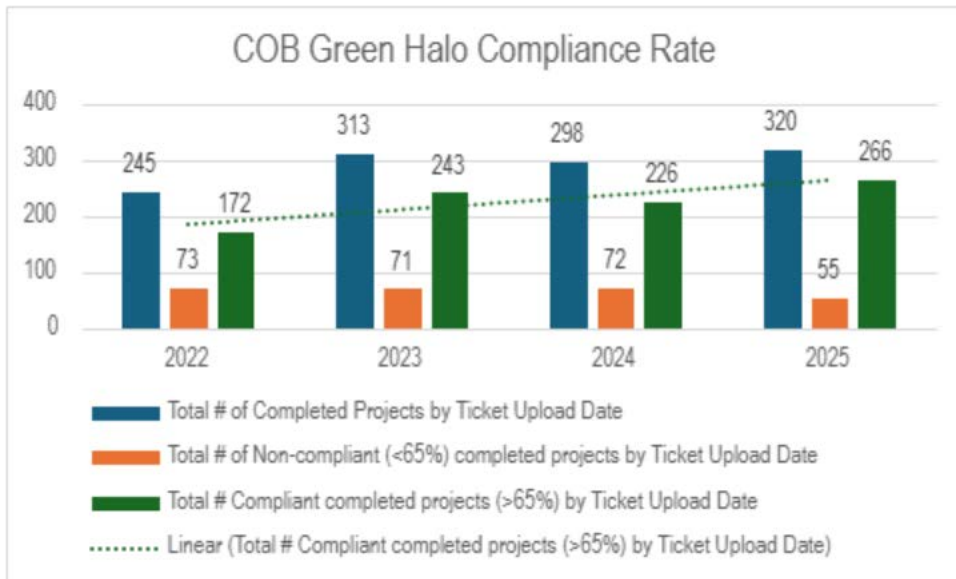
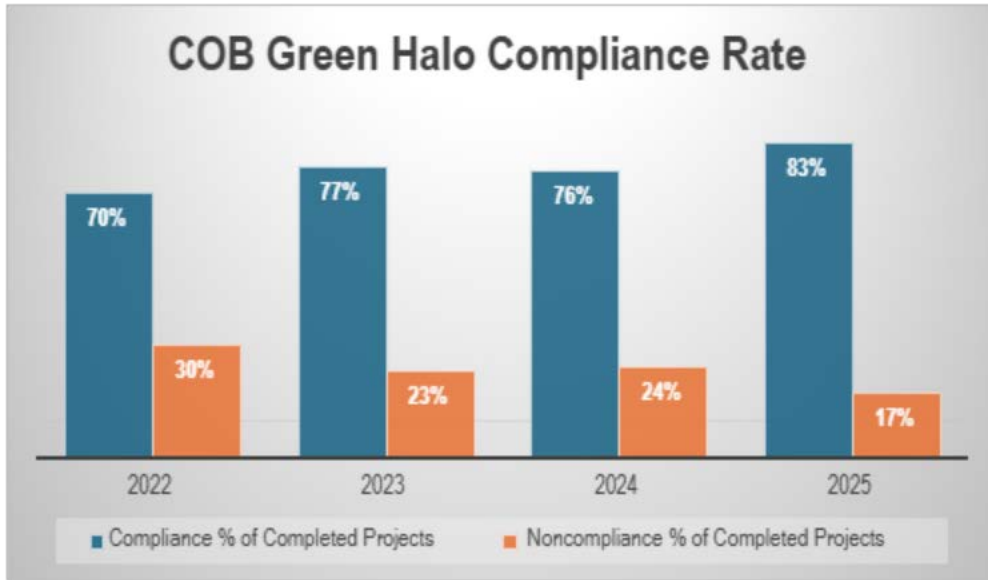
RECOMMENDATION

Recommend Council to direct the City Manager to refer Public Works Zero Waste staff and Planning, Safety and Building, Energy and Sustainability and Green Building staff work together to develop recommendations to implement a clear path to enforcement for non-compliance with Berkeley Green Code (BMC 19.37) Construction and Demolition (C&D) waste diversion requirements, including the possibility of fines and citations and other mechanisms to increase compliance.

SUMMARY

Compliance with Berkeley Green Code's more stringent amendment to the California Green Building Standards Code to recycle 100% of asphalt and concrete instead of the States requirement of 65%, relies on self-reporting through Green Halo. Self-reporting has resulted in fraudulent ticket uploads, poor sorting, and repeated noncompliance. As a result, 17% of projects in 2025 failed to meet code requirements but, the property owners, developers or contractors were not penalized.

Staff have diligently worked to educate and build relationships with contractors over the past three years and compliance has increased steadily. However, staff have identified approximately 40 offenders who have repeatedly been non-compliant for the past decade. With no clear path for penalization, staff are unable to simply encourage those bad actors into compliance.



C&D debris is one of the largest sources of material self-hauled to the Transfer Station, and a significant driver of greenhouse gas emissions and local pollution, particularly affecting low-income and minority communities. Strong enforcement is essential to advancing Berkeley’s climate and equity goals. Researching and implementing an effective path to enforcement will streamline the process of meeting diversion requirements and make it easier for staff to hold contractors and haulers accountable.

FISCAL IMPACTS OF RECOMMENDATION

Staff in the Zero Waste Division of the Public Works Department, in conjunction with the Planning Department will research the fiscal impacts for the implementation of a menu of potential enforcement options and develop an associated cost model for each option. Assessment of these Fiscal Impacts will require minimal staff time.

CURRENT SITUATION AND ITS EFFECTS

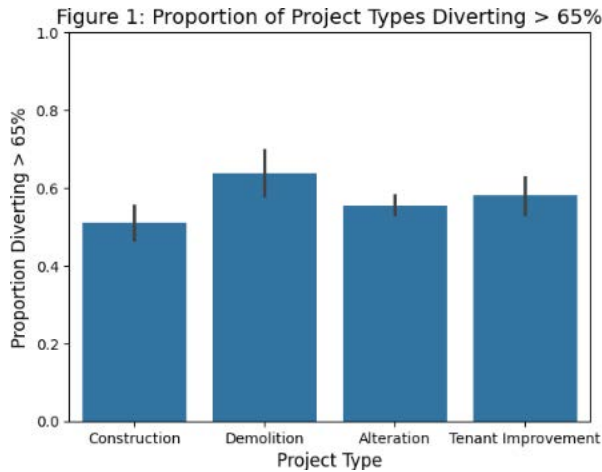
This C&D enforcement referral is a Zero Waste Strategic Plan Priority Project, advancing the City's goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

Construction waste diversion is the process of redirecting waste materials generated from C&D debris away from landfills, toward salvage, recycling, and composting.

Berkeley Green Code diversion requirements were adopted in the Berkeley Municipal Code as Chapter 19.37 in 2025. Chapter 19.37 requires that 65% of construction and demolition (C&D) material be diverted from landfill, and 100% of excavated soil, concrete, and asphalt. Reducing the amount of C&D material that goes to landfill is essential to reducing associated GHG emissions, decreasing land use needed for landfills, and reducing environmental degradation.

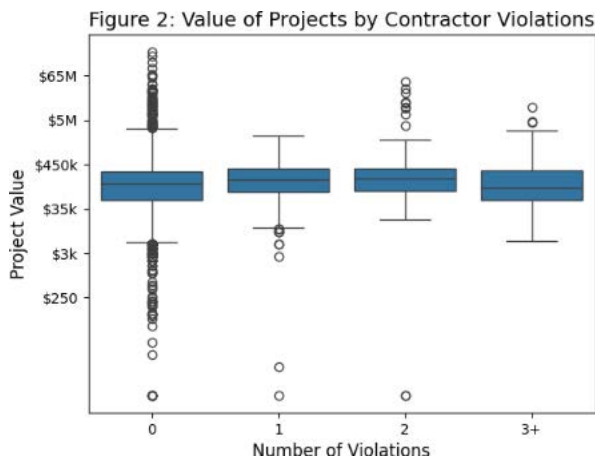
Because there is no consequential mechanism outlined in the Berkeley Municipal Code to provide guidance in regard to penalizing non-compliant contractors, staff have difficulty when it comes to ensuring contractors and haulers comply with diversion requirements. To understand diversion levels in Berkeley, staff rely on self-reporting from contractors on Green Halo, a C&D debris diversion tracking platform. Common issues surrounding compliance include:

1. Improper source separation to the extent that it impedes meeting C&D debris diversion requirements.
2. Uploading fraudulent weight tickets to the Green Halo platform.
3. Uploading weight tickets in an untimely manner.
4. Repeated non-compliance beyond three violations.



As a result, 17% of projects in 2025 failed to meet Berkeley Green Code (BMC 19.37) requirements. Figure 1 displays the rates by project type for all registered projects in the database since 2012. Construction projects tend to divert the least amount of debris, while stand-alone demolition projects tend to divert the most.

Proper sorting and bagging ensure that C&D debris remains uncontaminated. Source separation is particularly important for materials like cement and asphalt so that these waste streams can achieve their required 100% diversion requirement. Many contractors transport C&D debris, mixed with residential waste, in black plastic bags—leading to recyclable debris being coded as landfill, leading to projects failing to achieve the 65% C&D diversion requirement. Miscoded tickets also prevent staff from verifying data, leading to unreliable documentation surrounding C&D debris diversion and potential missed opportunities to increase diversion.



The biggest area where diversion could improve is by penalizing repeat offenders. Over 40 contractors, who have repeatedly been out of compliance annually for over a decade, have been identified by staff. Contractors often attempt to reuse or tamper with weight tickets, causing staff to spend extra time scrutinizing each weight ticket. Some claim to have no weight tickets because the amount hauled to a transfer station was too minimal to be measured, leading to the improper disposal of C&D material that could have been diverted from landfill. Projects taken on by repeat offenders vary in size, illustrated by Figure 2, but the most problematic repeat offenders are those with high-value projects that produce a significant amount of C&D material.

BACKGROUND

The City requires that all construction, demolition, and some remodel projects submit a Construction Waste Management Plan (CWMP) that complies with its zero-waste requirements (Berkeley Green Code BMC 19.37 and California Green Building Standards Code Sections 4.408.2 and 5.408.1.1). Besides CWMP, all contractors are required to upload C&D debris weight tickets to the Green Halo platform. These weight tickets include information on the tons debris diverted from landfill and quantify project materials which have been recycled or reused. Staff also host office hours at the Permit Service Center on Tuesdays and Thursdays, allowing any contractors who are having issues with Green Halo to consult with Zero Waste staff first-hand and address their issues.

Zero Waste staff have been working on launching educational awareness campaigns to further assist contractors lacking experience with the Green Halo platform, and to encourage onboarding onto the Green Halo platform. Staff also conduct random site inspections, to ensure that projects comply with state requirements, allowing for interventions and flexibility when necessary. Additionally, Zero Waste staff participate in Design-Stage Round Table reviews, and Field Inspection Project Kickoff meetings, to provide notice of projects' Berkeley Green Code (BMC 19.37) requirements.

Penalizing repeat offenders for non-compliance will level the playing field and encourage development by contractors acting in good faith. The 65% diversion requirement is already embedded in the Berkeley Green Code and applies to most permitted construction and demolition projects in the City. Therefore, enforcing the requirement should not materially slow development or reduce project feasibility.

On June 19, 2025, the Zero Waste Commission authorized its Green Building Subcommittee to write and submit this referral to the City Council to request the City Manager refer the Zero Waste Division of the Public Works Department, and the Building and Safety Division, Energy and Sustainability and Green Building Program Management staff from the Planning Department to research and recommend best practices to codify enforcement mechanisms for improving compliance with state and city-mandated C&D debris diversion requirements.

Action Taken: M/S/C (Chrise/Barun) to approve the Green Building Ordinance. Ayes: Unanimous; Abstain: None; Absent: Layla Dargahi

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Lack of effective diversion can be damaging to local communities. The construction industry is considered to be the primary contributor to landfill material; in the United States, 67% of all solid waste is generated by the C&D industry alone (Chen et al., 2021). C&D debris is also the primary cause of environmental pollution; debris that ends up in landfill contains inorganics, heavy metals, organics, pesticides, and oils that leach into the landscape and contaminate soil and groundwater (Chen et al., 2021). Improper C&D debris salvaging also leads to indirect environmental damage, such as consumption of usable land, energy and non-energy resource consumption, resource depletion, air pollution, noise pollution, water pollution, and more (Chen et al., 2021).

Inadequate diversion introduces health-harming pollutants to the environment, as wind carries particles from landfills into neighboring communities. As landfills expand, substances like silica, asbestos, heavy metals, and volatile organic compounds can become airborne, and expose particularly low-income populations to respiratory irritants, allergens, and carcinogens (Dorevitch et al., 2006). This is especially alarming, as studies show that higher percentages of Black and Hispanic residents, as well as households with lower socioeconomic status, are in close proximity to landfills (Joseph and Kamanmalek, 2025).

Successful C&D diversion can yield results that are beneficial to surrounding communities. A study by the EPA found that diverting 70-90% of debris can reduce 250-400 kg of CO₂ per ton of material, improving air quality in the area (Shajidha, and Mortula, 2025). In India, the recycling of C&D debris was found to improve *all* 15 impact categories of the recycling life cycle assessment, with observations like decreased leachate improving soil and groundwater, lower contamination from heavy metals, and reduced habitat disruption (Ram et al., 2020). Effective enforcement of C&D diversion is necessary if Berkeley is to sustain healthy communities and mitigate the harmful effects of climate change.

RATIONALE FOR RECOMMENDATION

Establishing an effective enforcement mechanism will support staff in bringing repeat offenders into compliance, levelling the playing field for all contractors and encouraging contractors who work in good faith. Beyond informing contractors of their responsibilities to meet the 65% diversion minimum, staff currently have little power to hold contractors accountable, especially those that are repeatedly out of compliance, and repeatedly act in bad faith.

ALTERNATIVE ACTIONS CONSIDERED

The alternative is no action as it relates to enforcement. Staff continue increasing outreach and education measures which only address part of the non-compliance issue

and do not target those bad actors who have repeatedly been out of compliance for the past decade with no consequence.

CITY MANAGER

See companion report.

CONTACT PERSON

Julia A. Heath, Zero Waste Commission Secretary, Recycling Program Manager, (510) 981-6357



Zero Waste Commission

CONSENT CALENDAR
05/19/2026

To: Honorable Mayor and Members of the City Council
 From: Zero Waste Commission
 Submitted by: Steven Sherman, Zero Waste Commission Chair
 Subject: Research on Proper Space Allocation for Standardizing Compliance
 with Source Separated Refuse Collection Procedures

RECOMMENDATION

Recommend that Council refer the matter to the City Manager with direction to:

1. Instruct the Zero Waste Division, in collaboration with the Planning Department and Fire Department, to study, research, and recommend policies that standardize requirements for:
 - a. Tenant-facing materials collection rooms for refuse, dual-stream recycling, and composting
 - b. Central collection rooms or enclosures
 - c. Curbside collection staging areas for all new construction
2. Develop minimum per-unit service requirements, design parameters, and enforcement mechanisms; pursuant to Chapter 12.32.030 and 12.35 of the Berkeley Municipal Code.

SUMMARY

While the Berkeley Municipal Code mandates accessible waste storage, it fails to outline efficient refuse, dual-stream recycling and compost collection areas for tenants and employees, central collection locations or safe curbside staging areas for collection and enforce proper space allocation for said collection processes in the design phase of project lifecycles. Improper space allocation for refuse, dual-stream recycling and compost carts and bins in new commercial construction blueprints increases construction costs while compromising Zero Waste collection services and the safety of City workers.

There is an opportunity to codify refuse collection procedures and facilitate compliance by enforcing proper space allocation across all new commercial developments. In this effort, areas for focused research include, but are not limited to, the development of:

1. Minimum service requirements. Minimum service requirements create a baseline expectancy for refuse volume across all new commercial construction, allowing for the development of baseline design guidelines and a standardization of space allocation in refuse collection procedures.
2. Design parameters. In order to streamline refuse, dual-stream recycling and compost collection in new construction projects, design guidelines that allocate sufficient space to accommodate required collection services in every stage of the collection process are necessary.
3. Enforcement mechanisms. Ensuring adherence to a standardized refuse collection procedure ensures the safety, health, and cleanliness of the city.

FISCAL IMPACTS OF RECOMMENDATION

Staff in the Zero Waste Division of the Public Works Department, in conjunction with the Planning Department, will research the fiscal impacts of the implementation of proposed policies, including the potential for cost-recovery through bill back for staff time and enforcement mechanisms. Assessment of these fiscal impacts will require minimal staff time.

CURRENT SITUATION AND ITS EFFECTS

Under Chapter 12.32.030 of the Berkeley Municipal Code, the City of Berkeley requires “[every] person owning any premises, where garbage or rubbish is produced or accumulated [is to] provide and maintain...in a suitable place readily accessible to personnel of the solid waste and environmental health divisions, containers of sufficient capacity and number to store the accumulations of garbage or rubbish during the intervals between collections or disposal”. Under Chapter 12.35.010 of the Berkeley Municipal Code, the City of Berkeley adopted and codified the Short-Lived Climate Pollutants Organic Waste Reduction Strategy “The purpose of this Ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the "SB 1383 Regulations"). Notably, the requirements not only emphasize the importance of establishing sufficient space for waste collection, but also mandate that containers of collected refuse are “readily accessible to personnel”.

The City of Berkeley operates municipal refuse collection in two ways:

1. Curbside Service. Building owners are responsible for placing refuse, dual stream recycling, and compost carts or bins at the appropriate staging locations along the street prior to collection day, and returning them to their enclosures within 24 hours.

2. **Push-and-Pull Service:** Building owners pay the City an additional fee to transport carts and bins from a central collection area to a curbside collection area and back.

The mandated collection process consists of the following three stages:

1. **Occupant Refuse, Dual-Stream Recycling and Compost Collection.** The first stage covers occupant access to material collection containers, at either a central collection location or in the case of large multi-family buildings, material collection rooms on each floor. In accordance with the BMC, equal access to all waste streams must be ensured across all building levels.
2. **Staging.** This stage covers the process of transporting collected materials to their proper staging area for collection. Important technicalities in this stage include, but are not limited to: doorway dimensions, alley widths, and slope gradients.
3. **Municipal Refuse Collection.** The final stage covers the municipal collection of the material from curbside staging areas for transportation to the Transfer Station. Important technicalities in this stage include, but are not limited to: curb cuts, red or yellow zones for ease of collection truck parking, considerations to avoid bike lanes and staging areas on busy thoroughfares, driveway, approach, and slope gradient.

Although the Zero Waste Division has published *New Construction: Adequate Space Guidelines for Waste Containers* and provides developers with a copy of these guidelines, the City's refuse, dual-stream recycling and compost collection process, as well as the aforementioned space guidelines, are not codified in the Berkeley Municipal Code, rendering enforcement impossible for City staff.

Unfortunately, the consequence of a lack of formalized specifications for new construction design and no enforceable mechanisms for ensuring space is properly allocated for tenant facing trash rooms, central collection rooms or enclosures and proper staging areas that take into account driver and pedestrian safety, staff encounter completed new construction that has failed to accommodate at least one stage of refuse collection, including but not limited to:

- Doors to refuse enclosures with insufficient clearance to accommodate bin collection services requested by the property, necessitating design modifications
- Dumpsters are placed in narrow alleyways. Enclosures and storage areas must have enough space for dumpsters. If moving a dumpster, ensure a curb cut is installed for push-pull service.
- Steeply sloped driveways from enclosures to the street, resulting in staff injuries during push-and-pull service provision;

- Alleyways with insufficient vertical clearance for refuse truck entrance;
- Trash chutes with no collocated chutes for recycling or compost;
- Staging locations that impede biker and pedestrian right-of-way;
- Negligent staging that leads to increased street litter from upended bins.

These issues not only compromise proper waste separation but can result in costly post-construction design modifications. Furthermore, inefficiencies place unnecessary administrative burden on staff, while endangering Zero Waste materials collection workers. In order to streamline refuse collection procedures and prevent aforementioned issues, important design elements that will be considered, categorized under each stage, include but will not be limited to:

1. Occupant Refuse Collection: equal access to all waste streams across all building levels, in accordance with BMC 12.35.
2. Staging: Maintain a minimum 18-inch clearance between dumpsters staged side by side. This required clearance would greatly reduce pinch hazards and prevent hand injuries during handling.
3. Doorway Dimensions: Entrances must provide enough width for containers plus 6 inches on either side to pass through freely without hitting frames. This prevents property damage and ensures smooth transitions between spaces.
4. Alley Widths: Driveways and alleys must be wide enough to allow for safe maneuvering of both containers and collection vehicles. Adequate space is essential to avoid scraping walls or damaging property.
5. Gradients: Gradients of staging areas will be considered and addressed to ensure reduce runaway dumpster hazard does not occur. Steep inclines are prohibited as they significantly increase the risk of injuries and property damage.
6. Surface & Obstructions: Containers must be kept on a smooth, level surface free of any debris or obstacles to reduce physical strain to our staff and reduce tipping accidents or injuries.
7. Public Right-of-Way: Containers and equipment must be positioned so they do not obstruct the public right-of-way or traffic lanes to increase safety of both the collection crew and the general public.

Proper space allocation for refuse collection, which includes instituting minimum service requirements and creating pre-construction design guidelines, is a crucial next step for streamlining compliance with materials collection and waste disposal requirements.

Staff expect that codifying the space allocation requirement will not materially slow development or reduce project feasibility. The guidelines are already informally required and codifying them will offer the opportunity to include an enforcement mechanism and increase compliance with BMC 12.35.

BACKGROUND

All commercial and multi-family (5+ units) properties within the City of Berkeley are subject to State Law SB 1383 and corresponding local Alameda County Organics Reduction and Recycling Ordinance (2021-02). In order to be in compliance with SB 1383, the City of Berkeley must accommodate four waste streams through materials collection procedures:

1. Landfill,
2. Recycling for Glass, Metals, and Plastics,
3. Recycling for Cardboard, Mixed Paper, and
4. Organics collection for Food Waste, Compostable Paper, and Plant Debris.

From 2019 to 2023, the Telegraph Business Improvement District and Downtown Berkeley Association piloted trash corrals— structures designed to contain businesses' waste bins on the street— in order to “make trash collection easier, and provide a more pleasing streetscape¹.” Part of an early effort to introduce trash enclosures by commercial districts, this pilot project exemplifies the need for allocating space for waste receptacles, given the implications of uncorralled receptacles in the public right of way.

At its meeting September 18, 2025, the Zero Waste Commission authorized its Green Building Subcommittee to write and submit this referral to the City Council to authorize the City Manager to refer the Public Works Zero Waste Division, to work in conjunction with the Planning Department to study, research and recommend procedures and enforcement mechanisms to increase proper waste sorting compliance by ensuring all new commercial construction includes the proper allocation of space to accommodate state and city-mandated waste collection requirements.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

Compromised refuse collection processes frequently expose waste to the environment and its natural processes, adversely impacting environmental health. Improperly staged refuse bins are subject to being knocked over or left uncovered, and rainwater runoff from unenclosed waste creates leachate containing microplastics such as polyethylene, polystyrene, and polypropylene². As leachate enters Berkeley's stormwater drainage systems, these microplastics inevitably contaminate the Bay. Clogged drainpipes are a consequential causative factor of water logging in urban areas³, thus unenclosed waste and litter that result in clogged storm drains increase flood risks amidst already intensifying storms. Furthermore, 80% of global marine litter originates from land⁴. The City of Berkeley's contribution to this number could be significantly reduced by establishing effective refuse collection policies and processes. Beyond these

impacts, inadequate materials collection infrastructure in multifamily developments significantly limits resident and business participation in proper refuse, recycling, and composting. When collection areas are inconvenient or poorly designed, participation declines, contamination increases, and diversion goals are undermined. Improving access and usability of tenant-facing collection spaces is therefore critical to increasing participation and achieving environmental outcomes.

Successful allocation of waste receptacles can benefit all local communities. Proper management is projected to conserve resources, reduce greenhouse gas emissions, save energy, and decrease pollutants⁵. Studies have shown that proper programs for waste management not only reduce environmental harm but improve the physical and mental health of citizens⁶.

RATIONALE FOR RECOMMENDATION

The absence of code requirements on space allocation for efficient material collection and enforcement of minimum service requirements in the City of Berkeley, has restricted staff's ability to enforce compliance with our recommendations for proper space allocation in the pre-design and construction phases of the project lifecycle. This has led to development of properties that complicate the material collection process, elevating health and environmental risks. Problems at all levels of the refuse collection process occur without explicit standards for appropriate space allocation, and a lack of enforcement allows for these conditions to persist.

ALTERNATIVE ACTIONS CONSIDERED

The alternative action to the proposed recommendation would be taking no action.

CITY MANAGER

See companion report.

CONTACT PERSON

Julia A. Heath, Zero Waste Commission Secretary, Recycling Program Manager, (510) 981-6357

¹ As written in former Councilmembers Rigel Robinson and Kate Harrison's letter to the Mayor and Berkeley City Council requesting fee waivers for the referenced trash corral pilot project in 2019. <https://records.cityofberkeley.info/PublicAccess/api/Document/AZTf6TtX96Uhgjoldp0qAorvaUCTpo4EUIf%C3%8934BX%C3%81YDKAnTLsKgSiZ5K40mqKqaWXIfSWV0GlzxDleBQy6w%C3%89DNQ%3D/>

² Kabir, M. S., Wang, H., Luster-Teasley, S., Zhang, L., & Zhao, R. (2023). Microplastics in landfill leachate: Sources, detection, occurrence, and removal. *Environmental Science and Ecotechnology*, 16, 100256. <https://doi.org/10.1016/j.ese.2023.100256>

³ Wang, X., Xia, J., Feng, J., & Dong, B. (2025). Numerical modelling of the impact of drainage system clogging on urban flood processes. *Journal of Environmental Management*, 388, 125969. <https://doi.org/10.1016/j.jenvman.2025.125969>

⁴ Rossi, A., Wu, M., Wolde, B. T., Zerbe, K. W., David Hsu, T.-T., Giudicelli, A., & Da Silva, R. (2023). Understanding the factors affecting the quantity and composition of street litter: Implication for management practices. *Heliyon*, 9(3), e14245. <https://doi.org/10.1016/j.heliyon.2023.e14245>

⁵ United States Environmental Protection Agency. (2025, May 14). Recycling Basics and Benefits. [Www.epa.gov; EPA. https://www.epa.gov/recycle/recycling-basics-and-benefits](https://www.epa.gov/recycle/recycling-basics-and-benefits)

⁶ Wilson, C. (2024). Down in the Dumps: Exploring San Francisco's Approach to Illegal Dumping and Recommendations for Optimization. City and County of San Francisco's Office of Refuse Rate Administration. https://media.api.sf.gov/documents/Illegal_Dumping_Final_Report.pdf



Office of the City Manager

CONSENT CALENDAR

May 19, 2026

To: Honorable Mayor and Members of the City Council

From: Zero Waste Commission

Submitted by: Steven Sherman, Chair, Zero Waste Commission

Subject : Adopt Amendments to Ordinances Governing Special Events: block parties; park events; street events

RECOMMENDATION

Adopt first reading of an ordinance amending BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events).

SUMMARY

Special events have high visibility within the community, and provide ample opportunity during event planning and during the event to educate organizers, vendors, and attendees about zero waste requirements.

Many special event organizers make a good faith effort to aggregate and arrange for the proper processing of compostables and recyclables material, but too many organizers do not. As a result, too much of this material is collected by the City as trash, and often at City expense. The current code sections discussed herein regarding special events are inadequate to advance the City's zero waste goals. Clearly codified requirements and enforcement mechanisms are needed to ensure that, at special events, single-use packaging and materials are minimized, and diversion of compostable and recyclable materials from the waste stream is maximized.

The Zero Waste Commission reviewed relevant City codes regarding special events, namely BMC 6.46 (Park Events) and BMC 13.44 (Block Parties and Street Events), and is recommending specific amendments to each. Both Codes are attached, with proposed amendments noted in track-changes format.

FISCAL IMPACTS OF RECOMMENDATION

The fiscal impact to the City of these amendments will be minimal or none. It is possible that they will yield minimal fiscal savings. As one example, as amended, the special events regulations will require special events organizers to aggregate and arrange for the removal of all compostables, recyclables and trash, relieving the City of the potential cost of handling these materials. Relatedly, special events organizers will be instructed not to burden public refuse containers for their events, thus reducing the need for City staff to provide extra service at City expense after such events.

At the administrative level, the amendments may slightly increase City staff time for reviewing more detailed permit application requirements and for outreach regarding zero waste responsibilities, including set-up and reporting. The need for additional staff time is minimized, however, by the requirement that a detailed Zero Waste Plan must be included in the application only for events with more than 300 attendees. Moreover, the time before an event when a permit application must be submitted is increased from 5 days to 30 days for events with 300 or fewer attendees, and from 10 to 45 days for events with more than 300 attendees; these adjustments will help staff to stabilize the amount of time spent in any given week on the review of permit applications. Also, it is anticipated that repeat applicants will need less staff outreach over time, as they incorporate a zero waste ethos into their events.

The cost for complying with the amendments primarily will be on event organizers. This approach aligns with a “polluter pays” principle (i.e., those who cause resource depletion and pollution should bear the costs associated with managing and mitigating their effects). Event organizers and their food service vendors could incur some upfront purchasing costs for switching to recyclables, compostables, and reusables, which could be offset over time by lower costs for discharge management, plus they might garner additional public goodwill from modeling eco-conscious zero waste behavior. If an event organizer violates those requirements, the City has authority to withhold the permit deposit paid by the organizer, and impose other penalties, to help offset City staff expenditures incurred from the violations and to serve as an incentive for compliance.

CURRENT SITUATION AND ITS EFFECTS

The special events ordinance is a Strategic Plan Priority Project, advancing our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment. As noted above, special event organizers too often fail to aggregate and arrange for the proper processing of compostables and recyclables material; far too much of this material is collected by the City as trash, and often at City expense. While everyone is expected to do their part to achieve zero waste, special events have a particularly beneficial effect on normalizing zero waste values and behavior. They have high visibility within the community and provide ample opportunity during event planning and during the event to model and gently educate organizers, vendors, and attendees about zero waste requirements and practices.

BACKGROUND

The Zero Waste Commission (ZWC) advises City Council on solid waste policy and goals, including refuse, composting and recycling services, materials reuse and waste reduction, and budgets and other decisions relating to solid waste and materials generation.

The current code sections discussed herein regarding special events are insufficient to advance the City’s zero waste goals. More generally, inadequate provisions for enforcement of zero waste and other environmental goals frequently underscore what

the Commission sees as the credibility gap between aspirational environmental statements/resolutions/goals/plans/policies, and broad compliance that comes with enforcement.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The recommended zero waste action aligns well with the City's environmental sustainability and climate change mitigation goals. The result will be a reduction in the use of resource-depleting single-use products and packaging, and an increase in the rate of recycling and composting of such items.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed changes are not anticipated to result in a significant environmental change that would trigger CEQA.

RATIONALE FOR RECOMMENDATION

Special events in the city offer high-visibility opportunities to showcase the commitment of the City, its business and residents to zero waste principles and actions. Current regulations regarding planning, conducting, and cleaning up after special events do not adequately advance the City's zero waste goals, nor do such regulations have an enforcement component that guides special events planners and their vendors toward constructive zero waste behavior.

ALTERNATIVE ACTIONS CONSIDERED

Except as noted in the next paragraph, the only alternative action that was considered was No Action. This approach was deemed inappropriate and ineffective to address the problem noted above.

Regarding potential administrative improvements that do not rise to the level of codification within municipal code, Zero Waste Division staff suggested to the Commission that a software-based automated workflow process could increase efficiency within the permit review process. One such model is the Accella system (used for processing construction permits), in which all work units have the opportunity to sign off that their requirements have been met. Besides investing in automation software, staff suggested that potential bottlenecks in the permitting process could be alleviated or avoided by allocating additional staff to permitting or by imposing a limit on permitted special events, such as 300 per year.

The Commission did not consider or make a recommendation about these suggestions, as they fall outside the scope of the Commission's charge to recommend solutions addressing the need to codify requirements and enforcement mechanisms that minimize use of single-use disposables, and maximize diversion of compostable and recyclable material from the waste stream. The Commission wishes, however, to include staff's suggestions in this Report to the City Council.

CITY MANAGER

The City Manager concurs with and supports Council adoption of the Zero Waste Commission's recommendations to amend Berkeley Municipal Code Chapters 6.46

(Park Events) and 13.44 (Block Parties and Street Events).

The current code sections governing special events are inadequate to advance the City's diversion and zero waste goals. Clearly codified requirements and enforcement mechanisms are needed to ensure that, at special events, single-use packaging and materials are minimized, and diversion of compostable and recyclable materials from the waste stream is maximized. These amendments will strengthen the City's ability to

uphold its diversion, Zero Waste, and Climate Action goals while improving the consistency and accountability of event permitting and event organizers.

The proposed amendments also reinforce the objectives of the City of Berkeley's Single-Use Foodware and Litter Reduction Ordinance (BMC Chapter 11.64) by extending compliance expectations to event organizers.

The amendments are anticipated to have minimal fiscal impact to the City while advancing sustainable event management practices and reducing the need for post-event waste services. The City Manager's Office will direct staff from the Public Works Department, Zero Waste Division, and Parks, Recreation & Waterfront Department to implement the ordinance amendments and update permit materials, outreach tools, and staff guidance accordingly following Council adoption.

CONTACT PERSON

Julia A. Heath, Recycling Program Manager, Public Works Department, (510) 981-6357

Attachments:

- 1: Berkeley Municipal Code Chapter 6.46 (Park Events), proposed edits in track-change format
- 2: Berkeley Municipal Code Chapter 13.44 (Permits for Street Events and Block Parties), proposed edits in track-change format.

Berkeley Municipal Code Chapter 6.46 (Park Events)

**Chapter 6.46
PARK EVENTS**

Sections:

- 6.46.010** **Applicability--Permit required for park events--Exclusions.**
- 6.46.020** **Definitions.**
- 6.46.030** **Park event permits--Application--Information required--Timing.**

- 6.46.040 Late applications.**
- 6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.**
- 6.46.060 Appeal procedure following denial or late filing of application.**
- 6.46.070 Park event permit--Content--Restrictions--Limitations.**
- 6.46.080 Cancellation and revocation of permits.**
- 6.46.090 Indemnification--Security deposits.**
- 6.46.100 Insurance--Exemption.**
- 6.46.110 Fees.**
- 6.46.120 Violation--Penalty.**
- 6.46.010 Applicability--Permit required for park events--Exclusions.**
- A. *This chapter regulates park events as defined herein.* No person shall conduct any park event without first obtaining a permit as provided in this chapter.
- B. Issuance of a permit under this chapter does not exempt the permittee from, or constitute compliance with:
1. any requirements relating to exclusive use facilities under Section [6.36.020](#);
 2. local, state or federal laws regulating service or consumption of food or alcoholic beverages;
 3. Chapter [13.40](#) of this code regulating amplified sound;
 4. and any park rules or City ordinances applicable to parks; or
 5. any other applicable local, state or federal law.
- Every permit issued under this chapter is expressly conditioned on compliance with all other applicable laws.
- C.
1. No park event may involve the sale, service or consumption of any alcoholic beverage other than beer, wine and champagne. References in this chapter to "alcoholic beverages", "alcohol" or "liquor" include only beer, wine and champagne.
 2. No park event in a park which contains a recreation facility or program, or is adjacent to an elementary, middle or high school may involve the sale, service or consumption of alcoholic beverages at any time when the recreational facility or program or school is operating.
- D. This chapter does not apply to:
1. events in indoor facilities;
 2. spontaneous, unorganized assemblies which are neither sponsored, organized, promoted nor advertised by any person or organization, and do not involve amplified sound.
- E. This chapter additionally does not apply to events in Aquatic Park or other parks that are authorized pursuant to any lease to which the City is a party or by a license or permit issued by the City under any other authority, to the extent that its application would be inconsistent with such leases or licenses. However it is the policy of the City that the standards and requirements of this chapter should be used as a guide to any future leases or licenses for property in parks. (Ord. 6579-NS § 2, 2000)
- 6.46.020 Definitions.**
- A. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.

- B. "Major park event" means park events which:
1. involve pyrotechnics or other hazardous activities;
 2. require the closure or partial closure of an arterial or collector street as defined in the City of Berkeley General Plan or the re-routing of public transportation;
 3. involve a planned or likely attendance of more than ~~450~~300 persons;
 4. require an amplified sound permit, a temporary food vendor permit or a liquor license; or
 5. for which admission will be charged.
- C. "Park" shall have the meaning set forth in Section [6.42.030.A](#) of this code.
- D. "Park event" means any demonstration, assembly, festival, fair, concert, or any other gathering of 50 or more persons over the age of 12 years at the same time and for the same collective purpose within an area circumscribed by a 500 foot radius, in any park other than Cesar Chavez Park or Civic Center Park. In Cesar Chavez Park, Civic Center Park and any other park or part thereof which is regularly used for organized sporting events, "park event" shall mean any demonstration, assembly, festival, fair, concert, or any other gathering of 100 or more persons over the age of 12 years at the same time and for the same purpose within an area circumscribed by a 500 foot radius. (Ord. 6579-NS § 2, 2000)

6.46.030 Park event permits--Application--Information required--Timing.

- A. Application for a permit for a park event shall be made to the City Manager.
- B. Application for park events shall be made at least ~~five (5) business~~thirty (30) days prior to the park event. Applications for major park events shall be made at least ~~ten (10) business~~forty-five (45)-days prior to the major park event.
- C. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the park event the application shall contain the following information, as applicable:
1. The name, address and telephone number of the applicant(s), including photo identification. If the park event will be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization. Where a park event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;
 2. The name, address and telephone number of all persons who are or will be responsible for the promotion and conduct of the park event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the park event;
 3. A description of the park event, including its purpose and the number of people expected to attend;
 4. The date(s) of the park event;
 5. The estimated times that the park event will start and terminate, including assembly and disassembly involving the use of public property;
 6. The number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the park event that

will be involved in the park event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit, a facility rental or a temporary liquor license, the application for the park event should, but need not, be accompanied by copies of applications for such permits and/or licenses.

7. A statement whether the park event will occupy all or only a portion of the park;

8. The number and location of portable sanitation facilities and other equipment and services proposed for participants, if applicable;

9. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;

10. A description of arrangements that have been made for security, including the name of the security contractor;

11. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:

a. Containers:

I. Zero Waste Stations for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;

II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All compostables, and only compostables, are to be placed in the green organics bin. Trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;

b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as balloons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

12. For park events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 646.030(C)(11), but need not submit a Zero Waste Plan described above in their permit application.

13. Insurance and surety bond information, if applicable; and

~~12. A fully refundable cleaning deposit in the amount set by resolution of the City Council; and~~

134. Such other information, in conformity with the requirements of this chapter, as the City Manager may reasonably require. (Ord. 6579-NS § 2, 2000)

6.46.040 Late applications.

A. Any application received after the deadlines established in Section [6.46.030](#) is a late application. The City Manager shall not accept late applications unless they find that:

1. the proposed park event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; or
2. the imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section [6.46.030](#) or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6579-NS § 2, 2000)

6.46.050 Permits--Standards for issuance or denial--Notification--Regulations.

A. The City Manager shall issue a permit for a park event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section [6.46.030](#).
2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the event is

contrary to law, and/or the applicant has failed to meet the City requirements for a permit.

3. A prior application for an event to be held at the same time and place has been granted.

4. The park event will unduly interfere with vehicular ingress to, egress from, or travel on a freeway, state designated highway, or major arterial or collector street of the City.

5. The park event will unreasonably interfere with fire or police protection, or public safety, including presenting a substantial or unwarranted traffic or safety hazard.

6. The park event would involve a number of people exceeding the capacity of the park for which it is proposed or would involve amplified sound contrary to regulations promulgated by the City Manager for that park.

7. The security arrangements that have been made are inadequate or the contractor that will be providing security is not qualified.

8. One or more of the applicants or persons whose name is shown on the application was also named on an application for a park event in Berkeley that resulted in a violation of this chapter as described in Section [6.46.120.B](#) within the prior twelve (12) months or was responsible for an event in a park in any other jurisdiction that resulted in comparable problems prohibited by local law in that jurisdiction within the last twelve (12) months.

B. The applicant shall be notified in writing of the action of the City Manager in granting or denying the permit at least one day prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

1. If the permit is denied, the written notice briefly shall set forth reasons explaining the denial.

2. If the permit is denied pursuant to the criteria set forth in this chapter, because the proposed time or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times and sites.

C. The City Manager may issue regulations detailing the limitations for each park that implement this section, including regulations addressing park capacity, the permissibility and duration of amplified sound and requirements for the maintenance of accessibility during park events. (Ord. 6579-NS § 2, 2000)

6.46.060 Appeal procedure following denial or late filing of application.

Any decision by a designee of the City Manager to deny a permit under this chapter or to reject a late application may be appealed to the City Manager by letter within five (5) working days. The City Manager shall render a written decision on the appeal within one (1) working day thereafter, but in no event later than the time of the proposed event. If the initial decision was by the City Manager, it shall be final. (Ord. 6579-NS § 2, 2000)

6.46.070 Park event permit--Content--Restrictions--Limitations.

A. A park event permit shall contain the information given in the application and may impose reasonable time, place, and manner restrictions to ensure that the park event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The restrictions shall be in conformity with the requirements of this

chapter and shall provide only for such modification of the proposed park event as is necessary to achieve compliance with this chapter. Such restrictions may include, but are not limited to, requiring the applicant to:

1. Maintain a twelve foot wide emergency access lane at all times;
2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants;
3. Provide portable sanitation facilities and other equipment and services;
4. Provide barricades to close off streets or other areas;
5. Provide sufficient signs and directional arrows to divert traffic and arrange for A.C. Transit and other public transit detours, subject to the approval of the City Traffic Engineer;
6. Provide monitors for crowd control and security at the rate of one unarmed security person per twenty-five (25) attendees and establish liaison with the police department concerning security. Security shall only be required for major park events;
7. Distribute flyers throughout the surrounding areas in advance of the park event, notifying the affected residents and business people of any street closure associated with the park event;

8. Provide well-marked receptacles for recyclable, compostable and trash materials as prescribed in the Zero Waste Plan prescribed in Chapter 6.46.030(C)(11), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in the City's public refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all park events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 6.46.030(C)(11);

89. Clean all debris and litter from the park, street and sidewalk area and remove and properly handle recycling/composting/trash within four hours after the conclusion of the event;

910. If an amplified sound permit is granted, provide and utilize a sound level meter to monitor compliance with Chapter 13.40 of the Berkeley Municipal Code;

119. If alcoholic beverages are to be sold at the event, obtain the appropriate license from the State Department of Alcoholic Beverage Control, follow responsible beverage service practices and provide security adequate to maintain order, as determined by the Chief of Police.

124. Include in all advertisements about the event a notice that parking in the area of the event is limited, encouraging attendees to take public transit, and notifying them of relevant public transit information.

13. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying

service levels. Organizers and/or greeners must confirm the amount of material generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in Senate Bill 1383 (2016).

14. Failure to comply with these requirements may result in penalties provided in Chapter 6.46.120(F).

- B. Applicants shall carry the permit during the park event and shall show it, upon demand, to any City employee.
- C. The City Manager may require as a condition of a permit that park events involving over 100 persons may be monitored by City staff, provided that this condition is not imposed on the basis of any communicative characteristic of the proposed park event.
- D. Parks in which park events occur shall remain open to the public during the park event, to the extent consistent with the park's capacity and to the maximum extent feasible given the nature of the park event. No park shall be closed to the public during a park event absent express permission to do so in a permit issued under this chapter.
- E. All park events shall end no later than 10:00 p.m.
- F. Permittees shall ensure that accessibility for persons with disabilities is not impaired by the park event. (Ord. 6579-NS § 2, 2000)

6.46.080 Cancellation and revocation of permits.

- A. The City Manager may revoke a permit at any time, if they determine that as a result of inclement weather conduct of a park event would unreasonably damage the park for which it is proposed.
- B. The City Manager may revoke a permit at any time, if they determine that any provision of this chapter or any condition of the permit has not been met or is being violated, or if a person responsible for the promotion or conduct of the park event was not shown on the application. The applicant may appeal any revocation as provided in Section 13.45.060. (Ord. 6579-NS § 2, 2000)

6.46.090 Indemnification--Security deposits.

- A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents, employees and volunteers, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property resulting from the event which were caused by the omissions or authorized acts of the permittee's officers, agents or employees.
- B. If City property is destroyed or damaged by reason of a park event, the permittee shall reimburse the City for the cost of those repairs deemed necessary by the City. The City may retain the security deposit as full or partial reimbursement for any such damage. (Ord. 6579-NS § 2, 2000)

6.46.100 Insurance--Exemption.

- A. For major park events, other than those which are major park events solely because of the number of attendees, the permittee must obtain insurance in the amount of one million dollars (\$1,000,000) for the duration of the major park event, which names the

City of Berkeley, its officers, agents, employees and volunteers as additional insured. For all other park events, the City Manager may require insurance in an amount appropriate to the event. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the proposed park event is protected by the First Amendment to the United States Constitution and the applicant produces evidence that complying with the insurance provision is impossible or so financially burdensome that it would preclude the proposed event from occurring.

C. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than two days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 6579-NS § 2, 2000)

6.46.110 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter. Said fees may include the cost of monitoring events pursuant to Section [6.46.070.C](#).

B. If a permittee is unable to hold or conduct an event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within ten (10) days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of any fees that are not necessary to reimburse the City's expenses of preparation for the park event, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee, shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections [17000](#) et seq. of the Welfare and Institutions Code. (Ord. 6579-NS § 2, 2000)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter, and may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 6.46.120(F).

6.46.120 Violation--Penalty.

A. Violation of this chapter is a misdemeanor punishable as set forth in Chapter [1.20](#) of this code, but may be charged, in the discretion of the prosecutor, as an infraction.

B. In addition to any other remedy, the City Manager or Director of Parks & Waterfront may impose an administrative penalty of up to \$10,000 on any person, whether or not they have obtained a permit under this ordinance:

1. who conducts a park event in such a manner that it results in a disturbance of any kind that requires the assignment of six Berkeley Police Department patrol officers after 11:00 a.m. and before 2:00 a.m., or three Berkeley Police Department patrol officers at any other time, to quell such disturbance.
2. makes any material misrepresentation or omission on their application which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph [B.1.](#) of this section; or
3. violates any condition of their permit which bears on security, management or crowd control in such a manner as to contribute to a disturbance described in paragraph B.1. of this section.

C. No penalty may be imposed under this section without affording the person or persons on which the penalty is to be imposed reasonable notice and an opportunity to be heard by the City Manager or their designee.

D. 1. Any penalty imposed under this section may be appealed to the City Council within 10 days of the date written notice of that penalty is mailed to or otherwise provided to the person who is the subject of the penalty. An appeal must be in writing and must state all of the reasons for the appeal. Failure to appeal the City Manager's decision to impose a penalty shall be deemed consent to the penalty and a waiver of all rights to challenge it.

2. The appeal shall be placed on the Council agenda at the earliest feasible date. The Council may affirm or reverse the City Manager's decision on the basis of the written record before it, or may set the matter for hearing. If the Council takes no action within 30 days after the appeal first appears on its agenda, the City Manager's decision shall be deemed affirmed.

E. No penalty may be imposed under this section based on the behavior of persons not attending the event or based on the reactions of observers or bystanders to any communicative aspect of the event. (Ord. 6579-NS § 2, 2000)

F. Notwithstanding the preceding subsections of this section, the City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener

contractor to perform recycling/composting/trash collection services); (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager’s decision shall be final.

2. Berkeley Municipal Code Chapter 13.44 (Block Parties and Street Events)

**Chapter 13.44
PERMITS FOR STREET EVENTS AND BLOCK PARTIES***

Sections:

- 13.44.010 Applicability.
- 13.44.020 Definitions.
- 13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.
- 13.44.040 Street event permits--Application--Information required--Timing--Issuance.
- 13.44.050 Late applications.
- 13.44.060 Permits--Standards for issuance or denial--Notification.
- 13.44.070 Appeals.
- 13.44.080 Street event permit--Content and possession--Rules and regulations.
- 13.44.090 Revocation of permit--Addition of conditions.
- 13.44.100 Indemnification.
- 13.44.110 Insurance--Exemption.
- 13.44.120 Fees.
- 13.44.130 Violation--Penalty.
- 13.44.140 Removal.
- 13.44.150 City Manager authority.

* For vehicles and traffic generally, see Title 14 of this code.

13.44.010 **Applicability.**

- A. No person shall conduct, cause to be conducted, participate in, engage in, hold, manage, employ, permit or allow another to conduct an event which requires street closure or other traffic control measures on any public street, sidewalk or alley within the City, without first obtaining a permit from the City Manager or their designated representative.
- B. This Chapter does not apply to park events regulated by Chapter [6.46](#) or filming regulated by Chapter [9.78](#). (Ord. 7062-NS § 1 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.020 Definitions.

- A. "Block party" means a gathering, sponsored solely by owners, residents or tenants of properties fronting a street, which causes a closure of the entire street, or a portion thereof, to vehicular traffic and use of the street for the gathering.
- B. "Certified Farmers' Market" means a market operated in accordance with regulations established by the California Department of Food and Agriculture, Sections 47000-47026, and California Code Title III, Division 3, Chapter 1, Subchapter 4, Article 6.5, Direct Marketing; and those sections of the Health and Safety Code applicable to Certified Farmers' Markets.
- C. "City Manager" shall mean the City Manager of the City of Berkeley and any designee of the City Manager, except as context dictates otherwise.
- D. "Downtown Berkeley BART Plaza" means the portion of the public right-of-way on the western portion of Shattuck Avenue between Center Street and Allston Way, bounded on its north by the sidewalk curb face on the south side of Center Street, on its east by the sidewalk curb face on the west side of Shattuck Avenue, on its south by the sidewalk curb face on the north side of Allston Way, and on its west by the eastern edge of the parcels fronting the west side of Shattuck Avenue.
- E. "High impact event" means an event (1) occupying all or a portion of a major street, collector or scenic route street, or (2) occupying more than two adjacent blocks of a local street, where a detour, including a temporary detour during only part of the event, is required, and/or (3) where AC Transit, UCB or LBNL buses would need to be re-routed.
- F. "Local streets" means those streets defined in the circulation element of the Berkeley General Plan as local streets.
- G. "Low impact event" means an event occupying all or a portion of not more than two adjacent blocks of a local street (other than a major, collector or scenic route street) where a formalized detour is not required, and where AC Transit, University of

California-Berkeley (UCB) or Lawrence Berkeley National Laboratory (LBNL) buses would not have to be re-routed.

H. "Street event" includes any march, demonstration, assembly, parade, festival, street fair, concert or any other gathering which takes place in the public street or right-of-way, and which is likely to impede, obstruct, or interfere with the normal flow of vehicular or pedestrian traffic. "Street event" does not include "block party". (Ord. 7594-NS § 2, 2018: Ord. 7062-NS § 2 (part), 2008: Ord. 6871-NS § 1 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.030 Block parties--Standards for issuance of permit--City Manager authorized to issue regulations.

A. Local streets not exceeding one City block or one intersection may be temporarily closed for block parties provided that the following requirements are met:

1. At least two-thirds of the area abutting the street or intersection to be closed is residentially zoned and the purpose of the block party is consistent with residential zoning regulations;
2. A valid permit has been obtained from the City Manager;
3. The applicant agrees to indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, damages, or suits that may arise or in any way be occasioned by the willful or negligent acts or omissions of the applicant or the applicant's agents; and
4. The applicant agrees to clean all debris and litter from the street and sidewalk within four hours after the event. The applicant shall either: (i) provide sufficient and well-marked receptacles for collecting trash, recyclable and compostable materials, and arrange for the proper handling of such material after the event, or (ii) ensure that such materials are removed by attendees. The City's public litter containers shall not be used during the event or during clean-up. If the applicant violates the clean up requirement, the City may choose to undertake the clean up and bill the applicant for the cost of the clean up.

B. The City Manager is authorized to issue administrative guidelines to further the purposes of this section, as well as to establish a non-refundable permit application fee. (Ord. 7062-NS § 3 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.040 Street event permits--Application--Information required--Timing--Issuance.

A. Application for a permit for a street event shall be made to the City Manager, or to their designee.

B. Application for (1) high impact events, (2) street events that involve the use of pyrotechnics, (3) Certified Farmers' Markets, or (4) street events that involve the use of the Downtown Berkeley BART Plaza shall be made at least ~~3045~~ 4030 business days prior to the street event.

C. Applications for all other street events shall be made at least ~~4030~~ 4030 business days prior to the street event.

D. The application for such permit shall be made in writing on a form approved by the City Manager. In order that adequate arrangements may be made for the proper policing of the street event, including the security of participants, and to ensure that the event is conducted in a lawful manner, the application shall contain the following information, as applicable:

1. The name, address and telephone number of the applicant, including photo identification. If the street event will be conducted for, on behalf of or by an organization, the name, address and telephone number of the headquarters of the organization, and of the authorized head of such organization shall also be supplied. Where a street event will be conducted for, on behalf of or by an organization, the organization will be considered a co-applicant;
2. The name, address and telephone number of all persons who are or will be responsible for the conduct of the street event, including a photo identification of each and effective means by which to reach them during the event, such as cell phone and pager numbers and likely location during the street event;
3. A description of the street event, including its purpose. These requirements are intended to allow the City to anticipate and provide for additional police and other services, if necessary, to protect the safety of participants and bystanders;
4. The date(s) of the street event;
5. The estimated times that the street event will start and terminate, including assembly and disassembly involving the use of public property;
6. The route of the street event, if applicable, the maximum length of any parade and whether the street event will occupy all or only a portion of the streets proposed to be traveled, if applicable;
7. The locations, if any, of the assembly area and dispersal areas of any street event;

8. If the dispersal area of a street event is located in another city, the location of such dispersal area, and if the required permit has not been issued by such other city, an alternate route and alternate dispersal area in the City of Berkeley;
9. As far as is reasonably practicable, the approximate number of persons; the number and kind of vehicles, animals, musical instruments, sound units, and any other equipment that produces sound or noise during the street event that will be involved in the street event, and whether amplified sound is proposed. In the event the applicant seeks or needs an amplified sound permit, a temporary food permit or a temporary liquor license, the application for the street event should be accompanied by copies of applications for such permits and/or licenses;
10. The number and location of portable sanitation facilities and other equipment and services necessary to conduct the street event and other equipment and services proposed for participants, if applicable, with due regard for participant and public health and safety;
11. A description of arrangements that have been made for first aid or emergency medical services, or both, if applicable;
12. A description of arrangements that have been made for security, including the name and telephone number of the lead contact person for the security contractor;
13. For events with more than 300 total attendees, applicants must submit a waste reduction, recycling and composting plan ("Zero Waste Plan"). This plan must be submitted to the Zero Waste Division of the Public Works Department and to the permitting agency issuing the permit at least 45 days before the event. The Zero Waste Plan must include the following, and such other components that the City Manager may require:
- a. Containers:
- I. Zero Waste Stations for Attendees: Plans must include affirmation that reservations have been made for lightweight, collapsible bins (e.g., ClearStream units or similar) that promote source separation;
- II. Zero Waste Discard Service for Event: Documented, appropriate use of State of California compliant color-coded bins for zero waste event stations. All recyclables, and only recyclables, are to be placed in the blue recycling bin(s). All compostables, and only compostables, are to be placed in the green organics bin. All trash, and only trash, is to be placed in the black trash bin. Include brief description of services and proper handling for removal of recyclables, compostables and trash;
- b. Education: Adequate and appropriate signage regarding proper use of the bins related to the event;

c. Event Greener: If an event greener is used, event greener's name, organization, email, phone number;

d. Recyclable, Compostable or Reusable Foodware: Affirmation that all food vendors will be informed that all foodware must be recyclable, certified compostable, or reusable, in accordance with City and State requirements;

e. Plastic Waste Reduction: Affirmation that all food and beverage vendors will be informed that plastic stirrers, plastic toothpicks, plastic straws, and other plastic-based beverage accessories are prohibited;

f. Waste Reduction: Affirmation that all food vendors will be encouraged to dispense food condiments in bulk containers;

g. Hydration Stations: Description of type and number of water bottle refilling dispensers for attendees;

h. Use of Reusables: Affirmation that all food and beverage vendors will be encouraged to use reusable food and beverage containers, and/or that attendees will be encouraged to bring their own reusable food and beverage containers;

i. Edible Food Rescue: Acknowledgement that if the event has over 2,000 attendees, State law (per CA Senate Bill 1383, also known as the Short-Lived Climate Pollutants Reduction Act of 2016) requires events to donate surplus edible food. If applicable, indicate which organization the applicant will work with to rescue the event's surplus edible food;

j. Non-Foodware Supplies: Affirmation that non-reusable, non-recyclable and/or non-compostable supplies, such as balloons and other decorations, table coverings, signage and party favors, shall not be used to the extent feasible. Include brief description of such items and their usage, along with description of efforts to minimize such usage.

14. For street events with 300 or fewer total attendees, event organizers must comply with the requirements outlined in the previous subsection, Chapter 13.44.040(D)(13), but need not submit a Zero Waste Plan described above in their permit application.

4415 Any proposed reasonable rules and regulations necessary for the safe and orderly conduct of the street event and the movement of persons, in furtherance of the goals and purposes of the street event. Such proposed rules may include, but are not limited to, prohibition or other regulation of the use of skates and wheeled vehicles, other than wheelchairs, if necessary for the safety or orderly circulation of persons attending the street event. For purposes of this subdivision, "wheeled vehicles" includes, but is not limited to, bicycles, tricycles, scooters, skateboards or

any motorized vehicles of any sort. For purposes of this subdivision, "skates" includes roller skates, roller blades and in-line skates;

~~4516~~ Insurance information, if applicable; and

~~4617~~ Such other information, in conformity with the requirements of this Chapter, as the City Manager may reasonably require. (Ord. 7594-NS § 3, 2018: Ord. 7062-NS § 4 (part), 2008: Ord. 6871-NS § 2 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.050 Late applications.

A. Any application received after the deadlines established in Section [13.44.040](#) is a late application. The City Manager shall accept a late application if they find that:

1. The proposed street event is in response to an occurrence whose timing did not reasonably allow the applicant to file a timely application; and
2. The imposition of the time limitations would place an unreasonable restriction on the free speech rights of the applicant.

B. When the City Manager finds both of the above conditions to exist, they shall accept the application and process it in accordance with this chapter, unless it does not meet the criteria set forth in Section [13.44.040](#) or there is insufficient time for the City to make necessary preparations for traffic control or other public safety matters prior to the proposed date. (Ord. 6647-NS § 2, 2001)

13.44.060 Permits--Standards for issuance or denial--Notification.

A. The City Manager shall issue a permit for a street event unless one or more of the following conditions exist:

1. The application is incomplete for failure to provide the information required by Section [13.44.040](#);
2. The information contained in the application, including supplemental information, if any, is found to be false in any material respect, the purpose of the street event is contrary to law, and/or the applicant has failed to meet the City requirements for a permit;
3. A prior application for a street event to be held at the same time and place has been received or granted;

4. The street event will unduly interfere with pedestrian access or with vehicular ingress to, egress from, or travel on a freeway, state designated highway, public transit stop, or major arterial or collector street of the City;

5. The street event will unreasonably interfere with fire or police protection; or

6. The event applicant, whether an individual or an organization, has substantially failed to comply with the terms and/or conditions of prior events, of any type, permitted by the City, as set forth in Subsection 13.44.130 (Violation—Penalty) below.

B. The applicant shall be notified in writing of the action of the City Manager with respect to the application as early as possible, but no less than two days prior to the date of the proposed event, unless the application was made late, in which case notification shall be given as soon as reasonably possible and by any reasonable means.

C. If a permit is denied, the written notice shall set forth reasons explaining the denial.

D. If a permit is denied pursuant to the criteria set forth in this chapter, because the proposed time, route, or assembly and dispersal sites are unacceptable, the denial shall contain a statement of alternative acceptable times, routes and sites. (Ord. 7594-NS § 4, 2018; Ord. 7439-NS § 1, 2015; Ord. 7062-NS § 5 (part), 2008; Ord. 6647-NS § 2, 2001)

13.44.070 Appeals.

An applicant may appeal the denial of an application made pursuant to this chapter by a designee of the City Manager to the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final. (Ord. 6647-NS § 2, 2001)

13.44.080 Street event permit--Content and possession--Rules and regulations.

A. A street event permit shall contain the information given in the application and shall impose reasonable time, place, and manner conditions such that the street event will not pose a traffic or safety hazard or unreasonably interfere with fire or police protection services. The conditions imposed shall be in conformity with the requirements of this chapter and shall provide only for such modification of the application's proposed street event as is necessary to achieve compliance with this chapter. Such conditions may include, but are not limited to the following:

1. Maintain a 20-foot wide emergency access lane at all times.

2. Provide first aid stations and teams within the closed-off area to provide emergency medical aid to participants.
3. Provide barricades of the specified type to close off the involved areas or streets.
4. Provide sufficient signs and directional arrows as specified by the City to divert traffic and arrange for AC Transit and other public transit detours, subject to the approval of the traffic engineer.
5. Provide monitors for crowd control and security and establish liaison with the police department concerning the role of the monitors.
6. Distribute flyers throughout the surrounding areas in advance of the event, notifying the affected residents and business people of the street closure.
7. Provide well-marked receptacles for recyclable, compostable and trash materials as described in the Zero Waste Plan prescribed in Chapter 13.44.040(D)(13), and monitor their use to ensure that materials are placed in the proper receptacles, and not placed in City refuse containers. For events with more than 300 total attendees, this Zero Waste Plan must be included in the event permit application and permit. Organizers of all events, regardless of the number of attendees, must comply with the components required for an adequate Zero Waste Plan as specified in Chapter 13.44.040(D)(13).
8. Clean all debris and litter from the street and sidewalk area and remove and properly handle recycling/composting/trash receptacles within four hours after the conclusion of the event.
9. Obey all applicable local, state and federal laws, including but not limited to the requirement for a sound permit under Chapter [13.40](#) of the Berkeley Municipal Code. However, notwithstanding anything to the contrary in Chapter [13.40](#), a permit issued under this Chapter may extend the hours for a sound amplification permit issued under Chapter [13.40](#) at a street event (a) for more than four hours, and (b) until 10:00 p.m.
10. If alcohol is to be served at the event, responsible beverage service practices shall be followed, and the applicant shall provide security adequate to maintain order, as determined by the Chief of Police.
11. The City Manager may require event organizers or contracted event greeners to submit documentation confirming that materials in the recycling/composting/trash receptacles have been properly handled, included but not limited to submitting sworn statements describing how these materials were handled, and/or submitting weight tickets and/or photo documentation verifying service levels. Organizers and/or greeners must confirm the amount of material

generated by the event, and how much was sent to which transfer station or landfill, recycling facility and/or composting facility. For events with over 2,000 attendees, organizers shall provide documentation to the City per stipulations contained in SB1383 (2016).

12. Failure to comply with these requirements may result in penalties provided in Chapter 13.44.130.

B. City staff will assist applicants in meeting the conditions imposed by this section.

C. Applicants shall carry the permit during the street event and shall show it, upon demand, to any City employee.

D. Applicants may not limit the free distribution of literature at the street event by members of the public who have no formal or direct relationship with the applicant with respect to the presentation of the street event. (Ord. 7062-NS § 6 (part), 2008: Ord. 6871-NS § 3 (part), 2005: Ord. 6647-NS § 2, 2001)

13.44.090 Revocation of permit--Addition of conditions.

A. The City Manager shall have the authority to revoke a permit, in conformity with the criteria articulated in this Chapter, if they determine that any condition of the permit has not been met or is being violated. A decision by the City Manager or their designee to revoke a permit is final.

B. The City Manager may add conditions to a permit for a recurring Street Event if it is necessary or appropriate to do so in order to ensure compliance with subdivision [13.44.060.A](#). (Ord. 7439-NS § 2, 2015: Ord. 7062-NS § 7 (part), 2008: Ord. 6647-NS § 2, 2001)

13.44.100 Indemnification.

A. The permit holder shall indemnify and hold harmless the City of Berkeley, its officers, agents and employees, from any and all claims, causes of action, penalties, losses, expenses (including reasonable attorneys' fees) and any other liability for injuries or damage to persons or property which were caused by the willful or negligent acts or omissions of the permittee or the permittee's officers, agents or employees.

B. If City property is destroyed or damaged by reasons of permittee's use, event or activity, the permittee shall reimburse the City for the actual replacement or repair cost of the destroyed property.

C. Any damage or injury caused solely by the reaction to the permitted expressive activities is excluded from the indemnity and reimbursement provisions in this Section. (Ord. 7062-NS § 8 (part), 2008; Ord. 6647-NS § 2, 2001)

13.44.110 Insurance--Exemption.

A. If a street event involves one of the following conditions, the permittee must obtain insurance in the amount of one million dollars for the duration of the event, which names the City of Berkeley, its officers, agents and employees as additional insured:

1. Closure of a major arterial or collector City street, as defined in the City of Berkeley General Plan;
2. An anticipated crowd in excess of one thousand people;
3. A street closure anticipated to have a major effect on the flow of traffic in the area; i.e., closure of two or more intersections and rerouting of AC Transit or other public transportation; or
4. Use of any part of the Downtown Berkeley BART Plaza.

B. No permit applicant shall be required to comply with the insurance requirement of this section if the activity proposed is protected by the First Amendment to the United States Constitution and the applicant produces satisfactory evidence that complying with the insurance provision would preclude the proposed street event from occurring.

C. The amount of insurance required shall not be based on the existence or content of any expression involved in the event, or on the expected reactions of observers.

D. If insurance is required pursuant to this section, a certificate of insurance shall be provided to the City and must be approved as to form and sufficiency by the City no later than 5 days before the event. If the applicant is unable to obtain insurance or does not provide the City with the certificate of insurance, the City Manager may obtain such insurance on behalf of the permit applicant and charge the permit applicant for the cost. (Ord. 7594-NS § 5, 2018; Ord. 7062-NS § 9 (part), 2008; Ord. 6647-NS § 2, 2001)

13.44.120 Fees and Deposits.

A. The City Council may establish by resolution the fees that shall be charged for permits issued under this chapter.

B. If a permittee is unable to hold or conduct a street event because of inclement weather or due to some other cause not within the permittee's control, and the permittee submits written request for the refund of such fees to the City Manager's office within

ten days after the date that the event was to have been held or conducted, the City Manager may authorize the refund of the fees, or a pro rata portion thereof, except for non-refundable application fees, if any.

C. Any indigent person who cannot apply for a permit because of an inability arising from such indigence to pay the application fee shall not be required to pay the fee. Applications for indigent status shall be made upon application for the permit and shall be accompanied by such relevant information and documentation as is reasonably necessary to verify indigence. For purposes of this section, an indigent person is one who is eligible for county relief pursuant to Sections [17000](#) et seq. of the Welfare and Institutions Code. (Ord. 6647-NS § 2, 2001)

D. The City Manager may impose a conditionally refundable deposit for permits issued under this Chapter, and may condition refunding of deposits on event organizer's compliance with the requirements of the permit, as provided in Chapter 13.44.130.

13.44.130 Violation--Penalty.

A. An intentional violation of this Chapter is a misdemeanor punishable as set forth in Chapter [1.20](#) of this code, but may be charged, in the discretion of the prosecutor, as an infraction. For purposes of this section, violation of a street event rule is not a violation of this Chapter. (Ord. 7062-NS § 10 (part), 2008; Ord. 6647-NS § 2, 2001)

B. The City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to perform recycling/composting/trash collection services; (iii) denial of subsequent permits for repeated violations. The City Manager or his/her designee may impose a penalty in his/her discretion, based on the severity and/or frequency of the violation or size of the event. An event organizer may appeal to the City Manager a penalty imposed by a designee of the City Manager. The City Manager shall act upon said appeal promptly. The City Manager's decision shall be final.

13.44.140 Removal.

Any person who refuses to comply with a street event rule proposed and approved under Section 13.44.040.D.13 may be removed from the street event. (Ord. 6647-NS § 2, 2001)

13.44.150 City Manager authority.

The City Manager may adopt regulations for the implementation and administration of this Chapter. (Ord. 7439-NS § 3, 2015)



Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
May 19, 2026

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author)

SUBJECT: Referral to Incorporate Food Insecurity as a Funded Category in Future Community Agency Grant Funding Cycles

RECOMMENDATION

Referral to the City Manager to establish food insecurity as a funded category for the next Community Agency RFP process which will be released roughly late summer, 2027 through early 2028, and for subsequent funding cycles to ensure city funds are permanently allocated to address this key priority and maximize sustainability for relevant non-profits.

POLICY COMMITTEE RECOMMENDATION

On April 23, 2026, the Budget and Finance Committee adopted the following action: M/S/C (Kesarwani/Tregub) to send the item to Council with a positive recommendation as amended to establish food insecurity as a funded category for the next community agency RFP process. Vote: All Ayes.

CURRENT SITUATION AND ITS EFFECTS

Bay Area Food Prices Continue to Rise Deepening the Food Insecurity Trend...

Between December 2024 and December 2025 food prices in the San Francisco Area increased by 4.3 percent, higher than any other household expense.¹ As food prices rose, reliance on food assistance became less certain as the federal shut down suspended funding to the Supplemental Nutrition Assistance Program (SNAP) delaying assistance to families. This continued the trend of increasing food insecurity as Federal food assistance had already declined when COVID era emergency food

¹ U.S. Bureau of Labor Statistics, Consumer Price Index, San Francisco Area - December 2025: [https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm#:~:text=3.0-.Food,and%20shelter%20\(+1.7%20percent\)](https://www.bls.gov/regions/west/news-release/consumerpriceindex_sanfrancisco.htm#:~:text=3.0-.Food,and%20shelter%20(+1.7%20percent)).

allotments ended, reducing CalFresh benefits (California's food stamps program). A recent November 2025 poll by the Public Policy Institute of California showed that "three in ten Californians, and half of lower-income residents, say that they or someone in their household has reduced meals or cut back on food to save money."²

...While the Future of Food Benefits Looks Bleak.

While Alameda County allocated over \$8 million in October of 2025 to compensate for delayed CalFresh payments during the federal shut down, future access to food assistance is looking even more precarious. The budget reconciliation law H.R.1, signed in July 2025, implements roughly \$186 billion in cuts to SNAP over the next 10 years. These cuts, the largest to food assistance ever, are estimated to affect most CalFresh households, reducing or eliminating altogether monthly benefits through state financing constraints and new eligibility requirements.³

BACKGROUND

Food Insecurity Impacts One in Five Californians. Limited or uncertain access to adequate food and nutrition can have long-term physical and mental health effects on adults and children alike.⁴ The number of food insecure individuals and families is steadily climbing and food banks throughout the state are struggling to keep up.

The Previous RFP to Support Food Assistance Providers Allocated Funds for Two Years Only. In August of 2024, the Berkeley Food Network (BFN), which provides a large on-site pantry, several neighborhood/community pop-up pantries, and home delivery of grocery boxes to over 130 households, was awarded the full amount of funds allocated to support food assistance programs. BFN also works with eligible community members to support their CalFresh application submissions. The RFP covered roughly 20 percent of their overall costs for FY 2024-25 and FY 2025-26. Seventy percent of the funding by year went to program and operations staff directly supporting food sourcing, volunteer coordination, and food assistance program management. Thirty percent of the funding by year went to non-personnel costs, including office and food distribution supplies and equipment, and for subscriptions for core software. These funds will last through June of 2026.

On January 30 2026 the Berkeley Food Pantry, a nonprofit organization providing emergency groceries to over 1,000 Berkeley and Albany households annually,

² Public Policy Institute of California: Statewide Survey - November 2025, Californians and Their Economic Well-Being: <https://www.ppic.org/publication/ppic-statewide-survey-californians-and-their-economic-well-being-november-2025/>

³ California Budget and Policy Center: Federal Funding Cuts to SNAP (CalFresh) Will Have Sweeping Impacts on Californians, September, 2025: <https://calbudgetcenter.org/resources/federal-funding-cuts-to-snap-calfresh-will-have-sweeping-impacts-on-californians/>

⁴ California Association of Food Banks website: <https://www.cafoodbanks.org/hunger-data-reports/>

closed its doors for good. This loss will put additional strain on the existing pantries, particularly as the effects of H.R.1 become more deeply felt.

This item has been revised to reflect new information about the availability of funds for which BFN is eligible to apply: funds from the City's HOME-ARP award, as the original item included a referral to reissue and fund a Request for Proposal process to support food assistance providers. The HOME-ARP program, funded by the American Rescue Plan Act of 2021, provided grants to state and local governments for housing and supportive services for qualifying vulnerable populations. Some of the city's award funds have been underutilized due to certain regulatory constraints. Staff have determined that addressing food insecurity is a suitable use of these funds that also addresses a high priority need for the City. Staff recommend awarding the available funds through a new procurement process to address food insecurity in the FY 2027 and FY 2028 fiscal years. BFN has been notified of this funding opportunity and will be applying for this grant.

RATIONALE FOR THIS REFERRAL

Overall, the cost of living in California is among the highest in the nation with housing costs and food prices outpacing other states.⁵ While the City's RFP process for community agency funding ensures resources are allocated to key priorities such as housing, education and job training, it does not directly address food insecurity. Allocating funds to reissue an RFP for Berkeley-based food assistance programs will ensure food insecure households are more readily served over the next two years. Establishing food insecurity as a permanent funded category for the community agency funding cycle will maximize sustainability for those relevant, and much needed, agencies.

FISCAL IMPACT

Staff time to manage the RFP process and award the HOME-ARP funds, and to develop and incorporate the RFP into future funding cycles.

ENVIRONMENTAL IMPACTS

There is no significant environmental impact associated with this referral.

⁵ [LAHomes.com](https://www.lahomes.com/blog/california-cost-of-living-guide/): "California Cost of Living [2025]: How Expensive Is It to Live in California, posted by Courney Korb, April 16, 2025: <https://www.lahomes.com/blog/california-cost-of-living-guide/>

CONTACT PERSON

Councilmember Rashi Kesarwani, District 1

(510) 981-7110

Attachments (1):

Referral for Development of Request for Proposal (RFP) to Support
Berkeley-Based Non-Profit Food Assistance Providers Serving Food Insecure
Households



BERKELEY CITY COUNCILMEMBER
TERRY TAPLÍN
DISTRICT 2

CONSENT CALENDAR
May 19, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author) and Councilmember Mark Humbert (Cosponsor)

Subject: Berkeley Humane’s 12th Annual Pints for Paws Fundraiser: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$500 per councilmember, including \$500 from Councilmember Taplin, to support Berkeley Humane’s 12th Annual Pints for Paws Fundraiser.

FISCAL IMPACTS OF RECOMMENDATION

There are no impacts to the General Fund. The mayor and councilmembers can each contribute up to \$500 from their discretionary office budget.

BACKGROUND

Berkeley Humane is hosting their 12th Annual Pints for Paws Fundraiser on June 6, 2026. Each year, in collaboration with local brewers and beverage vendors, Berkeley Humane raises money to save the lives of shelter pets and support Berkeley Humane.

Berkeley Humane is a private, nonprofit 501(c)(3) organization governed by a dedicated volunteer board of directors that works on behalf of Berkeley Humane and the animals in our community. They have provided over 135 years of trusted service and dedication to Berkeley and the East Bay.

Berkeley Humane serves the people and animals of our community by providing life-saving programs for cats and dogs, cultivating compassion, and strengthening the human-animal bond. Because the well-being of animals reflects the well-being of our community, Berkeley Human engages minds, hearts, and hands to provide care for dogs and cats in the East Bay. Between the years 2017 and 2022, Berkeley Humane facilitated the adoption of over 5,500 animals, performed over 43,000 medical procedures, fostered over 4,000 animals, and distributed over 224,000 pounds of pet food.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

*Berkeley Humane
12th Annual Pints for Paws Fundraiser*

*CONSENT CALENDAR
May 19, 2026*

CONTACT PERSON

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

Attachments:

1: Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE
EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT
TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

WHEREAS, Councilmember Taplin has surplus funds in his office expenditure account (budget code 011-11-102-100-0000-000-411); and

WHEREAS, a private 501(c)(3) non-profit tax-exempt corporation, Berkeley Humane, seeks funds in the amount of \$500 to support their continued fundraising; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: ensuring humane treatment of animals and bringing needed pets into the homes of wanting families.

NOW, THEREFORE, BE IT RESOLVED by the council of the City of Berkeley that funds relinquished by the mayor and councilmembers from their Council Office Budget, up to \$500 amount per office, shall be granted to Berkeley Humane to support their 12th Annual Pints for Paws Fundraiser.



BERKELEY CITY COUNCILMEMBER
TERRY TAPLIN
DISTRICT 2

02a.21

CONSENT CALENDAR
May 19, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmember Terry Taplin (Author), Councilmember Ben Bartlett (Cosponsor), and Councilmember Cecilia Lunaparra (Cosponsor)

Subject: 100 Black Men of the Bay Area’s Tommie Smith Youth Track Meet: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds

RECOMMENDATION

Adopt a resolution approving the expenditure of an amount not to exceed \$500 per councilmember, including \$500 from Councilmember Taplin, to support 100 Black Men of the Bay Area’s Tommie Smith Youth Track Meet.

FISCAL IMPACTS OF RECOMMENDATION

There are no impacts to the General Fund. The mayor and councilmembers can each contribute up to \$500 from their discretionary office budget.

BACKGROUND

100 Black Men of the Bay Area has partnered with Cal Athletics to host the Tommie Smith Youth Track Meet in Berkeley for nearly two decades. After a two year hiatus where the Tommie Smith Youth Track Meet was hosted at Chabot College, 100 Black Men of the Bay Area and Cal Athletics are proud to bring the signature community event back to its home in Berkeley, the historic Edwards Field, on May 23 and 24, 2026.

The Tommie Smith Youth Track Meet is much more than an athletic event—it is a celebration of the hard work, commitment, and support of the hundreds of volunteer coaches, parents, businesses, community-based organizations, and government agencies that have helped uplift the children of the Bay Area. Thousands of young athletes have competed in the Tommie Smith Youth Track Meet and many have matriculated to colleges and universities nationwide.

The Tommie Smith Youth Track Meet builds on the goals of 100 Black Men of the Bay Area’s Youth Movement Program, which is designed to establish healthy food choice habits among marginalized youth, encourage youth to embrace a culture of structured physical fitness, and prepare youth for academic and career success. 100 Black Men of the Bay Area’s programs seek to enhance character development and inspire teamwork in a positive environment that leads to confidence, self-empowerment, and the drive to succeed.

Olympic gold medalist and social icon Dr. Tommie Smith and his wife Delois Smith have helped recruit world-class athletes to train coaches and athletes, solicited clothing, shoes, and equipment for young athletes, and conducted fitness and athletic training clinics in communities across the country and world.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

None.

CONTACT PERSON

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

Attachments:

1: Resolution

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

AUTHORIZING THE RELINQUISHMENT OF COUNCIL OFFICE BUDGET FUNDS FOR 100 BLACK MEN OF THE BAY AREA'S TOMMIE SMITH YOUTH TRACK MEET

WHEREAS, 100 Black Men of the Bay Area has partnered with Cal Athletics to host the Tommie Smith Youth Track Meet in Berkeley for nearly two decades, and after a two year hiatus where the meet was hosted at Chabot College, 100 Black Men of the Bay Area and Cal Athletics are proud to bring the signature community event back to its home in Berkeley, the historic Edwards Field, on May 23 and 24, 2026; and

WHEREAS, thousands of young athletes have competed in the Tommie Smith Youth Track Meet and many have matriculated to colleges and universities nationwide; and

WHEREAS, the Tommie Smith Youth Track Meet is much more than an athletic event—it is a celebration of the hard work, commitment, and support of the hundreds of volunteer coaches, parents, businesses, community-based organizations, and government agencies that have helped uplift the children of the Bay Area; and

WHEREAS, the Tommie Smith Youth Track Meet builds on the goals of 100 Black Men of the Bay Area's Youth Movement Program, which is designed to establish healthy food choice habits among marginalized youth, encourage youth to embrace a culture of structured physical fitness, and prepare youth for academic and career success; and

WHEREAS, 100 Black Men of the Bay Area's programs seek to enhance character development and inspire teamwork in a positive environment that leads to confidence, self-empowerment, and the drive to succeed; and

WHEREAS, Olympic gold medalist and social icon Dr. Tommie Smith and his wife Delois Smith have helped recruit world-class athletes to train coaches and athletes, solicited clothing, shoes, and equipment for young athletes, and conducted fitness and athletic training clinics in communities across the country and world.

NOW, THEREFORE, BE IT RESOLVED that the Berkeley City Council of the City of Berkeley approves the expenditure of an amount not to exceed \$500 from each of their discretionary office budgets to support 100 Black Men of the Bay Area's Tommie Smith Youth Track Meet.



BEN BARTLETT
CITY COUNCILMEMBER, DISTRICT 3

CONSENT CALENDAR
May 19, 2026

To: Honorable Mayor and Members of the City Council
From: Councilmember Ben Bartlett
Subject: Berkeley Flea Market Art Walk Event: Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Funds

RECOMMENDATION:

Approve the expenditure of funds, including \$1,000 from Councilmember Bartlett for the Grand Opening of the South Berkeley Flea Market at Ashby BART (organized by Community Services United, 501(c)3), with funds relinquished to the City’s General Fund for this purpose from the discretionary council office budget of Councilmember Bartlett and any other Councilmembers who would like to contribute.

CURRENT SITUATION:

The 2026 Berkeley Flea Market Art Walk Event, Saturday, June 13, 2026, in the heart of South Berkeley’s historic Lorin District on Adeline Street, located at the Ashby BART parking lot, beginning at 9:00 AM, will welcome residents of Berkeley and the greater Bay Area. The Berkeley Flea Market Art Walk Event Saturday celebration will feature local artisans, food vendors, musical and cultural presentations, and resource information stalls staffed by local organizations.

BACKGROUND:

The Berkeley Flea Market emerged in the early 1970s in Berkeley, California, during a period marked by social activism, cultural expression, and economic experimentation. As the Bay Area Rapid Transit (BART) system expanded, and the land surrounding the Ashby BART Station became an informal gathering place for artists, craftspeople, musicians, and small entrepreneurs. What began as a grassroots vending activity evolved into a recognized community market.

By the 1980s and 1990s, the Berkeley Flea Market had become a major weekend destination in the East Bay. It was known for its diversity of vendors offering handmade goods, vintage items, global foods, and art rooted in African, African-American, Caribbean, and diasporic traditions. Live music, spoken word, and cultural exchange were integral to the market, establishing it as both a commercial and cultural institution. In this context, the Berkeley Flea Market became a community-based economic response, offering self-employment and cultural space near transit-adjacent land.

Despite regulatory changes, land-use pressures, and economic shifts, the Berkeley Flea endured through continued community support and advocacy. Its survival reflects the persistence of vendors and organizers who asserted the market’s value as a source of

income, cultural preservation, and community connection. Today, the Berkeley Flea Market continues under the stewardship of Community Services United (CSU). CSU is under NEW management, which consists of all new members of the executive board. Together, the board has revitalized the Berkeley Flea Market objectives and established new community partners to help South Berkeley develop socioeconomically. For example, Berkeley City College creates market materials for the Berkeley Flea Market. Berkeley YouthWorks partners with Berkeley Flea Market for on-site staffing during weekend operations. Visit Berkeley promotes Berkeley Flea Market events on each of their 22 kiosks. Current efforts focus on revitalization through strong governance, transparency, vendor support, and partnerships, while honoring the market's historical role as a community-driven economic space.

ENVIRONMENTAL SUSTAINABILITY

No negative impact.

FISCAL IMPACTS OF RECOMMENDATION

No General Fund impact; \$1,000 is available from the discretionary council office budget of Councilmember Ben Bartlett.

CONTACT PERSON:

Councilmember Ben Bartlett
James Chang

bbartlett@berkeleyca.gov
jchang@berkeleyca.gov

ATTACHMENT:

1. Grand Opening Event Flyer
2. Resolution to authorize the expenditure of surplus funds added.

Attachment 1:



Attachment 2:

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

AUTHORIZE THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF THE MAYOR AND COUNCILMEMBERS FOR A GRANT TO PROVIDE PUBLIC SERVICES FOR A MUNICIPAL PUBLIC PURPOSE

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

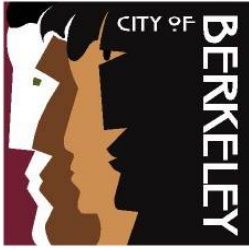
WHEREAS, a California non-profit tax-exempt corporation, Community Services United, will receive the funds; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose: Community Services United Promotes greater societal cohesiveness and well-being by educating and involving the community-at-large in historical, family, and cultural activities; and

WHEREAS, Community Services United hosts various activities, including monthly celebrations and seasonal cultural events such as Art Walk, Music at the Market, and Job Fair at the Market; and

WHEREAS, cultural celebrations are critical to the social and spiritual unity of our community, and are integrated into Community Services United events; and

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their council office budget, of an amount to be determined by each Councilmember, shall be granted to Community Services United.



Igor Tregub, Councilmember District 4

Adena Ishii, Mayor

Terry Taplin, Councilmember District 2

Shoshana O’Keefe, Councilmember District 5

CONSENT CALENDAR

MAY 19, 2026

To: Honorable Mayor and Members of the City Council

From: Councilmembers Igor Tregub (Author), Mayor Adena Ishii (Co-Sponsor), Shoshana O’Keefe (Co-Sponsor), and Terry Taplin (Co-Sponsor)

Subject: Relinquishment of Council Office Budget Funds from General Funds and Grant of Such Funds to Taste of Downtown Berkeley 2026 Event

RECOMMENDATION

Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember from the D13 Discretionary Accounts of members of the Berkeley City Council, including contributions of \$250 from Mayor Ishii and Councilmembers O’Keefe, Taplin, and Tregub, and inviting other members of the City Council to contribute to the Berkeley Rotary Endowment to support the Fourth Annual Taste of Downtown Berkeley 2026 with funds relinquished to the City’s general fund.

The relinquished funds will help the Berkeley Rotary Endowment to host an event featuring and increasing visibility for local business and raise funds for their RotaCare Health Clinic, 4-year collegiate scholarship program, and supportive housing hygiene kit programs. This year’s event will be held on Sunday, June 7, 2026, starting at the Downtown Berkeley Plaza.

BACKGROUND

Berkeley Rotary, in partnership with the Downtown Berkeley Association, is hosting the third annual Taste of Downtown Berkeley on Sunday, June 7, 2026.

Featuring 15 participating restaurants, this event invites people to enjoy and celebrate our downtown’s diverse, vibrant, and ever-evolving food and drink scene. Proceeds from the \$50 ticket directly support services that Berkeley Rotary provides to benefit

underserved members of the community, including the RotaCare Health Clinic, the 4-year collegiate scholarship program, and supportive housing hygiene kit programs.

Since its 2023 pilot, over 200 tasters per year have cumulatively raised nearly \$65,000 for the Rotary Club's community programs, including health clinic, supportive housing services, and scholarship initiatives.

These contributions have a positive and tangible impact on our community. Every \$1,000 supports one month of hygiene kits and warm clothing for those in need; and \$6,000 supports a scholarship for one student for a year of a 4-year college. In addition, this event provides visibility and vibrancy for our Downtown Berkeley businesses.

FISCAL IMPACTS

No General Fund impact. Up to \$250 is available from contributing Councilmembers' Council Office Budget discretionary accounts.

CONTACT

Councilmember Tregub, 510-981-7140, itregub@berkeleyca.gov

Amy Johnson, Legislative Aide, Council District 4, amjohnson@berkeleyca.gov

ATTACHMENTS

1. Resolution

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

AUTHORIZING THE EXPENDITURE OF SURPLUS FUNDS FROM THE OFFICE EXPENSE ACCOUNTS OF MEMBERS OF THE BERKELEY CITY COUNCIL FOR A GRANT TO SUPPORT BERKELEY ROTARY'S FOURTH ANNUAL TASTE OF DOWNTOWN BERKELEY EVENT AND FUNDRAISER AND ITS ONGOING COMMUNITY PROGRAMMING

WHEREAS, the mission of Rotary International is to provide service to others, promote integrity, and advance world understanding, goodwill, and peace through its fellowship of business, professional, and community leaders; and

WHEREAS, Berkeley Rotary and the Downtown Berkeley Association will be hosting the third annual Taste of Downtown Berkeley, inviting community members and friends to enjoy the diverse Downtown Berkeley food scene on Sunday, June 7, 2026, while raising funds for vital community services, including health care, scholarships, and supportive housing programs; and

WHEREAS, the Taste of Downtown Berkeley actively promotes local businesses and restaurants by fostering community engagement and enhancing visibility; and

WHEREAS, since its 2023 pilot, over 200 tasters per year have cumulatively raised about \$63,000 for the Rotary Club's community programs, including health clinic, supportive housing services, and scholarship initiatives; and

WHEREAS, Berkeley Rotary's fundraising contributions provide our community with tangible impacts, such as hygiene kits and warm clothing for those in need and scholarships for college students.

NOW THEREFORE, BE IT RESOLVED, by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their discretionary office budgets, up to \$500 per office, shall be granted to the Berkeley Rotary Endowment towards the Fourth Annual Taste of Downtown Berkeley event and fundraiser with proceeds serving a public good.



CONSENT CALENDAR
May 19, 2026

To: Honorable Members of the City Council
From: Councilmember Lunaparra (Author), Councilmember O’Keefe (Co-sponsor),
Subject: Adopt a Resolution Restricting Council Discretionary Spending from Personnel Budget Salary Savings

RECOMMENDATION

Adopt a resolution restricting Council discretionary spending by mandating that salary savings realized from step-placement differentials remain restricted to personnel. The transfer of such savings to non-personnel categories would be prohibited, with the exception of a one-time discretionary transfer cap not to exceed \$10,000 for newly elected Councilmembers during their initial year of the first term. This item does not apply to the Mayor’s budget because it operates under a different structure, rendering this recommendation irrelevant and inapplicable to their budget.

BACKGROUND

Over the past five years, legislative aides have advocated for better compensation—to maintain parity across similar roles in neighboring jurisdictions—and a budget that supports two full-time employees (FTEs) per office, up from 1.5 previously. In June 2024, the Council passed a budget that codified both demands. As a result, each council office's budget was adjusted to support two full-time employees at the highest salary step, resulting in around a 100% increase. Although no council office currently employs two full-time legislative aides at this top salary step, each office has discretionary access to the full salary budget, and in recent years, council offices have allocated budget surpluses to individual projects or organizations.

CURRENT SITUATION AND ITS EFFECTS

There are multiple issues with employing this practice in perpetuity. Firstly, it may incentivize Councilmembers to pay their aides at a lower rate to leverage salary savings for district projects. Secondly, it disproportionately benefits Council offices with fewer constituent service needs or urgent policy issues. Thirdly, as the City faces a dire budget deficit, the surplus should instead be used to ensure current services are retained. Lastly, every other department operates on a use-it-or-lose-it personnel budget; Council should align its budget practices with those of other departments.

City Council has three pots of discretionary money:

Legislative Aide Salary (2FTE at top step)	Intern Stipend	Office supplies
\$335,000	\$1,500	\$9,640

If implemented, this restriction still leaves over \$10,000 for Council discretionary funding, which includes, but is not limited to:

- Relinquishment items
- Office supplies
- Conferences and associated costs
- Technological hardware and software

FISCAL IMPACTS OF RECOMMENDATION

Our office anticipates that this amendment will return more dollars to the general fund at the end of the fiscal year. At current staffing levels, ~\$550k in salary savings would be returned to the general fund.

ENVIRONMENTAL SUSTAINABILITY

No anticipated environmental impacts

CONTACT PERSON

Councilmember Cecilia Lunaparra, 510-981-7170
Sara Cerami, Chief of Staff

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

RESTRICTING COUNCIL DISCRETIONARY SPENDING OF PERSONNEL SALARY
STEP DIFFERENTIALS

WHEREAS, in June 2024, Council office budgets were adjusted to support two full-time legislative aides at the highest salary step, increasing the budget by about 100%; and

WHEREAS, each Council office has discretionary access to the full salary budget with the ability to spend step-placement differentials on non-personnel categories; and

WHEREAS, the Berkeley City Council understands the dire general fund structural deficit the city faces; and

WHEREAS, the Berkeley City Council is committed to aligning its spending practices with those of City departments to achieve equitable parity across the City.

NOW BE IT RESOLVED, that the Berkeley City Council hereby restricts Council discretionary spending by mandating that salary savings realized from step-placement differentials remain restricted to personnel; and

NOW BE IT RESOLVED, that personnel shall be defined by the City of Berkeley's Personnel Rules and Regulations; and

NOW BE IT FURTHER RESOLVED, that this restriction only applies to the eight Council office budgets, not the Mayor's budget, which operates differently; and

NOW BE IT FURTHER RESOLVED, that the transfer of such savings to non-personnel categories is prohibited, with the exception of a one-time discretionary transfer cap not to exceed \$10,000 for newly elected Councilmembers during the first year of their term.

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
May 7 (5pm)	Public Safety Technology
May 19 (4pm)	Results of Second Community Survey (tentative)
June 2 (5pm)	Public Safety Technology (tentative)
July 14 (4pm)	ODPA Annual Report


Unscheduled Presentations and Special Meetings
1. 5-Year Paving Plan & Hopkins Street Paving

Future Information Reports
<ol style="list-style-type: none"> 1. Affordable Housing Fee Feasibility Study 2. Berkeley Fire Department Annual Report

	City Council Referrals to the Agenda & Rules Committee and Unfinished Business for Scheduling
1.	<p>12. Social Justice Implications of Proposed Use of Controlled Weapons and Other Policing Tools <i>(Referred to the Agenda & Rules Committee for scheduling on April 21, 2026)</i> From: Peace and Justice Commission Recommendation: Adopt a Policy approving the following actions with regard to the appropriateness of certain chemical weapons and other tools: 1. Retain the existing 2020 bans on chemical weapons (CS and OC), and the 1982 bans on police dogs and helicopters. 2. Retain the 1997 requirement for public reporting of each use of pepper spray. 3. Request the City Manager to engage an academic institution such as UC Berkeley, UCSF, or Stanford to study the health impacts of tear gas and other chemical weapons and canine support, potential short-term and long-term impacts on vulnerable populations and possible alternatives to the use of chemical weapons that provide officer safety, suspect safety, and safety to the general public. Financial Implications: None Contact: Tasha Tervalon, Commission Secretary, (510) 981-7000</p>

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
600 Gilman Street (establish a public drive-in vehicle wash, incidental food service with a service window, and allow a 30-foot wide driveway)	ZAB		7/7/2026
Remanded to ZAB or LPC			
Notes			
ZAB: Zoning Adjustments Board			
LPC: Landmarks Preservation Commission			

4/29/2026




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

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