



# City of Berkeley ZERO WASTE COMMISSION Regular Meeting

Thursday, November 20, 2025 at 5:30 p.m.  
City of Berkeley Corporation Yard (Ratcliff Building, Willow Room)  
1326 Allston Way, Berkeley, CA, 94702

## MEETING AGENDA

### PRELIMINARY MATTERS:

- 5:30 pm 1. Call to Order by Chair and Roll Call by Secretary
- **Steven Sherman**, appointed by CM Rashi Kesarwani, District 1
  - **Claire Wilson**, appointed by CM Shoshana O'Keefe, District 5
  - **VACANT**, appointed by Mayor Adena Ishii
  - **Layla Dargahi (Vice Chair)**, appointed by CM Terry Taplin, District 2
  - **Dennis Uyat**, appointed by CM Ben Bartlett, District 3
  - **Philip Monrad**, appointed by CM Igor Tregub, District 4
  - **Sandra Curtis**, appointed by CM Brent Blackaby, District 6
  - **Swasti Johri**, appointed by CM Cecilia Lunaparra, District 7
  - **Barun Singh**, appointed by CM Mark Humbert, District 8
- 5:35 pm 2. Approve Meeting Agenda and Order of Agenda Items
- 5:40 pm 3. Approve Draft Action Minutes:
- September 18, 2025 Regular Meeting\*
- 5:45 pm 4. Public Comment on Items Not on the Agenda  
*Speakers are allotted up to two minutes. Speakers may be allotted less time at the discretion of the Chair.*
- 5:55 pm 5. Commissioner Announcements  
*Commissioners may make general announcements; no action will be taken.*
- 6:00 pm 6. Staff Updates

### DISCUSSION AND ACTION ITEMS:

*Members of the public may provide comments at the end of each discussion item and prior to the vote of the Commission on any action items. Speakers are allotted up to 2 minutes.*

- 6:05 pm 1. Leadership Election
- 6:15 pm 2. Vote on 2026 Zero Waste Commission Schedule
- 6:25 pm 3. Review and Vote on Allocation Report for City Council

Internal

6:40 pm 4. Transfer Station Strategy Impact Memo Updates

7:05 pm 5. Subcommittee Reports Updates (C&D Report, Special Events Report)

7:25 pm 6. Discuss Future Agenda Items

7:30 pm 6. Adjournment

**INFORMATION ITEMS:**

*Information items may be moved to discussion but no action will be taken*

**COMMUNICATIONS:**

*Communications from the public are included as links or attachments in the agenda packet.*

**\*\*Draft comments from Steve Sherman on the Berkeley Transfer Station, C&D Report, Special Events Report, Space Allocation Report, Zero Waste Commission Schedule Change**

**\*Indicates material included in the agenda packet**

**\*\* Indicates material to be available at the meeting**



**ADA Disclaimer:** 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 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

**SB 343 Disclaimer:**

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Public Works Department located at the address below.

**Communications Disclaimer:**

Communications to Berkeley boards, commissions or committees 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 a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. 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 secretary to the relevant board, commission or committee for further information.

**Commission Secretary:**

Julia A. Heath, Recycling Program Manager,  
Zero Waste Division, 1201 Second St. Berkeley, CA 94710  
510-981-6357

[jheath@berkeleyca.gov](mailto:jheath@berkeleyca.gov)

## MINUTES

The meeting was convened at 5:30p.m. with Chrise de Tournay presiding as chair.

### **ROLL CALL**

Present: Dennis Uyat, Philip Monrad, Barun Singh, Sandra Curtis, Chrise de Tournay, Swasti Johri

LOA: Steven Sherman

Absent:

**STAFF PRESENT:** Leticia Jauregui

**MEMBERS OF THE PUBLIC PRESENT:** 3

**PUBLIC COMMENTS (on non-agenda items):** 0

### **ACTION MINUTES:**

- **Approval of the July 17, 2025 Regular Meeting Agenda**  
Action Taken: M/S/C (de Tournay/Monrad) to approve the September 18, 2025 meeting agenda.  
Ayes: Unanimous; Abstain: None; Absent: Steven Sherman
- **Approval of the June 19, 2025 Regular Meeting Minutes**  
Action Taken: M/S/C (de Tournay/Singh) to approve the July 17, 2025 meeting minutes.  
Ayes: Unanimous; Abstain: None; Absent: Steven Sherman
- **Public Comment**  
0 public comment. No Action Taken.
- **Commissioner Announcements**  
Discussion only. No Action Taken.
- **Staff Updates**  
Discussion only. No Action Taken.  
**Public Comment: 0**
- **Strategy Impact Memo on pros and cons of Transfer Station Rebuild**  
Discussion only. No Action Taken.  
**Public Comment: 0**
- **Voting on moving Space Allocation Referral to Council**  
Discussion only. No Action Taken.

**Public Comment: 0**

- **Updating Rental Lease Language regarding Source Separation**

Discussion only. No Action Taken.

**Public Comment: 0**

- **Subcommittee Reports**

Discussion only. No Action Taken.

**Public Comment: 0**

- **Discuss Future Agenda Items**

**Public Comment: 0**

- Election for Chair and Vice Chair
- Vote on Allocation Report
- Transfer Station Strategy Impact Memo Update
- Subcommittee Reports

- **Adjournment at 7:30 p.m.**

M/S/C (Uyat/Singh) to adjourn the meeting.

Ayes: Unanimous; Abstain: None; Absent: Steven Sherman

The next regular meeting of the Zero Waste Commission will be held on Thursday, October 16, 2025 at 5:30 p.m. in person at City of Berkeley Corporation Yard (Ratcliff Building, Willow Room) 1326 Allston Way, Berkeley.

Respectfully Submitted

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Leticia Jauregui, Zero Waste Division Manager



## **Berkeley Transfer Station and Recycling Center**

### **What is It?**

Berkeley's publicly-owned Transfer Station and Recycling Center provides our residents and businesses with convenient, reliable, and affordable access to the means of recycling, composting, and proper disposal. This key green infrastructure site prepares many types of discarded products and packaging for reuse or shipment to appropriate processing facilities.

### **Need for Updating**

The transfer station was built more than 30 years ago by the Berkeley Public Works Department, initially to handle Berkeley's trash, and subsequently to handle curbside recyclables (e.g., glass/metal/plastic containers; newspaper; cardboard; etc.), and then yard trimmings and food scraps for composting, construction and demolition materials for recycling, plus other items. The facility needs updating to maintain a safe and efficient facility for the public and its workers, and to meet current and future needs for the next 30 years and beyond.

### **The Berkeley Transfer Station/Recycling Center is a Tremendous Public Asset**

1. Centerpiece of Local Environmental Linkages: Hub that links environmental issues, including climate change, with local economy, sustainability and community resiliency.
2. Waste Reduction and Recycling (Resource Conservation): Accepts wide array of reusable, recyclable and compostable materials.
3. Climate Change Response: The facility is the City's single most vital property for making meaningful differences in resource consumption and reduction in greenhouse gas generation.
4. Local Revenue: The facility is a publicly-owned and -operated enterprise that generates revenue for the City from facility usage fees ("gate or tip fees") and from the sale of recyclable materials.
5. Saving Costs: By operating the facility in-house, the City avoids paying the profit margin any third party would charge to perform the same functions, and keeps those funds working within our community instead of flowing to distant corporate shareholders.
6. Local Jobs: The facility employs approximately 100 full-time unionized City workers.
7. Local Non-Profits: The Community Conservation Corps (CCC) operates the City's buy-back and recycling center. It employs 40 full-time equivalent workers, most of whom are union members.
8. Local Environmental Businesses: The City contracts with a local reuse business (Urban Ore) to recover valuable products, such as furniture, windows, and lumber, that otherwise would be buried in a landfill.
9. Environmental Education: Once re-built, the facility plans to provide environmental education tours as a regular feature of its services. Everyone, especially school children, should learn about where things come from and where they go after use, and how our actions matter.
10. Support for Local Economy: The facility is a nearby, reliable, and reasonably priced destination for self-haulers, especially local landscapers and building contractors. Less driving time and lower gate rates translate into cost savings that boost the local economy.



Zero Waste Commission

CONSENT CALENDAR  
11/18/2025

To: Honorable Mayor and Members of the City Council  
From: Zero Waste Commission  
Submitted by: Chrise deTournay, Zero Waste Commission Chair  
Subject: Enforceable Mechanism for CalGREEN Compliance

RECOMMENDATION

Recommend Council to direct the City Manager to enable the Zero Waste Division of the Public Works Department, in conjunction with the Building and Safety Division of the Planning Department, to study, research and develop options surrounding enforceable mechanisms, including a system of fines and preemptive holds on building inspection.

Recommend Council to refer to the City Manager to give the Zero Waste Division of the Public Works Department, in conjunction with the Building and Safety Division of the Planning Department, the authority to issue citations in order to streamline and simplify the city's enforcement of CALGreen, and its own, more stringent waste diversion requirements for certain materials.

SUMMARY

Compliance with CalGREEN and the City of Berkeley's more stringent construction and demolition debris diversion requirements, relies on self-reporting through Green Halo, with widespread issues surrounding fraudulent tickets, poor sorting, and repeated noncompliance—resulting in over 40% of 2023 projects failing to meet requirements. The unrelenting nature of issues surrounding compliance with C&D diversion requirements largely stems from the lack of an enforceable mechanism— which enables contractors' noncooperation with Zero Waste city staff in charge of compliance. Beyond informing contractors of their responsibilities to meet the 65% diversion minimum, city staff currently have little power to hold contractors accountable, especially those that are repeatedly out of compliance, and repeatedly act in bad faith. They also lack the ability to penalize bad actors accordingly. C&D debris is one of the largest sources of

landfill waste, and a significant driver of greenhouse gas emissions and local pollution, particularly affecting low-income and minority communities. Stronger enforcement is essential to advancing Berkeley's climate and equity goals. Researching an effective enforcement mechanism will streamline the process of meeting diversion requirements for city staff and make it easier for them to hold bad actors accountable.

### FISCAL IMPACTS OF RECOMMENDATION

Staff in the Zero Waste Division of the Public Works Department, in conjunction with the Building and Safety Division of the Planning Department will research the fiscal impacts for the implementation of each option, and develop an associated structure with the enforcement mechanism, whereby the implementation of each option can be self-sustaining so that council may fully assess the systems impacts for cost-recovery. 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 our goal to be a global leader in addressing climate change, advancing environmental justice, and protecting the environment.

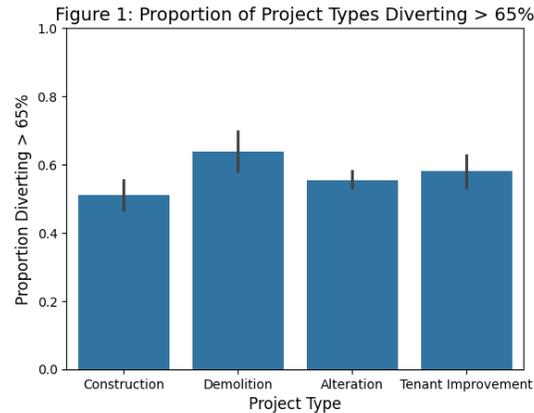
Construction waste diversion is the process of redirecting waste materials generated from C&D debris away from landfills, towards more salvaging efforts— which include recycling, reuse, repurposing, and composting.

CALGreen diversion requirements were adopted in the Berkeley Municipal Code as Chapter 19.37 in 2022. Chapter 19.37 requires that 65% of construction and demolition (C&D) material be diverted away from landfill, and 100% of excavated soil, concrete, asphalt, and debris. 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. Unfortunately, CALGreen does not regulate enforcement of, and compliance with state-mandated diversion requirements—leaving enforcement to the discretion of individual municipalities and regions.

Because there is no enforceable mechanism outlined in the Berkeley Municipal Code, city staff have immense difficulty when it comes to ensuring compliance with diversion requirements, from contractors. To understand diversion levels in Berkeley, city staff rely on self-reporting from contractors on Green Halo, a C&D debris diversion tracking platform. Common issues surrounding compliance include:

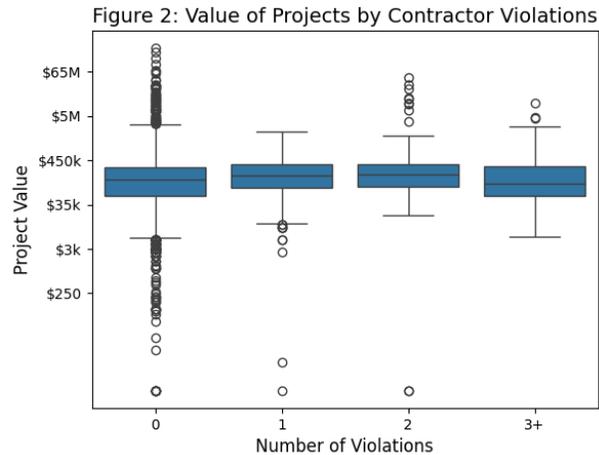
1. Improper source separation to the extent that it impedes the City in meeting C&D debris diversion requirements, left to the discretion of the Zero Waste Division.

2. Uploading fraudulent weight tickets to the Green Halo platform.
3. Uploading weight tickets in an untimely manner to the extent that it impedes the City in meeting C&D debris diversion requirements, left to the discretion of the Zero Waste Division.
4. Repeated non-compliance beyond three violations.



As a result, a significant number of projects in Berkeley fail to meet CALGreen requirements. Of the 493 projects in the Green Halo Plan Reports Database that ended in 2023, only 284 projects diverted at least 65% of their debris. 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, despite over 30% of demolition projects failing to meet requirements.

Proper sorting and bagging ensures 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, often mixed with residential waste, in black plastic bags— leading to salvageable debris being coded as landfill, leading to projects failing to achieve the 65% C&D diversion requirement. Miscoded tickets also prevent city staff from verifying data, leading to unreliable documentation surrounding C&D debris diversion.



Illustrated by Figure 2, the biggest concern surrounding diversion is with repeat offenders, who immensely complicate the process of achieving compliance with state requirements. Over 25% of contractors who commit a violation will violate again in a future project. Many contractors repeatedly attempt to reuse weight tickets, leading to inflation of true diversion rates. 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 several tonnes of C&D debris in nearby waste receptacles. Projects taken on by repeat offenders vary in size, illustrated by the chart above, but the especially problematic repeat offenders are those taking on high-value projects that produce a significant amount of debris.

An enforcement mechanism is the necessary next step for relieving staff of burdens surrounding compliance with stringent state and city-mandated diversion requirements.

## BACKGROUND

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

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' CALGreen requirements.

At its meeting June 19, 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 guide the Zero Waste Division of the Public Works Department, in conjunction with the Building and Safety Division of the Planning Department, in researching best practices surrounding codifying enforcement mechanisms for improving compliance with state and city-mandated C&D debris diversion requirements.

As the next triennial code cycle approaches (commencing in January 2026), Berkeley is already working on updating local codes to better comply with new state-mandated standards, providing the city with the perfect opportunity to amend and codify ordinances that could improve Green Building practices in the city, and ultimately make it easier for city staff to comply with codified diversion requirements

### 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 damages, 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

The issues surrounding compliance with C&D diversion requirements largely stems from the lack of an enforceable mechanism— which enables contractors' noncooperation with Zero Waste city staff in charge of compliance. Beyond informing contractors of their responsibilities to meet the 65% diversion minimum, city staff currently have little power to hold contractors accountable, especially those that are repeatedly out of compliance, and repeatedly act in bad faith. They also lack the ability to penalize bad actors accordingly. An effective enforcement mechanism will streamline the process of meeting diversion requirements for city staff and make it easier for them to hold bad actors accountable.

#### CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

This recommendation does not require a CEQA review.

#### ALTERNATIVE ACTIONS CONSIDERED

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

#### CONTACT PERSON

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



[Zero Waste Commission]

CONSENT CALENDAR  
11/18/2025

To: Honorable Mayor and Members of the City Council  
From: Zero Waste Commission  
Submitted by: Chrise de Tournay, Chair, Zero Waste Commission  
Subject: Recommend that Council Adopt Amendments to Ordinances Governing  
Special Events: block parties; park events; street events

RECOMMENDATION

Recommend that Council adopt first reading of an ordinance amending BMC 6.44 (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 6.44 (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.

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 CONCURRENCE [To be completed by City Manager]  
The City Manager concurs with [or takes no position on] the content and recommendations of the Commission's Report.

[OR]

Refer to the budget process.

CONTACT PERSON

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

Attachments

- 1: Berkeley Municipal Code Chapter 6.44 (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.

1. Berkeley Municipal Code Chapter 6.44 (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 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 thirty (30) days prior to the park event. Applications for major park events shall be made at least 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

14. 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);
9. 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;
10. 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;
11. 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.
12. 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 45 days prior to the street event.

C. Applications for all other street events shall be made at least 30 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. 15 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;

16 Insurance information, if applicable; and

17 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)

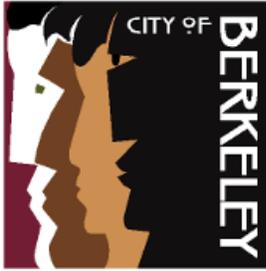
B. The City Manager may impose administrative penalties for violations of permit requirements, including but not limited to: (i) forfeiture of all or a portion of a permit deposit; (ii) imposition of additional requirements for subsequent permits (such as mandating a third-party greener contractor to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



Office of the City Manager

CONSENT CALENDAR  
[Meeting Date (MM, dd, yyyy)]

To: Honorable Mayor and Members of the City Council  
From: Zero Waste Commission  
Submitted by: **Christienne deTournay Birkhahn**, Zero Waste Commission Chair  
Subject: Research on Proper Space Allocation for Standardizing Compliance with Refuse Collection Procedures

RECOMMENDATION

Recommend Council to refer to the City Manager to direct the Zero Waste Division, in collaboration with the Planning Department, to study, research, and recommend policies that standardize refuse collection procedures in all new construction, and develop minimum service requirements, design parameters, and enforcement mechanisms accordingly, pursuant to Chapter 12.32.030 of the Berkeley Municipal Code.

SUMMARY

While the Berkeley Municipal Code mandates accessible waste allocation, it fails to outline efficient refuse collection procedures and enforce proper space allocation for said collection processes in the design phase of project lifecycles. Improper space allocation for refuse bins in approved construction projects has ultimately increased construction costs while compromising refuse collection and the safety of workers.

The upcoming triennial code cycle provides an opportunity to codify holistic refuse collection procedures and facilitate compliance by enforcing proper space allocation across all new 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 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 collection in approved construction projects, design guidelines that allocate sufficient space for refuse bins in every stage of the refuse collection process are necessary.
- (3) Enforcement mechanisms. Ensuring adherence to a standardized refuse collection procedure ensures the safety, health, and cleanliness of the city as a whole.

### 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 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”. 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 bins at the appropriate staging locations along the street prior to collection day, and returning the bins to their enclosures within 24 hours.
- (2) Push-and-Pull Service: Building owners pay the city an additional fee to wheel refuse containers—including dumpsters—between material collection rooms and waste vehicles.

As a whole, the refuse collection process consists of the following three stages:

- (1) Occupant Refuse Collection. The first stage covers occupant access to refuse bins, typically in the form of material collection rooms. 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 refuse bins to their proper staging area for collection. Important technicalities in this stage include, but are not limited to: doorway dimensions, alley widths, and gradient.

- (3) Municipal Refuse Collection. The final stage covers the municipal collection of refuse from staging areas for transportation to appropriate processing facilities. Important technicalities in this stage include, but are not limited to: driveway, approach, and 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 collection process, as well as aforementioned space guidelines, are neither (1) specific enough to facilitate widespread compliance, nor (2) codified in the Berkeley Municipal Code, rendering enforcement difficult for City staff.

Unfortunately, consequence of ambiguous language and a lack of formalized and enforceable refuse collection procedures, the City has encountered approved building designs that fail 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;
- Alleyways with insufficient width for dumpsters to be moved from enclosure to curb, necessitating the installation of a curb cut to facilitate push-and-pull servicing;
- 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 shoots with no collated shoots for recycling or compost;
- ADA Violations in refuse bin access;
- 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 design modifications post-construction. Furthermore, inefficiencies place unnecessary administrative burden on City staff, while endangering refuse collection workers. In order to streamline refuse collection procedures and prevent aforementioned issues, important design elements that must be considered, categorized under each stage, include but are not limited to:

- (1) Occupant Refuse Collection: equal access to all waste streams across all building levels, in accordance with BMC.
- (2) Staging: doorway dimensions, alley widths, gradient, and right-of-way.
- (4) Municipal Refuse Collection: driveway, approach, and gradient.

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 refuse collection and waste disposal requirements.

## 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 refuse 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 streetscape.”<sup>1</sup> 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 unorganized waste on the public experience of Berkeley's streetscapes.

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 guide the Zero Waste Division, in researching best practices surrounding the codification of procedures and enforcement mechanisms surrounding the improvement of compliance with state and city-mandated waste collection requirements.

As the next triennial code cycle approaches (commencing in January 2026), Berkeley is already working on updating local codes to better comply with state-mandated standards, providing the city with the perfect opportunity to amend and codify ordinances that could improve Green Building practices in the city, and ultimately make it easier for city staff to comply with codified refuse collection requirements

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<sup>1</sup> 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/AZTt6TtX96Uhgjldp0qAorvaUCTpo4EUIf%C3%8934BX%C3%81YDKAnTLsKgSiZ5K40mqKqaWXIfSWV0GlzxDleBQy6w%C3%89DNQ%3D/>

## 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 polypropylene<sup>2</sup>. As leachate enters Berkeley's stormwater drainage systems, these microplastics inevitably contaminate the Bay. Clogged drain pipes are a consequential causative factor of water logging in urban areas<sup>3</sup>, 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 land<sup>4</sup>. The City of Berkeley's contribution to this number could be significantly reduced by establishing effective refuse collection processes.

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 pollutants<sup>5</sup>. Studies have shown that proper programs for waste management not only reduces environmental harm, but improves the physical and mental health of citizens<sup>6</sup>.

## RATIONALE FOR RECOMMENDATION

The minimal research that has been done on space allocation for efficient refuse collection and minimum service requirements in the City of Berkeley, has restricted staff's ability to enforce compliance with their recommendations in the pre-design and construction phases of the project lifecycle. This has led to development of properties that complicate the refuse 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.

## CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

<sup>2</sup> 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>

<sup>3</sup> 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>

<sup>4</sup> 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>

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

<sup>6</sup> 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](https://media.api.sf.gov/documents/Illegal_Dumping_Final_Report.pdf)

This recommendation does not require a CEQA review.

ALTERNATIVE ACTIONS CONSIDERED

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

CONTACT PERSON

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