



AGENDA
BERKELEY CITY COUNCIL AGENDA & RULES COMMITTEE
SPECIAL MEETING

TUESDAY, OCTOBER 21, 2025
2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

This meeting will be conducted in a hybrid model with both in-person and virtual attendance. Attend this meeting remotely using [Zoom](#). To request to speak, use the “raise hand” function in Zoom. To join by phone: Dial **1-669-254-5252** or **1-833-568-8864 (Toll Free)** and enter **Meeting ID: 161 563 2662**. To provide public comment, Press *9 and wait to be recognized by the Chair. To submit a written communication for the public record, email policycommittee@berkeleyca.gov. All Committee meetings are recorded.

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

Pursuant to the City Council Rules of Procedure and State Law, the presiding officer may remove, or cause the removal of, an individual for disrupting the meeting. Prior to removing an individual, the presiding officer shall warn the individual that their behavior is disrupting the meeting and that their failure to cease their behavior may result in their removal. The presiding officer may then remove the individual if they do not promptly cease their disruptive behavior. “Disrupting” means engaging in behavior during a meeting of a legislative body that actually disrupts, disturbs, impedes, or renders infeasible the orderly conduct of the meeting and includes, but is not limited to, a failure to comply with reasonable and lawful regulations adopted by a legislative body, or engaging in behavior that constitutes use of force or a true threat of force.

California Government Code Section 84308 (Levine Act) Parties to a proceeding involving a license, permit, or other entitlement for use are required to disclose if they made contributions over \$500 within the prior 12 months to any City employee or officer. Parties and participants with a financial interest are prohibited from making more than \$500 in contributions to a decisionmaker for the 12 months after the final decision is rendered on the proceeding. The above contribution disclosures and restrictions do not apply when the proceeding is competitively bid, or involves a personnel or labor contract. For more information, see Government Code Section 84308.

AGENDA

Roll Call

Public Comment

Review of Agendas

- 1. Approval of Minutes: October 14, 2025**
- 2. Review and Approve Draft Agenda:**
 - a. 11/10/25 – Regular City Council Meeting
- 3. Adjournments In Memory**

Scheduling

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

Action Calendar

- None

Unscheduled Items

- None

Items for Future Agendas

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

Adjournment – Next Meeting Monday, November 3, 2025

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

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

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

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

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

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

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



### **COMMUNICATION ACCESS INFORMATION:**

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

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I hereby certify that the agenda for this special meeting of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on Thursday, October 16, 2025.



Mark Numainville, City Clerk

## **Communications**

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



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

TUESDAY, OCTOBER 14, 2025

2:30 P.M.

Redwood Room – 2180 Milvia Street, Berkeley, CA 94704

Committee Members:

Mayor Adena Ishii, Councilmembers Terry Taplin and Mark Humbert

Alternate: Ben Bartlett

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**Roll Call:** 2:32 p.m. All present. Vice-Mayor Humbert participated remotely under the just cause exemption in the Brown Act.

**Public Comment** – 12 speakers

## **Review of Agendas**

**1. Approval of Minutes: September 29, 2025**

**Action:** M/S/C (Taplin/Humbert) to approve the minutes of 9/29/2025.

**Vote:** All Ayes.

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

a. 10/28/25 – Regular City Council Meeting

**Action:** M/S/C (Taplin/Humbert) to approve the agenda of 10/28/2025 with the changes noted below.

- *Item Added: Police Radio Encryption (City Manager) – added to Consent Calendar*
- *Item Added: Russel Street Halloween (Humbert) – added to Consent Calendar*
- *Item 29 Virginia Street Bikeway (City Manager) – revised recommendation; moved to Consent Calendar*
- *Item 31 Turtle Island Monument (Commission) – revised City Manager section; moved to Consent Calendar*
- *Item 32 Affordable Housing for Artists (Commission) – postponed for City Manager companion report pursuant to Rules of Procedure*

Order of Action Items

Item 28 Title 21 Amendments

Item 30 Telegraph Multimodal Corridor

**Vote:** All Ayes.

**3. Adjournments In Memory** – None

## **Scheduling**

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

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

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

## **Action Calendar**

- None

## **Unscheduled Items**

- None

## Items for Future Agendas

- None

## Adjournment

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

**Vote:** All Ayes.

Adjourned at 3:12 p.m.

I hereby certify that the foregoing is a true and correct record of the Agenda & Rules Committee meeting held on October 14, 2025.

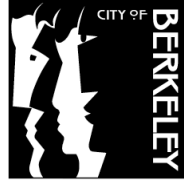
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Mark Numainville, City Clerk

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**DRAFT AGENDA**  
**BERKELEY CITY COUNCIL MEETING**  
**Monday, November 10, 2025**  
**6:00 PM**

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

ADENA ISHII, MAYOR

Councilmembers:

DISTRICT 1 – RASHI KESARWANI

DISTRICT 2 – TERRY TAPLIN

DISTRICT 3 – BEN BARTLETT

DISTRICT 4 – IGOR TREGUB

DISTRICT 5 – SHOSHANA O'KEEFE

DISTRICT 6 – BRENT BLACKABY

DISTRICT 7 – CECILIA LUNAPARRA

DISTRICT 8 – MARK HUMBERT

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

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

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

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## Preliminary Matters

### Roll Call:

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

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

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

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

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

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

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

## Consent Calendar

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

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

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

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

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

## Consent Calendar

- 1. Formal Bid Solicitations and Request for Proposals Scheduled for Possible Issuance After Council Approval on November 4, 2025**  
**From: City Manager**  
**Recommendation:** Approve the request for proposals or invitation for bids that will be, or are planned to be, issued upon final approval by the requesting department or division. All contracts over the City Manager’s threshold will be returned to Council for final approval.  
**Financial Implications:** See report  
Contact: Henry Oyekanmi, Finance, (510) 981-7300

## Consent Calendar

- 2. Contract: Tablet Command for Mobile CAD and Incident Command**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager or their designee to enter into a contract and any amendments with Tablet Command for Mobile CAD and Incident Command by piggybacking on a contract with the City of Long Beach. The Berkeley contract will be effective November 5, 2025, and end on September 21, 2027, in an amount not to exceed \$135,000 which includes one-time startup costs. The contract may be extended for three additional one-year periods at a cost not to exceed \$85,000 per year.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473
- 3. Contract: Protiviti Government Services Inc (“Protiviti”): Using General Services Administration (“GSA”) Vehicle for Professional Services Purchase Orders**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution authorizing the City Manager, or delegate, to issue purchase orders with Protiviti for professional services using GSA purchasing vehicle no. GS35F-0280X in support of the following City Departments: Fire, Public Works, and Information Technology, for an amount not to exceed \$892,000 through June 30, 2026.  
**Financial Implications:** See report  
Contact: David Sprague, Fire, (510) 981-3473, Terrance Davis, Public Works, (510) 981-6300, Kevin Fong, Information Technology, (510) 981-6500
- 4. Amend Resolution No. 71,682-N.S for Joint Homekey+ Application for MLK House at 2942-44 Martin Luther King, Jr. Way**  
**From: City Manager**  
**Recommendation:** Adopt a Resolution amending Resolution No. 71,682-N.S authorizing the City Manager or his designee to increase the requested grant funds amount to the State of California Housing and Community Development (HCD) Department’s Homekey+ program for the MLK House project from \$4,500,000 to \$5,000,000.  
**Financial Implications:** See report  
Contact: Scott Gilman, Health, Housing, and Community Services, (510) 981-5400

## Consent Calendar

**5. Grant Application: The 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program of the California Division of Boating & Waterways**

**From: City Manager**

**Recommendation:** Adopt a Resolution authorizing the City Manager or his designee to 1) Submit a grant application to the California Division of Boating and Waterways (DBW) 2025 Surrendered and Abandoned Vessel Exchange (SAVE) grant program for the removal and disposal of anticipated abandoned vessels located at the Berkeley Marina; 2) Accept the grant; 3) Execute any amendments; and 4) Authorize a local match contribution of \$1,000.

**Financial Implications:** See report

Contact: Scott Ferris, Parks, Recreation and Waterfront, (510) 981-6700

## Council Consent Items

**6. Fifteenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund**

**From: Mayor Ishii (Author), Councilmember Bartlett (Co-Sponsor), Councilmember Humbert (Co-Sponsor), Councilmember Lunaparra (Co-Sponsor)**

**Recommendation:**

1. Adopt a Resolution co-sponsoring the 15th Annual Martin Luther King Jr. Celebration on January 19, 2026.

2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Ishii, to the Berkeley Rotary Endowment, the fiscal sponsor of the 15th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

**Financial Implications:** See report

Contact: Adena Ishii, Mayor, (510) 981-7100

**7. Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees**

**From: Mayor Ishii (Author)**

**Recommendation:** Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a four-year term ending on January 1, 2030.

**Financial Implications:** See report

Contact: Adena Ishii, Mayor, (510) 981-7100

## Council Consent Items

8. **Resolution of the City of Berkeley Supporting the Bay Area Air District's Zero Emission Building Appliance Rules**  
**From: Councilmember Tregub (Author)**  
**Recommendation:** Adopt a resolution in support of the Bay Area Air District's Zero-Emission Building Appliance Rules phasing out the sale of polluting gas-fired water heating and space heating equipment when existing fossil fuel equipment needs replacement, starting in 2027 for water heaters and 2029 for furnaces. The resolution also supports common-sense amendments to the rules to ensure flexibility for residents who have particular difficulty with compliance.  
**Financial Implications:** See report  
Contact: Igor Tregub, Councilmember, District 4, (510) 981-7140

## Action Calendar

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

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

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

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

## Action Calendar – Public Hearings

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

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

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

## Action Calendar – Public Hearings

### 9. Adoption of the 2025 California Fire Code with Local Amendments

**From: City Manager**

**Recommendation:**

1. Adopt the first reading of an Ordinance repealing the Berkeley Fire Code (Berkeley Municipal Chapter 19.48) and reenacting BMC Chapter 19.48;
2. Adopt a Resolution setting forth findings of local conditions that require more stringent building standards than those provided by the 2025 California Fire Code (“CFC”) and rescinding Resolution number 71,710–N.S.;
3. Conduct a public hearing and upon conclusion, adopt a Resolution establishing annual permit fees, inspection and billing rates for inspection of property sites by the Berkeley Fire Department, and rescinding Resolution number 71,837–N.S. and all Resolutions amendatory thereof.
4. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading and before the second reading, and schedule the public hearing for December 2, 2025.

**Financial Implications:** See report

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

## Action Calendar – New Business

### 10. Adoption of and Amendments to the California Wildland-Urban Interface (WUI) Code

**From: City Manager**

**Recommendation:**

1. Adopt the first reading of an Ordinance creating a new Berkeley Municipal Code Chapter 19.49 and adopting the 2025 California Wildland-Urban Interface (WUI) Code, Title 24 Part 7, along with local amendments.
2. Adopt a Resolution setting forth findings of local climatic, geological, and topographical conditions that require more stringent standards than those in the State Code.
3. In compliance with state law on adopting such codes by reference, hold a public hearing following the first reading, and before the second reading, and schedule the second reading and public hearing for December 2, 2025.

**Financial Implications:** See report

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

## Action Calendar – New Business

11. **Annual Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Parking Enforcement Officer Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License**

**From: City Manager**

**Recommendation:** Pursuant to Chapter 2.99 of the Berkeley Municipal Code, adopt a Resolution accepting the Surveillance Technology Report for Body Worn Cameras, GPS Trackers, Fixed Surveillance Video Cameras, Automated License Plate Readers, the Street Level Imagery Project, Unmanned Aerial Systems, and Fixed Automated License Plate Readers.

**Financial Implications:** See report

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

## Action Calendar – Policy Committee Track Items

12. **Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit**

**From: Councilmember Kesarwani (Author), Councilmember Humbert (Co-Sponsor)**

**Recommendation:** Refer to the City Manager and City Attorney to amend two related Berkeley Municipal Code (BMC) sections: 3.24.120, “Landmarks, Historic Districts and Structures of Merit-Designation-Initiation Procedures,” and its related BMC section 3.24.300, “Appeals-Procedures Required-City Council Authority.”

This referral recommends refinements to the procedure for designating landmarks, historic districts, and structures of merit to discourage frivolous designations, often of sites that are planned to be redeveloped to address our City’s housing shortage.

Proposed amendments include the following two changes to the BMC:

- 1) Raising the threshold for the number of residents needed to sign the verified application of initiation of designation from 50 to 200; and
- 2) For properties located in residential zoning districts, require 51 percent of the residents within a 300-foot radius of the subject building/structure to be among the applicants signing on to initiate the landmark / structure of merit designation, similar to the threshold used for other City procedures by the Planning and Public Works departments. We note that this second requirement may necessitate the collection of more than 200 signatures.

**Financial Implications:** See report

Contact: Rashi Kesarwani, Councilmember, District 1, (510) 981-7110

## Public Comment – Items Not Listed on the Agenda

### Adjournment

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

Archived indexed video streams are available at: [berkeleyca.gov/council-agendas](http://berkeleyca.gov/council-agendas).  
Channel 33 rebroadcasts the following Wednesday at 9:00 a.m. and Sunday at 9:00 a.m.

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

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

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

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

**COMMUNICATION ACCESS INFORMATION:**

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To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services specialist at [ada@berkeleyca.gov](mailto:ada@berkeleyca.gov), (510) 981-6418 (V), or (510) 981-6347 (TDD) at least three business days before the meeting date.

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CONSENT CALENDAR
November 10, 2025

To: Honorable Members of the City Council

From: Mayor Ishii (Author), Councilmembers Bartlett, Humbert, and Lunaparra
(Co-Sponsors)

Subject: Fifteenth Annual Martin Luther King Jr. Celebration: City Sponsorship and Relinquishment of Council Office Budget Funds to General Fund and Grant of Such Fund

RECOMMENDATION

1. Adopt a Resolution co-sponsoring the 15th Annual Martin Luther King Jr. Celebration on January 19, 2026.
2. Adopt a Resolution approving the expenditure of an amount not to exceed \$500 per Councilmember including \$500 from Mayor Ishii, to the Berkeley Rotary Endowment, the fiscal sponsor of the 15th Annual Martin Luther King Jr. celebration, with funds relinquished to the City's general fund for this purpose from the discretionary Council Office Budgets of Mayor Ishii and any other Councilmembers who would like to contribute.

BACKGROUND

The annual Martin Luther King Jr Celebration, which first started in 2012, strives to bring together a diverse group of East Bay residents to celebrate and continue the work of Dr. Martin Luther King Jr. The purpose of this event is to bring the faith based, business, university, youth and civic communities together to celebrate the life and dreams of Dr. King and to honor adult and youth leaders in our community.

The theme of this year's event is "Beyond the Dream, Be the Light". This theme is in recognition that amidst the broad challenges we as a society currently face, the community and residents of Berkeley can be the light forward. This annual event provides an opportunity to recognize youth, community, and civic leaders who are furthering Dr. Martin Luther King Jr.'s legacy in their work to build community and a vision for the future.

We are proposing that City Councilmembers make individual grants of up to \$500 to the Berkeley Rotary Endowment to commemorate and honor Dr. Martin Luther King Jr and support organizations being recognized at the event. The breakfast event is being held in person at the DoubleTree Hotel at the Marina, January 19, 2024. Funding that is

raised will be used to provide scholarships to high school leaders recognized during the program along with a small honorarium to community action awardees.

FINANCIAL IMPLICATIONS

No General Fund impact; \$500 is available from Mayor Ishii's Office Budget discretionary accounts.

ENVIRONMENTAL SUSTAINABILITY

There are no environmental impacts associated with the recommendations in this report.

CONTACT PERSON

Mayor Adena Ishii 510-981-7100

Attachments: 1: Resolution for City Sponsorship 2: Resolution for Council Expenditures

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

CITY SPONSORSHIP OF THE 15TH ANNUAL DR. MARTIN LUTHER KING JR.
CELEBRATION

WHEREAS, the Fifteenth Annual Dr. Martin Luther King Jr. Celebration will take place on January 19, 2026; and

WHEREAS, the purpose of this event is to bring the faith based, business, university, youth and civic communities together to celebrate the life and dreams of Dr. King and to honor adult and youth leaders in our community; and

WHEREAS, the theme of this year's event is "Beyond the Dream, Be the Light", in recognition that amidst the broad challenges we as a society currently face, the community and residents of Berkeley can be the light forward. This annual event provides an opportunity to recognize youth, community, and civic leaders who are furthering Dr. Martin Luther King Jr.'s legacy in their work to build community and a vision for the future, and

WHEREAS, historically the Berkeley City Council has generously provided sponsorship for this event.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that the City of Berkeley hereby co-sponsors the 15th Annual Dr. Martin Luther King Jr. Celebration, has permission to use the City's name and logo in the event's promotional materials and signage naming the City of Berkeley as a co-sponsor solely for the purpose of the City indicating its endorsement of the event.

BE IT FURTHER RESOLVED that this co-sponsorship does not: (1) authorize financial support, whether in the form of fee waivers, a grant or provision of City services for free; (2) constitute the acceptance of any liability, management, or control on the part of the City for or over the MLK Jr Celebration; or (3) constitute regulatory approval of the event.

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

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

WHEREAS, Mayor Adena Ishii has funds in her office discretionary account; and

WHEREAS, a California non-profit tax-exempt corporation, the Berkeley Rotary Endowment, seeks funds in the amount of \$500 to provide the following public services to publicly commemorate and honor the contributions of Dr. Martin Luther King Jr.; and

WHEREAS, the provision of such services would fulfill the following municipal public purpose of bringing the communities across the City, including, but not limited to faith based, business, university, youth and civic communities, together to celebrate the life and dreams of Dr. King and to honor adult and youth leaders in our community.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that funds relinquished by the Mayor and Councilmembers from their Council Office Budget up to \$500 per office shall be granted to the Berkeley Rotary Endowment to fund the following services of bringing the communities across the City, including, but not limited to faith based, business, university, youth and civic communities, together to celebrate the life and dreams of Dr. King and to honor adult and youth leaders in our community.

CONSENT CALENDAR

November 10, 2025

To: Honorable Mayor and Members of the City Council
From: Mayor Adena Ishii
Subject: Reappointment of Dr. P. Robert Beatty to the Alameda County Mosquito Abatement District Board of Trustees

RECOMMENDATION

Adopt a Resolution reappointing Dr. P. Robert Beatty to the Board of Trustees of the Alameda County Abatement District for a four-year term ending on January 1, 2030.

BACKGROUND

Each city in Alameda County is required to appoint a resident to the Alameda County Mosquito Abatement District Board of Trustees. This term lasts for four years. The District has recently notified the City that Dr. P. Robert Beatty's term is expiring at the beginning of January 2026.

Dr. Beatty has served as Berkeley's representative on the Board since April 2016. Dr. Beatty is one of fourteen members of the Board. As an infectious disease immunologist, Dr. Beatty has studied mosquitoes worldwide and provided invaluable expertise and information to the Board on dengue, Zika and other mosquito borne diseases. He has taught immunology and infectious disease classes for over 20 years in the Department of Molecular and Cellular Biology at UC Berkeley.

FINANCIAL IMPLICATIONS

None for the City of Berkeley. Trustees receive a stipend of \$100 per month paid for by the Alameda County Mosquito Abatement District.

ENVIRONMENTAL SUSTAINABILITY

No adverse effects to the environment.

CONTACT PERSON

Mayor Adena Ishii 510-981-7100

Attachments:

1: Resolution

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

REAPPOINTING DR. P. ROBERT BEATTY AS THE CITY OF BERKELEY'S REPRESENTATIVE TO THE ALAMEDA COUNTY MOSQUITO ABATEMENT DISTRICT BOARD OF TRUSTEES

WHEREAS, Dr. P. Robert Beatty has served on the Board of Trustees of the Alameda County Mosquito Abatement District since 2016; and

WHEREAS, Dr. Beatty is an infectious disease immunologist who has taught immunology and infectious disease classes for over 20 years in the Department of Molecular and Cellular Biology at UC Berkeley; and

WHEREAS, during his term on the Board of Trustees, Dr. Beatty has provided invaluable expertise and information to the Board on Zika and other mosquito borne diseases.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley that Dr. P. Robert Beatty is hereby reappointed as the City of Berkeley's representative to the Alameda County Mosquito Abatement District Board of Trustees for the term commencing on January 1, 2026 ending January 1, 2030.



IGOR TREGUB, COUNCILMEMBER DISTRICT 4

CONSENT CALENDAR
November 10, 2025

To: Honorable Mayor and Members of the City Council
 From: Councilmember Igor Tregub (Author)
 Subject: Resolution of the City of Berkeley Supporting the Bay Area Air District's Zero Emission Building Appliance Rules

RECOMMENDATION

Adopt a resolution in support of the Bay Area Air District's Zero-Emission Building Appliance Rules phasing out the sale of polluting gas-fired water heating and space heating equipment when existing fossil fuel equipment needs replacement, starting in 2027 for water heaters and 2029 for furnaces. The resolution also supports common-sense amendments to the rules to ensure flexibility for residents who have particular difficulty with compliance.

CURRENT SITUATION AND ITS EFFECTS

The Bay Area Air District's mandate is to protect public health through rules and regulations reducing air pollution. The combustion of gas in building equipment such as furnaces and water heaters, is one of the largest sources of air pollution in the region, generating a range of air pollutants linked to poor health outcomes, including nitrogen oxides (NOx),¹ fine particle pollution (PM2.5),² formaldehyde,³ carbon monoxide,⁴ and benzene, all of which contribute to breathing problems, cardiovascular issues, and dementia. Furthermore, these pollutants cause up to 85 premature deaths⁵ and 15,000 asthma attacks per year,⁶ costing the region \$890 million annually in health-related

¹ American Lung Association, [Nitrogen Dioxide](#)

² American Lung Association, [Particle Pollution](#)

³ American Lung Association, [Formaldehyde](#)

⁴ American Lung Association, [Carbon Monoxide](#)

⁵ Bay Area Air District, [Air District strengthens building appliance rules to reduce harmful NOx emissions, protect air quality and public health](#)

⁶ Bay Area Air District, [Final Staff Report](#)

costs⁷ from air pollution exposure. The Bay Area Air District adopted groundbreaking standards in 2023 that will phase out the sale of residential gas water heaters in 2027 (Rule 9-6), and the sale of gas-furnaces in 2029 (Rule 9-4). Both rules include an implementation working group process which has thus far examined challenges and recommended solutions for the successful, equitable rollout of zero-emission residential water heating. Each implementation working group process will be followed by an amendment process to act on recommendations to provide flexibility for residents who might be unduly harmed by the rule.

The Air District's Zero Emission Building Appliance Rules support Berkeley's Strategic Plan Goal to “[b]e a global leader in addressing climate change, advancing environmental justice, and protecting the environment.”⁸ Adoption of these rules aligns with California's commitment⁹ to achieving zero-emission space and water heating standards¹⁰ statewide by 2030, and with the City of Berkeley's goal of reaching net zero emissions by 2045 or sooner.

Clean air and health: The Bay Area is ranked among the worst in the nation in air quality, with nearly 30 consecutive years failing to achieve national ambient air quality standards for ozone¹¹ and 15 straight years of nonattainment with fine particulate matter standards. Gas-fired heating equipment is one of the chief contributors to health harming emissions. The region's gas-burning appliances in buildings emit more NOx pollution than all passenger vehicles¹²—and more than six times as much NOx as all the power plants in the region combined.¹³ Implementing the Bay Area Air District Zero-Emission Building Appliance Rules would prevent 15,000 asthma attacks annually and save up to \$890 million annually in healthcare costs due to air pollution exposure across the Bay Area,¹⁴ amounting to roughly \$2,000 of health damage per new gas-fired water heater installed and \$4,000 per new furnace installed. This pollution contributes to higher asthma rates and poor health outcomes in communities of color and low-income communities.¹⁵

⁷ Bay Area Air District, [Air District strengthens building appliance rules to reduce harmful NOx emissions, protect air quality and public health](#)

⁸ City of Berkeley, Strategic Plan, <https://berkeleyca.gov/your-government/our-work/strategic-plan>

⁹ California Air Resources Board, [Appendix F, Building Decarbonization, 2022 Scoping Plan](#)

¹⁰ California Air Resources Board, [Zero-Emission Space and Water Heater Standards](#)

¹¹ U.S. Environmental Protection Agency, [California Nonattainment/Maintenance Status for Each County by Year for All Criteria Pollutants](#)

¹² Bay Area Air District, [Final Staff Report: Proposed Amendments to Building Appliance Rules – Regulation 9, Rule 4: Nitrogen Oxides from Fan Type Residential Central Furnaces and Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters](#)

¹³ U.S. Environmental Protection Agency, [2020 National Emissions Inventory](#)

¹⁴ Bay Area Air District, [Final Staff Report](#)

¹⁵ Tessum, et al. [PM2.5 pollutants disproportionately and systemically affect people of color in the United States](#)

Meeting climate commitments: Burning fossil fuels in homes for heating is responsible for roughly 11% of California’s statewide climate emissions.¹⁶ Berkeley’s Climate Action Plan has a goal that new and existing Berkeley buildings achieve zero net energy consumption by 2045 or sooner.¹⁷ Heat pumps reduce lifetime space heating emissions by up to 93% compared to gas equipment in California.¹⁸ The Bay Area rules represent the best opportunity for Bay Area jurisdictions to reduce fossil fuel emissions from buildings and meet their net-zero targets for the buildings sector.

BACKGROUND

The Bay Area Air District adopted groundbreaking standards in 2023 that will help accelerate adoption of efficient electric heat pumps, cutting deadly air pollution and making energy bills more affordable. The standards will only apply when existing fossil fuel equipment needs replacement and will phase in gradually starting in 2027 for water heaters and 2029 for furnaces. The Air District is also currently working to amend these rules to include common-sense flexibility measures.

RATIONALE FOR RECOMMENDATION

There is concern that the fossil fuel industry and its allies will use the amendment process at the Bay Area Air District to roll back these clean air standards entirely. Environmental, health, community, climate and environmental justice groups are mobilizing to protect these standards while working with staff to incorporate flexibility measures to help ensure smooth, affordable, and equitable implementation.

Resolutions of support from Bay Area jurisdictions will bolster the Bay Area Air District in its efforts to conduct reasoned and fact-based rulemaking and avoid politicization of a critical regulatory effort with consequences for the health and wellbeing of Bay Area residents.

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The resolution expresses support the Air District’s Zero Emission Building Appliance Rules, which will have the following impacts if implemented fully:

As noted above, implementing the Bay Area Air District Zero-Emission Building Appliance Rules would prevent 15,000 asthma attacks annually and save up to \$890 million annually in healthcare costs due to air pollution exposure across the Bay Area, with disproportionate impacts for communities of color and low-income communities.¹⁹

¹⁶ California Air Resources Board, [California Greenhouse Gas Emissions from 2000 to 2021: Trends of Emissions and Other Indicators](#)

¹⁷ City of Berkeley, [Climate Action Plan](#)

¹⁸ Jack Teener and Lacey Tan, *RMI*, [Now Is the Time to Go All In on Heat Pumps](#)

¹⁹ Bay Area Air District, [Final Staff Report](#)

Also noted above, burning fossil fuels in homes for heating is responsible for roughly 11% of California's statewide climate emissions. Heat pumps reduce lifetime space heating emissions by up to 93% compared to gas equipment in California. In denser urban settings like Berkeley, burning gas in buildings makes up a larger proportion of greenhouse gas emissions. Berkeley's Climate Action Plan 2023 update estimated that burning gas in residential and commercial buildings makes up 35 percent of Berkeley's greenhouse gas emissions.²⁰ The Air District's rules would ensure that as gas-fired heating appliances break or reach the end of their useful lives, that they are replaced with zero-emission alternatives like high-efficiency heat pumps. This would likely put Berkeley on the path to eliminating the bulk of its greenhouse gas emissions from burning gas in buildings simply by complying with the Air District rules.

FINANCIAL IMPLICATIONS

Limited staff time associated with communicating the city's position to the Bay Area Air District

CONTACT PERSON

Councilmember Igor Tregub, Council District 4
510-981-7140
Itregub@berkeleyca.gov

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

Attachments:

1. Resolution
2. [Air District Factsheet](#)
3. BACA Two-pager on Air District Rules

²⁰ City of Berkeley, [Climate Action Plan and Resilience Update, Item 23](#)

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

RESOLUTION OF THE CITY OF BERKELEY SUPPORTING THE BAY AREA AIR DISTRICT'S ZERO-EMISSION BUILDING APPLIANCE RULES

WHEREAS, the combustion of gas in building equipment like furnaces and water heaters generates a range of air pollutants linked to poor health outcomes, including nitrogen oxides (NOx), fine particle pollution (PM2.5), formaldehyde, carbon monoxide, and benzene, which contribute to breathing problems, asthma attacks, cardiovascular issues, dementia, and premature death; and

WHEREAS, gas-powered furnaces and water heaters are major contributors to smog-forming NOx pollution and PM2.5 in the Bay Area, causing up to 85 premature deaths and 15,000 asthma attacks per year, and costing the region \$890 million annually in health-related costs from air pollution exposure; and

WHEREAS, communities of color are disproportionately exposed to health-harming pollution from gas combustion in homes and businesses, both nationally and in the Bay Area; and

WHEREAS, the Bay Area faces an ongoing air quality crisis – with nearly 30 consecutive years failing to achieve national ambient air quality standards for ozone and 15 straight years of nonattainment with fine particulate matter standards – and further reductions of particulate matter and ozone pollution through the implementation of all feasible measures are needed for attainment and maintenance of these health-protective standards; and

WHEREAS, gas-burning building equipment in the region's homes and businesses emits more NOx pollution than all the Bay Area's passenger cars combined, making it one of the top sources of pollution in the region; and

WHEREAS, the Bay Area Air District's Board of Directors adopted Rules 9-4 and 9-6 in March of 2023 without any "no" votes, establishing future zero-NOx standards for water heaters and furnaces, and these rules will accelerate the transition to zero-polluting heating equipment in the region as residents' old equipment reaches end of life; and

WHEREAS, the Air District's Implementation Working Group has worked with the Air District to achieve a successful and equitable implementation of the zero-emission rules to residential water heating in 2027; and

WHEREAS, the Air District is now conducting an additional rulemaking to introduce common-sense flexibility measures into the zero-NOx equipment rules to provide options for residents who may face challenges complying with them; and

WHEREAS, switching from gas-powered space and water heating to efficient zero-emission appliances like electric heat pumps reduces smog-forming pollution, enhances climate resilience, and improves household resilience by introducing reliable cooling and improved air filtration to homes without air conditioning; and

WHEREAS, the Air District's zero-NOx furnace and water heater rules help the City of Berkeley make substantial progress toward achieving its/our climate goals of reducing and eventually eliminating the burning of fossil fuels, a step required to curb global warming and mitigate sea level rise, extreme heat, and climate related natural disasters; and

WHEREAS, adoption of these rules aligns with California's commitment to achieving zero-emission space and water heating standards statewide by 2030, and with the City of Berkeley's goal of reaching net zero emissions by 2045 or sooner; and

WHEREAS, the City of Berkeley has been integrally involved in planning for the implementation of these rules and has participated in the Air District's Implementation Working Group, which has thus far examined challenges and recommended solutions for the successful, equitable rollout of zero-emission residential water heating.

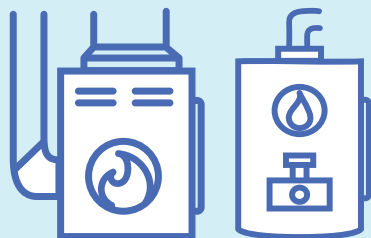
NOW THEREFORE, BE IT RESOLVED, that the City of Berkeley supports the timely implementation of the Bay Area Air District's Rules 9-4 and 9-6 to accelerate the transition to zero-emission water heaters and furnaces, with common-sense amendments to ensure flexibility for residents who have particular difficulty with compliance.

Air District Appliance Rules – Furnaces and Water Heaters

Amendments to two Air District rules will support improvements to regional air quality and public health –

Regulation 9, Rule 4: Nitrogen Oxides from Fan Type Residential Central Furnaces, and Regulation 9, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters.

The rule changes will not apply to gas appliances used for cooking, such as gas stoves.



The amended rules will affect Bay Area households that use natural gas appliances – roughly 2/3 of all households currently – and will:

- Improve overall regional air quality from the outdoor venting of these appliances

- Prevent up to 85 premature deaths per year
- Lower PM_{2.5} exposure, particularly in communities of color
- Avoid up to \$890M per year in health impacts due to air pollution exposure:
 - About 60% of benefits can be achieved through elimination of NOx and secondary PM_{2.5} emissions by switching to zero-NOx appliances.
 - About 40% of benefits can be achieved through additional elimination of primary PM_{2.5} emissions by switching to fully zero-emission appliances.
 - Currently, the only zero-NOx appliances available are electric appliances.

Health impacts from short- and long-term exposure

NOx

- Coughing, wheezing, difficulty breathing
- Asthma
- Increased susceptibility to respiratory infections



PM_{2.5}

- Asthma and other respiratory conditions
- Neurological disease
- Heart attack
- Stroke
- Lung cancer
- Premature death



Compliance Timeline

The rule amendments will apply only to new appliances, and do not mandate retrofitting of existing appliances.

2027 – only zero NOx water heaters can be sold or installed in the Bay Area.

2029 – only zero NOx furnaces can be sold or installed in the Bay Area.

2031 – only zero NOx large commercial water heaters can be sold or installed in the Bay Area.



Information on available incentives and funding can be found at SwitchIsOn.org

For more information:
baaqmd.gov/building-appliances

PROTECT CLEAN AIR STANDARDS THAT LOWER ENERGY BILLS WITH EFFICIENT HEAT PUMPS



The Bay Area Air District adopted groundbreaking standards in 2023 that will help accelerate adoption of efficient electric heat pumps, cutting deadly air pollution and making energy bills more affordable. The standards will only apply when existing fossil fuel equipment needs replacement and will phase in gradually starting in 2027 for water heaters and 2029 for furnaces.

Ahead of the 2027 implementation date, the Air District is working to amend these rules to common-sense flexibility measures. Unsurprisingly, the fossil fuel industry and its allies are hoping to use this process to roll back these clean air standards entirely. Environmental, health, community, climate and environmental justice groups are mobilizing to protect these standards while working with staff to incorporate measures to help ensure smooth and equitable implementation.

STAND UP FOR CLEAN AIR STANDARDS AND AGAINST FOSSIL FUEL OPPOSITION

- **Join the Bay Area Clean Air Coalition** to amplify community voices against fossil fuel industry pressure. Please reach out to Sam Fishman <sfishman@spur.org> to express interest.
- **Send supportive comments** to Bay Area Air District Board members defending these health-protective standards.
- Spread the word on social media about the health and economic benefits to counter fossil fuel industry misinformation.

HEALTH BENEFITS FOR BAY AREA COMMUNITIES

The San Francisco Bay Area has some of the worst air quality in the nation, and gas equipment in buildings is a key pollution driver, **responsible for more smog-forming NOx pollution than the region’s passenger cars**. Implementing these rules would:

- Prevent 15,000 asthma attacks annually
- Save up to \$890 million annually in healthcare costs due to air pollution exposure

This pollution contributes to higher asthma rates and poor health outcomes in communities of color and low-income communities. 99% of disadvantaged communities in California live in an area with unhealthy levels of smog.



HEAT PUMPS DELIVER LOWER BILLS AND MORE COMFORTABLE HOMES

Heat pumps deliver bill savings through their superior efficiency, **two to four times more efficient** than conventional gas water heaters. The typical California household switching from gas to heat pumps can **save \$370 per year**, according to analysis from RMI.

This superior performance is driving consumer sales: In 2024, U.S. households bought **32% more air-source heat pumps** than gas furnaces. Implementing these standards will position the Bay Area as a leader in a nation-wide technology revolution for lower bills and more efficient homes.

BAY AREA CONTRACTORS ARE LEADING THE REVOLUTION

Appliance installers across the Bay Area are already capitalizing on soaring demand to grow their businesses. Contractor training programs throughout the region are equipping professionals with skills to install state-of-the-art equipment:

- More than **30,500 contractors** across California— including electricians, plumbers, and HVAC technicians— are licensed in the trades needed to install heat pumps and can be trained on this growing technology.
- A survey found that **68% of contractors** in the region are aware of the upcoming clean air standards, helping to ensure early preparedness.
- 128 different contractor firms installed more than **4,000** heat pump water heaters in the Bay Area under the TECH Clean California incentive program.



COMMONSENSE FLEXIBILITY MEASURES TO PROTECT LOW-INCOME HOUSEHOLDS

The Bay Area Air District is working to incorporate commonsense flexibility measures into the rule that will help ensure low-income households aren't burdened by upfront costs. The Bay Area Clean Air (BACA) coalition is advocating for measures designed to reduce air pollution and make the transition more equitable and accessible for all Bay Area residents, while also ensuring low-income households aren't left behind in the transition to heat pumps.

CLIMATE PROGRESS THAT COUNTS

Burning fossil fuels in homes for heating is responsible for **roughly 11%** of California's statewide climate emissions. The state cannot meet its climate targets without eliminating this pollution. Heat pumps reduce lifetime space heating emissions by **up to 93%** compared to gas equipment in California. The Bay Area rules represent the nation's most ambitious heating electrification standards, serving as a model for other state and regional policymakers.

MAKE YOUR VOICE HEARD

The fossil fuel industry and its allies are working to eliminate these life-saving standards entirely. Bay Area residents, health advocates, and environmental justice groups must unite to protect these clean air standards while ensuring flexible, equitable implementation. [Click here to take action.](#)



Rashi Kesarwani
Councilmember, District 1

CONSENT CALENDAR
November 10, 2025

TO: Honorable Mayor and Members of the City Council

FROM: Councilmember Rashi Kesarwani (Author) and Councilmember Mark Humbert (Co-Sponsor)

SUBJECT: Referral to Amend Berkeley Municipal Codes 3.24.120 and 3.24.300 to Improve Procedure for Designating Landmarks, Historic Districts and Structures of Merit

RECOMMENDATION

Refer to the City Manager and City Attorney to amend two related Berkeley Municipal Code (BMC) sections: 3.24.120, “Landmarks, Historic Districts and Structures of Merit-Designation-Initiation Procedures,” and its related BMC section 3.24.300, “Appeals-Procedures Required-City Council Authority.”

This referral recommends refinements to the procedure for designating landmarks, historic districts, and structures of merit to discourage frivolous designations, often of sites that are planned to be redeveloped to address our City’s housing shortage.

Proposed amendments include the following two changes to the BMC:

- 1) Raising the threshold for the number of residents needed to sign the verified application of initiation of designation from 50 to 200; and
- 2) For properties located in residential zoning districts,¹ require 51 percent of the residents within a 300-foot radius of the subject building/structure to be among the applicants signing on to initiate the landmark / structure of merit designation, similar to the threshold used for other City procedures by the Planning and Public Works departments.² We note that this second requirement may necessitate the collection of more than 200 signatures.

¹ As defined in Berkeley Municipal Code section 23.202 - <https://berkeley.municipal.codes/BMC/23.202>

² These numbers were chosen to be congruent with other criteria used within the city regarding community outreach and involvement. Our Planning Department, for instance, requires that Projects of Community or Neighborhood Interest meet with owners, residents and community groups within

Specifically, the proposed amendments to the Berkeley Municipal Code (BMC) 3.24.120, “Landmarks, Historic Districts and Structures of Merit-Designation-Initiation Procedures” would read as follows:

Initiation of designation shall be by the commission, or by a resolution of intention of the City Council, or by the Planning Commission, or by the Civic Arts Commission, or by the verified application of the owners of the property to be designated or their authorized agents, or by the verified application of at least fifty 200 residents of the City and, for properties located in residential zoning districts, requiring 51 percent of the residents residing within a 300 foot radius of the subject property. Any such application shall be filed with the commission upon forms prescribed by the commission and shall be accompanied by all data required by the commission. Where such application is submitted for designation of an historic district, the application must be subscribed by or on behalf of a majority of the property owners or residents of the proposed district. (Ord. 5686-NS § 1 (part), 1985: Ord. 4694-NS § 4, 1974)³

Similarly, BMC 3.24.300(A)(1) is proposed to read as follows:

An appeal may be taken to the City Council by the City Council on its own motion, by motion of the Planning Commission, by motion of the Civic Art Commission, by the verified application of the owners of the property or their authorized agents, or by the verified application of at least fifty 200 residents and, for properties located in residential zoning districts, requiring 51 percent of the residents residing within a 300-foot radius of the subject property of the City aggrieved or affected by any determination of the commission made under the provisions of this chapter.⁴

CURRENT SITUATION AND ITS EFFECTS

A Low Threshold for Residents to Seek a Landmark / Structure of Merit Designation Leads to Frivolous Applications That Create Delay and Uncertainty. . . .

Currently, individuals at liberty to initiate and appeal the process of designating a home, building, structure or district as an historic landmark or structure of merit are City Council members; appointed commissioners of the Landmarks Preservation Commission, Planning Commission, or Civic Arts Commission; property owner(s) of the subject property; and any random group of at least 50 residents living

300 feet of the project (<https://berkeleyca.gov/sites/default/files/2022-02/Instructions-Regarding-Community-Outreach.pdf>) and our Transportation Division requires that 51 percent of residents on a given block sign the petition to adopt the Residential Preferential Parking (RPP) program (see RPP opt-in guide, page 3): <https://berkeleyca.gov/sites/default/files/documents/RPP%20Opt-In%20How-To%20Guide.pdf>

³ Berkeley Municipal Code section 3.24.120: <https://berkeley.municipal.codes/BMC/3.24.120>

⁴ Berkeley Municipal Code section 3.24.300(A)(1): <https://berkeley.municipal.codes/BMC/3.24.300>

anywhere in the City. The relatively low bar for residents to initiate designation of a landmark / structure of merit for property that they do not own—by simply collecting the signatures of 50 people—has led to disputes between neighbors and homeowners, and—for larger proposed developments—uncertainty and delay as well as a significant amount of work for City staff.⁵ In the background section below, we describe two notable cases in which at least 50 residents submitted a petition to initiate a landmark / structure of merit designation after the subject property was proposed for development or demolition. In both cases, the landmark designation was found to be inappropriate.

. . . And Can Be In Tension with the Spirit of State Housing Law. In two other cases presented as background below, the Landmarks Preservation Commission approved landmark designations after proposed development projects had already vested—meaning a developer had submitted a preliminary housing application deemed complete, which locks in the zoning, design, and preservation standards that were in place at the time of the application’s submission—under state law Chapter 654, Statutes of 2019 (SB 330, Skinner).⁶ Known as the Housing Crisis Act of 2019, SB 330 is intended to safeguard housing projects from shifting local rules. Local governments are limited from imposing new regulations retroactively if those rules would reduce housing capacity or introduce additional discretionary barriers.⁷ In essence, state law SB 330 renders the landmark designation unenforceable, but the process still causes months of delay and creates uncertainty related to financing.

BACKGROUND

In the following four case studies, we show how the current procedure for initiating a landmark or structure of merit has been weaponized by opponents of neighborhood change.

Case Study #1: Neighbors’ Attempt to Landmark Unremarkable House to Block High-Density Development at 1915 Berryman Street. In May 2020, a development application to construct a ten-unit residential project at 1915 Berryman Street in North Berkeley was submitted to Berkeley’s Planning Department. The property, known as the Payson House, was originally built in 1889 for First Unitarian Church co-founder William Payson. The proposed project would expand the property by constructing six townhouses containing ten units. Close to two weeks after the construction application was submitted, a neighbor submitted an application to designate the

⁵ We note that a property owner who believes their property is worthy of landmark / structure of merit status will continue to have the option of contacting the Landmarks Preservation Commission to request that the body initiate the landmark / structure of merit designation proceedings.

⁶ SB 330, Skinner. Housing Crisis Act of 2019 -

https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200SB330

⁷ California Government Code § 65589.5(o)(1) “...a housing development project shall be subject only to the ordinances, policies, and standards adopted and in effect when a preliminary application including all of the information required by subdivision (a) of Section 65941.1 was submitted.”

structure a city landmark or structure of merit in accordance with Berkeley Municipal Code Section 3.24.120. The neighbor was joined by 65 other residents, and the group was represented by the Berkeley Architectural Heritage Association. In August 2020, the Landmarks Preservation Commission conducted a public hearing on the designation request; the staff report concluded that there was not enough evidence showing the property to have historical value nor was it representative of exemplary design or the notable accomplishments of persons important to history.⁸ Nearby neighbors who supported the landmark designation wanted to preserve the “aesthetic of their street,” and felt that the Payson House was historically significant to the neighborhood while those in support of staff’s finding saw the landmark designation process as an attempt to preempt a larger development proposed to replace the current house. In the end, the Landmarks Preservation Commission voted 7-2 in support of the staff report opposing the designation of landmark status.⁹ Two months later, the commission’s decision was appealed to the City Council, and the City Council upheld the Landmark Preservation Commission’s decision.¹⁰ In October 2021, the Zoning Adjustments Board approved the redesigned 11-unit project under the state’s density bonus law, which included three low-income units to meet affordability requirements. The failed effort to halt redevelopment of the Payson House took approximately 18 months, and significant staff time was devoted to this attempt at maintaining the “aesthetic of the street” and the low density neighborhood.

Case Study #2: Neighbors Attempt to Landmark Property to Maintain Neighborhood Feel at 910 Indian Rock Avenue. The single-family home at 910 Indian Rock Avenue, known as the Marrenner House, was built in 1916. It became the subject of a landmark designation effort after its owners, the Emersons, submitted plans to demolish it to build a larger home to accommodate Mrs. Emerson’s aging and disabled mother. Concerned neighbors submitted a landmark structure of merit application,¹¹ which included a petition and a group letter signed by 57 residents. The group suggested preserving the existing character of the house by constructing a suitable addition at the rear of the property, rather than the demolition that the property owner sought, as a way to maintain the neighborhood character.

⁸ Public Hearing during January 21, 2021 Special City Council Meeting: “Appeal of Landmarks Preservation Commission Decision – Denial of City Landmark or Structure of Merit Designation for 1915 Berryman Street”

<https://records.cityofberkeley.info/PublicAccess/api/Document/Af5kp6E4KrPvxdHVNpBjf2CjOz0IX%3%81ewE6%C3%81X1jBcBbjMKWpiv7zIL1A6iB0BFLH6J4fTxFwPsUIhnlSQplixfY%3D/>

⁹ Minutes from the August 6, 2020 Landmarks Preservation Commission Meeting:

https://berkeleyca.gov/sites/default/files/legislative-body-meeting-minutes/2020-08-06_LPC_Minutes_FINAL.pdf

¹⁰ Public Hearing during January 21, 2021 Special City Council Meeting: “Appeal of Landmarks Preservation Commission Decision – Denial of City Landmark or Structure of Merit Designation for 1915 Berryman Street”

<https://records.cityofberkeley.info/PublicAccess/api/Document/Af5kp6E4KrPvxdHVNpBjf2CjOz0IX%3%81ewE6%C3%81X1jBcBbjMKWpiv7zIL1A6iB0BFLH6J4fTxFwPsUIhnlSQplixfY%3D/>

¹¹ 910 Indian Rock Avenue Landmark Support Letters sent to the Landmarks Preservation Commission, May 4, 2023 https://berkeleyca.gov/sites/default/files/documents/2023-05-04_Item%207_910%20Indian%20Rock%20.pdf

The Landmarks Preservation Commission reviewed the matter over several meetings in May, July, and November 2023.¹² During the November 2023 meeting, the commission voted not to approve the designation application. The Emersons had argued all along that their house did not satisfy the requirements to designate it as a landmark or structure of merit, contrary to the neighbors' assertions. However, well into the petition process, and following an offer from Kit Ratcliff, grandson of the home's original architect, the Emersons agreed to renovate the property, maintain the street facing facade and partner with Kit Ratcliff who would oversee a remodel and rear addition to the home. The Emersons themselves wrote a letter to the Landmarks Preservation Commission requesting they take no action on designating their house as a landmark or structure of merit, emphasizing that the original petitioners also no longer supported the designation as demolition was no longer an issue and the front facade of the house would remain intact.¹³ In the end, all stakeholders were satisfied as the Emersons could renovate their home to accommodate the growing needs of their family, Kit Ratcliff could honor the architectural work of his grandfather, and the surrounding neighbors would not have to see the newly constructed addition. This reveals yet again how the subject property's merit as a historical landmark was secondary to preserving a neighborhood context as perceived through the eyes of some of the neighbors.

Case Study #3: Landmarking Attempt in Tension With Spirit of State Law SB 330 at 2425 Durant Avenue. The landmark dispute over 2425 Durant Avenue emerged not from long-standing recognition of historic value but from a petition filed only after a housing project was already in motion. The property, part of Berkeley's early College Homestead and Beaver Tracts, had no prior designation on state or national registers and had not been the subject of preservation campaigns before. In November 2024, the developer filed a Preliminary Use Permit application under SB 330 (the Housing Crisis Act of 2019), which the City deemed complete on November 21, vesting the project under the rules then in effect. Weeks later, in December 2024, the Berkeley Architectural Heritage Association filed to landmark 2421 Durant Avenue, initiating a process that culminated in the Landmarks Preservation Commission's March 6, 2025 vote to designate the property as a landmark.¹⁴ This sequence created an immediate legal and procedural conflict. Under SB 330, once a housing project vests, local governments cannot impose new standards, including

¹² Landmarks Preservation Commission Meeting Agenda, Thursday May 4, 2023, https://berkeleyca.gov/sites/default/files/legislative-body-meeting-agendas/2023-05-04_LPC_Agenda_linked.pdf; July 6 Landmark Preservation Commission meeting, item #7: https://berkeleyca.gov/sites/default/files/documents/2023-07-06_LPC_Item%207_910%20Indian%20Rock_Packet.pdf; Agenda packet for November 2, 2023 Landmarks Preservation Commission meeting: https://berkeleyca.gov/sites/default/files/documents/2023-11-02_LPC_Item%207_910%20Indian%20Rock_Staff%20Report%20and%20Attachments.pdf

¹³ November 2, 2023 LPC agenda packet (see above), page 41 of 43.

¹⁴ <https://berkeleyca.gov/sites/default/files/documents/2025-07-23%20Special%20Item%20001%20Landmarks%20Preservation%20Commission%20Appeal%202425%20Durant.pdf>

landmark protections, on the housing project. The developer argued that the late-filed petition and subsequent Landmarks Preservation Commission designation had no legal effect, but nonetheless imposed significant practical burdens. In their appeal, filed in April 2025, the developer emphasized that the designation had already caused four months of delay, introduced uncertainty for lenders and insurers, and jeopardized the project's financing¹⁵—exactly the types of obstacles state law sought to eliminate.

In the public hearing of the appeal on July 23, 2025,¹⁶ Planning staff recommended reversing the Landmarks Preservation Commission decision, noting that while the designation technically existed, it could not be applied to the vested housing project. Staff also noted that this would be purely a symbolic landmark. Preservation advocates, including BAHA, urged the City Council to uphold the designation, citing the property's role in illustrating the layered history of the Southside neighborhood. They argued that even symbolic landmarking could have educational value and underscored the City's failure to complete a comprehensive historic survey. But Councilmembers highlighted broader concerns, including the applicability of SB 330. Keeping the designation in place risked exposing the City to legal liability and would further chill housing development at a time when Berkeley already faces a housing shortage. Ultimately, staff concluded that state housing law precluded applying the designation to the housing project, and the matter presented a broader conflict between housing production mandates and preservation priorities. The Council ultimately voted unanimously to uphold the appeal and reverse the Landmarks Preservation Commission designation.¹⁷

Case Study #4: Landmarking Attempt in Tension With Spirit of State Law SB 330 at 2138 Kittredge Street. The dispute over 2138 Kittredge Street followed a familiar pattern in Berkeley's ongoing tension between housing production and historic preservation. The property, associated with the Fitzpatrick House and later the Pepper Tree Tea Room, had long been noted in neighborhood surveys but was never designated at the state, federal, or local level as a landmark. In April 2024, the developer submitted a Preliminary Use Permit application under SB 330, which was deemed complete that same month, vesting the project under existing planning and zoning standards. Several months later, in February 2025, the Berkeley Architectural Heritage Association filed an application to landmark the property.¹⁸ Similar to the

¹⁵ As per comments by the appellant as part of the City Council meeting, held on July 23, 2025 https://berkeley.granicus.com/player/clip/5488?publish_id=6b79d3c7-68a7-11f0-b7f5-005056a89546&redirect=true

¹⁶ <https://berkeleyca.gov/sites/default/files/documents/2025-07-23%20Special%20Item%20001%20Landmarks%20Preservation%20Commission%20Appeal%202425%20Durant.pdf>

¹⁷ Agenda packet for July 23, 2025 City Council meeting <https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-07-23%20Annotated%20Agenda%20-%20Council.pdf>

¹⁸ https://berkeleyca.gov/sites/default/files/documents/2025-02-06_LPC_Item%207_2138%20Kittredge_Staff%20Report%20and%20Attachments.pdf

case of Durant Avenue, the Landmarks Preservation Commission voted to approve the designation, citing architectural features and the property being present in the downtown area surrounded by other historic structures.

City planning staff recommended overturning the Landmarks Preservation Commission's designation due to the same application of state housing law—under SB 330, once a housing application is deemed complete, new regulations, including landmark designations cannot be imposed retroactively on the housing project. The City Council grappled with the same tension that had defined the Durant Avenue case. They acknowledged the symbolic intent of the petition but underscored that the designation carried no enforceable weight and introduced costly delays and economic uncertainty. The Council voted unanimously to uphold the appeal and overturn the Landmarks Preservation Commission designation,¹⁹ and reinforced the same conclusion reached in the Durant case.

FISCAL IMPACTS

Staff time on a one-time basis to amend and incorporate the re-worded code sections into the BMC, and ongoing savings to staff time due to anticipated fewer landmark attempts that turn out to be frivolous.

ALTERNATIVE ACTIONS CONSIDERED

The city could reconsider funding a historic context statement. A historic context statement is a document that includes a comprehensive understanding and structure for grouping information about the City's history, historic properties and the built environment. An historic context statement would provide transparency by providing a planning document with guidance on identifying and evaluating historic buildings and resources. It would include an evaluative framework and guidance for staff and Landmarks Preservation Commission decisions regarding historic resources thus decreasing staff time involved in researching each property initiated for landmark designation and ad hoc decisions about properties based on commissioners' and residents' comfort with growth. The requested funding for an historic context statement was projected to be between \$250,000 to \$275,000 and was not approved in FY 2024-25 or in FY 2025-26. Given this relatively high one-time cost, it is unclear whether Council would have the funding available to pursue a historic context statement in the near future.

Despite the relatively high one-time cost, there is broad recognition that the benefits of an historic context statement could outweigh the expense. It would not only generate a vetted list of potential landmarks and structures of merit but would also

¹⁹ Agenda packet for July 23, 2025 City Council meeting <https://berkeleyca.gov/sites/default/files/city-council-meetings/2025-07-23%20Annotated%20Agenda%20-%20Council.pdf>

provide greater predictability for developers, staff, and residents alike. Other cities, such as San Francisco²⁰ and Los Angeles²¹ have already commissioned historic context statements that serve as standard references for preservation planning and environmental review. While a citywide context study in Berkeley may take considerable time to complete, the recommendations in this ordinance can provide a practical framework in the interim - tiding the City over until a formal survey is adopted.

RATIONALE FOR RECOMMENDATION

This referral is submitted in the spirit of eliminating one particular way people have used our municipal code to delay the construction of much-needed homes. It would also help address conflicts among neighbors that pit “maintaining the feel of a neighborhood” against property owners’ interests in renovating their own homes. Berkeley has successfully adopted a Housing Element and has received the state’s Prohousing Designation; the referred BMC amendment would be an additional step furthering our commitment to this designation and our efforts to provide more housing.

CONTACT PERSON

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²⁰ <https://sfplanning.org/project/citywide-historic-context-statement>

²¹ <https://planning.lacity.gov/preservation-design/historic-resources/historic-themes>

Upcoming Worksessions and Special Meetings	
Scheduled Dates	
Oct 28 (4pm)	Ashby BART East Lot RFP
Nov 6 (6pm)	San Pablo Avenue Specific Plan, and Corridors Zoning Update
Nov 18 (4pm)	PAB/ODPA Annual Report
March 10, 2026 (4pm)	Economic Dashboards (OED)

Unscheduled Presentations and Special Meetings
<ol style="list-style-type: none"> 1. Presentation on City’s Unfunded Liabilities 2. Presentation on City’s Deferred Infrastructure Needs (September - TBD) 3. Presentation: DEI Status Report

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

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

CITY CLERK DEPARTMENT			
WORKING CALENDAR FOR SCHEDULING LAND USE MATTERS BEFORE THE CITY COUNCIL			
Address	Board/ Commission	Appeal Period Ends	Public Hearing
NOD – Notices of Decision			
Public Hearings Scheduled			
2109 Virginia Street (Demolish 2-story commercial building)	ZAB		1/27/2026
Remanded to ZAB or LPC			
Notes			

10/15/2025

