



Planning Commission

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION

This meeting is held in a wheelchair accessible location.

Wednesday, April 19, 2023

5:30 PM

South Berkeley Senior Center

2939 Ellis Street, Berkeley

See “*MEETING PROCEDURES*” below.

All written materials identified on this agenda are available on the Planning Commission webpage: <https://berkeleyca.gov/your-government/boards-commissions/planning-commission>

PRELIMINARY MATTERS

- 1. Roll Call:** **Merker, Blaine**, appointed by Councilmember Kesarwani, District 1
Vincent, Jeff, Chair, appointed by Councilmember Taplin, District 2
Moore III, John E. “Chip”, appointed by Councilmember Bartlett, District 3
Oatfield, Christina, appointed by Councilmember Harrison, District 4
Mikiten, Elisa, appointed by Councilmember Hahn, District 5
Marthinsen, Emily, appointed by Councilmember Wengraf, District 6
Twu, Alfred, appointed by Councilmember Robinson, District 7
Hauser, Savlan, appointed by Councilmember Droste, District 8
Ghosh, Barnali, Vice Chair, appointed by Mayor Arreguín
- 2. Land Acknowledgement:** 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.

- 3. Order of Agenda:** The Commission may rearrange the agenda or place items on the Consent Calendar.
- 4. Public Comment:** Comments on subjects not included on the agenda. Speakers may comment on agenda items when the Commission hears those items. (See “*Public Testimony Guidelines*” below):
- 5. Planning Staff Report:** In addition to the items below, additional matters may be reported at the meeting. **Next Commission meeting: May 3, 2023.**
- 6. Chairperson’s Report:** Report by Planning Commission Chair.
- 7. Committee Reports:** Reports by Commission committees or liaisons. In addition to the items below, additional matters may be reported at the meeting.
- 8. Approval of Minutes:** Approval of Draft Minutes from the meeting on March 1, 2023.
- 9. Future Agenda Items and Other Planning-Related Events:** None.

AGENDA ITEMS: All agenda items are for discussion and possible action. Public Hearing items require hearing prior to Commission action.

- | | |
|---------------------------|---|
| 10. Discussion: | Southside Zoning Modification Project |
| Recommendation: | Review the proposed zoning ordinance amendments for parcels within the Southside Plan Area. Take public comment, discuss draft ordinance amendments, provide feedback to staff. |
| Written Materials: | Attached. |
| Presentation: | N/A. |

ADDITIONAL AGENDA ITEMS: In compliance with Brown Act regulations, no action may be taken on these items. However, discussion may occur at this meeting upon Commissioner request.

Information Items:

- *April 19, 2023* - Memo from Scott Ferris, Director, Parks Recreation and Waterfront to the Planning Commission. Berkeley Waterfront Specific Plan (WSP) Update - Attached.
- *March 20, 2023* – City Council Meeting. Update on the Waterfront Specific Plan for the City of Berkeley Public Tidelands Area.
<https://berkeleyca.gov/sites/default/files/documents/2023-03-20%20WS%20Item%2001%20Update%20on%20the%20Waterfront%20Specific%20Plan.pdf>

Communications:

- General

Late Communications: (Received after the packet deadline):

Late Communications: (Received and distributed at the meeting):

ADJOURNMENT**Meeting Procedures*****Public Testimony Guidelines:***

Speakers are customarily allotted up to three minutes each. The Commission Chair may limit the number of speakers and the length of time allowed to each speaker to ensure adequate time for all items on the Agenda. ***To speak during Public Comment or during a Public Hearing, please line up behind the microphone.*** Customarily, speakers are asked to address agenda items when the items are before the Commission rather than during the general public comment period. Speakers are encouraged to submit comments in writing. See “Procedures for Correspondence to the Commissioners” below.

Consent Calendar Guidelines:

The Consent Calendar allows the Commission to take action with no discussion on projects to which no one objects. The Commission may place items on the Consent Calendar if no one present wishes to testify on an item. Anyone present who wishes to speak on an item should submit a speaker card prior to the start of the meeting, or raise his or her hand and advise the Chairperson, and the item will be pulled from the Consent Calendar for public comment and discussion prior to action.

Procedures for Correspondence to the Commissioners:

To distribute correspondence to Commissioners prior to the meeting date, submit comments by 12:00 p.m. (noon), eight (8) days before the meeting day (Tuesday) (email preferred):

- If correspondence is more than twenty (20) pages, requires printing of color pages, or includes pages larger than 8.5x11 inches, please provide 15 copies.
- Any correspondence received after this deadline will be given to Commissioners on the meeting date just prior to the meeting.
- Staff will not deliver to Commissioners any additional written (or emailed) materials received after 12:00 p.m. (noon) on the day of the meeting.
- Members of the public may submit written comments themselves early in the meeting. To distribute correspondence at the meeting, please provide 15 copies and submit to the Planning Commission Secretary just before, or at the beginning, of the meeting.
- Written comments should be directed to the Planning Commission Secretary, at the Land Use Planning Division (Attn: Planning Commission Secretary).

Communications are Public Records: Communications to Berkeley boards, commissions, or committees are public records 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.

Written material may be viewed in advance of the meeting at the Department of Planning & Development, Permit Service Center, **1947 Center Street, 3rd Floor**, during regular business hours.

Note: If you object to a project or to any City action or procedure relating to a project application, any lawsuit which you may later file may be limited to those issues raised by you or someone else in the public hearing on the project, or in written communication delivered at or prior to the public hearing. The time limit within which to commence any lawsuit or legal challenge related to these applications is governed by Section 1094.6, of the Code of Civil Procedure, unless a shorter limitations period is specified by any other provision. Under Section 1094.6, any lawsuit or legal challenge to any quasi-adjudicative decision made by the City must be filed no later than the 90th day following the date on which such decision becomes final. Any lawsuit or legal challenge, which is not filed within that 90-day period, will be barred.

Meeting Access: 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 (3) business days before the meeting date.

Please refrain from wearing scented products to public meetings.



Planning Commission

1 **DRAFT MINUTES OF THE REGULAR PLANNING COMMISSION MEETING**
2 **March 1, 2023**

3 The meeting was called to order at 7:10 p.m.

4 **Location:** South Berkeley Senior Center, 2939 Ellis Street, Berkeley, CA 94703

5 **1. ROLL CALL:**

6 **Commissioners Present:** Blaine Merker, Jeff Vincent, Chip Moore, Christina Oatfield, Elisa
7 Mikiten, Emily Marthinsen, Alfred Twu, Savlan Hauser, and Barnali Ghosh.

8
9 **Commissioner Absent:** None.

10
11 **Staff Present:** Secretary Grace Wu, Clerk Zoe Covello, Justin Horner, Ashley James, Alene
12 Pearson, Claudia Garcia, and Eleanor Hollander.

13 **2. LAND ACKNOWLEDGEMENT.**

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

29 **3. ORDER OF AGENDA:** No changes.

30 **4. PUBLIC COMMENT PERIOD:** 1.

31 **5. PLANNING STAFF REPORT:**

- 32 • Highlight links to recent planning efforts under Information Items (below).

- 33 • On Tuesday, February 28th, the California Department of Housing and Community
34 Development (HCD) found the City's 6th Cycle Housing Element to be in compliance with
35 State Housing Element Law.
- 36 • On Tuesday, February 15th and Wednesday, February 16th, the City held community
37 meetings regarding the developer proposals for the North Berkeley BART Station
- 38 • On Tuesday, February 14th, City Council approved and adopted new citywide affordable
39 housing requirements.
- 40 • Reminder that the Dept. of Parks, Recreation, and Waterfront will be holding a Berkeley
41 Marina Area Specific Plan work session on Tuesday, March 7th at 6pm.
- 42 • Acknowledgement of late communications and a Staff supplemental redlined document
43 that shows the Golden Gate Audubon proposed amendment in relation to staff's
44 proposal.

45 **Information Items:**

- 46 • *February 17, 2023* – Revised Adopted 2023-2031 Housing Element Update submitted to
47 HCD. [https://berkeleyca.gov/construction-development/land-use-development/general-
48 plan-and-area-plans/housing-element-update](https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/housing-element-update)
- 49 • *February 15 and 16, 2023* – North Berkeley BART Community Meetings.
50 [https://berkeleyca.gov/construction-development/land-use-development/general-plan-
51 and-area-plans/ashby-and-north-berkeley](https://berkeleyca.gov/construction-development/land-use-development/general-plan-and-area-plans/ashby-and-north-berkeley)
- 52 • *February 14, 2023* – City Council Meeting. Citywide Affordable Housing Requirements.
53 [https://berkeleyca.gov/sites/default/files/documents/2023-02-
54 14%20Item%2013a%20Citywide%20Affordable%20Housing.pdf](https://berkeleyca.gov/sites/default/files/documents/2023-02-14%20Item%2013a%20Citywide%20Affordable%20Housing.pdf)
55

56 **Communications:**

- 57 • General.

58 **Late Communications:** *See agenda for links.*

- 59 • Supplemental Packet One.

60 **6. CHAIR REPORT:**

- 61 • The Chair acknowledged how far the Planning Commission has come on some major
62 initiatives from the Commission's Work Plan in the last year:
 - 63 ○ Increase of height in the MDR in Southside
 - 64 ○ Housing Element Update
 - 65 ○ Missing Middle
 - 66 ○ Affordable Housing Overlay
 - 67 ○ Adoption of BART Zoning
 - 68 ○ Revision of the Affordable Housing Mitigation Fee
 - 69 ○ Direction on Pacific Steel Casting Site
 - 70 ○ Bird Safe Construction

71 Requested for an update from staff on the Housing Pipeline Report.

- 72 • Finally, the Chair acknowledged that in-person meetings inconvenience and exclude a
73 group of people, and pledged to summarize the communications sent in by members
74 of the public to elevate their voices with the testimony that is in the room.

75

76 **7. COMMITTEE REPORT:** Reports by Commission committees or liaisons. In addition to the
77 items below, additional matters may be reported at the meeting.

78

- 79 • None.

80 **8. APPROVAL OF MINUTES:**

81 Motion/Second/Carried (Twu/Moore) to approve the Planning Commission Meeting Minutes
82 from February 1, 2023.

83

84 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
85 None. Abstain: None. Absent: None. (9-0-0-0)

86

87 **9. OTHER PLANNING RELATED EVENTS:**

- 88 • None.

89 **AGENDA ITEMS**

90 **10. Action: Elections for Chair and Vice Chair**

91 The Commission held elections for Chair and Vice Chair of the Planning Commission.
92 Commissioner Hauser withdrew from running for Chair and Vice Chair and Commissioner
93 Oatfield withdrew from running for Vice Chair.

94 Additional motions/seconds for Vice Chair:

- 95 1. (Hauser/Mikiten) to nominate Commissioner Ghosh.

96

97 Motion/Second/Failed (Oatfield/Moore) to reelect Chair Mikiten as Chair of the Planning
98 Commission at 7:32pm.

99

100 Ayes: Moore, Oatfield, Mikiten. Noes: Merker, Vincent, Marthinsen, Twu, Hauser. Abstain:
101 Ghosh. Absent: None. (3-5-1-0)

102

103 Motion/Second/Carried (Hauser/Merker) to elect Commissioner Vincent as Chair of the
104 Planning Commission at 7:33pm.

105

106 Ayes: Merker, Vincent, Marthinsen, Twu, Hauser, Ghosh. Noes: None. Abstain: Moore,
107 Oatfield, Mikiten. Absent: None. (6-0-3-0)

108

109 Motion/Second/Carried (Hauser/Mikiten) to elect Commissioner Ghosh as Vice Chair of the
110 Planning Commission at 7:35pm.

111

112 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh. Noes:
113 None. Abstain: None. Absent: None. (9-0-0-0)

114

115 **Public Comments: 0**

116 **11. Public Hearing: Bird Safe Ordinance**

117 Associate Planner Justin Horner presented a draft ordinance for bird safe glass to the Planning
118 Commission, a public hearing was held, the Commissioners discussed draft Ordinance
119 amendments, and made a recommendation to City Council.

120 Motion/Second/Carried (Vincent/Moore) to close the public hearing at 8:43pm.

121

122 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
123 None. Abstain: None. Absent: None. (9-0-0-0)

124

125 Motion/Second/Carried (Twu/Oatfield) to recommend the Golden Gate Audubon Society's
126 proposal for bird safe regulations, with the following amendments:

- 127 • (Non-Residential/New or Replacement Transparent Materials on Existing Buildings)
128 Buildings where every façade's total square footage consists of less than 50% **30%**
129 transparent material are exempt through January 1, ~~2028~~ **2025**,
- 130 • (Residential or Mixed Use/New Construction or Addition/Buildings with less than 10,000 sq
131 gross floor area) Buildings where every façade's total square footage consists of less than
132 50% **30%** transparent material are exempt through January 1, ~~2028~~ **2025**,
- 133 • (New or Replacement Transparent Materials on Existing Building) Buildings where every
134 façade's total square footage consists of less than 50% **30%** transparent material are
135 exempt through January 1, 2028,
- 136 • (Exemptions) Residential projects, including the residential portion of mixed-use projects,
137 where greater than 75% **50%** of the units are subject to recorded affordability restrictions,
138 **are exempt from the requirements of this ordinance until January 1, 2025**, except that
139 New or Replacement Transparent Building Features as described in Table 1-23.304.XX
140 are not exempt.
- 141 • The removal of a provision that would allow for determination by a qualified biologist, and

142
143 to attach a Planning Commission cover letter, written by the Commissioner Twu and Chair
144 Vincent, for City Council's consideration at 9:57pm.

145

146 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
147 None. Abstain: None. Absent: None. (9-0-0-0)

148 **Public Comments: 15**

149 **12. Discussion: Pacific Steel Casting Zoning and General Plan Amendments and EIR**
150 **Update**

151 Senior Planner Ashley James provided a project update on the status of the land use and
152 development standards for the proposed new M-RD zoning district in support of the Pacific Steel
153 site and Gilman Forget concept plan, and the Commissioners provided feedback on the
154 proposed zoning text.

155 **Public Comments: 0**

156 **13. Action: Meeting Start and End Time**

157 The Commission discussed changing the meeting start time and made the decision to not set an
158 end time, but noted setting an end time would be revisited in the future if necessary.

159 Motion/Second/Carried (Ghosh/Moore) to set a start time of 5:30pm for future meetings at the
160 South Berkeley Senior Center at 10:44pm.

161
162 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
163 None. Abstain: None. Absent: None. (9-0-0-0)

164

165 **Public Comments: 0**

166 Motion/Second/Carried (Mikiten/Vincent) to adjourn the meeting at 10:45pm.

167
168 Ayes: Merker, Vincent, Moore, Oatfield, Mikiten, Marthinsen, Twu, Hauser, Ghosh Noes:
169 None. Abstain: None. Absent: None. (9-0-0-0)

170

171 **Members in the public in attendance: 24**

172 **Public Speakers: 16**

173 **Length of the meeting: 3 hr 35 minutes**



Planning and Development Department
Land Use Planning Division

STAFF REPORT

DATE: April 19, 2023

TO: Members of the Planning Commission

FROM: Ashley James, Senior Planner
Justin Horner, Associate Planner

SUBJECT: Southside Plan Area Zoning Map and Development Standards Revisions

SUMMARY

In response to City Council referrals, recent changes in housing-related State laws, and the City's 2023-2031 Housing Element Update, City staff have prepared Zoning Ordinance and zoning map changes to create or modify objective standards, including building height, minimum residential density, FAR, coverage, setbacks, ground-floor residential uses, and zoning district boundary adjustments, to increase residential development potential—particularly student-oriented housing—in the R-3, R-3(H), R-S, R-S(H), R-SMU, and C-T zoning districts within the Southside Plan Area (“the Southside”). The Southside also includes seven parcels zoned C-SA, but no changes are proposed for those parcels. In addition, the zoning district boundary adjustments require conforming General Plan amendments.

The proposed amendments are based on input from community engagement through the Housing Element Update and specific outreach related to the proposed changes in the Southside, as well as prior meetings with the City Council, Planning Commission, and the Southside Environmental Impact Report (EIR) Subcommittee. The Planning Commission is asked to receive a staff presentation and provide feedback on the proposed zoning text, zoning map and General Plan amendments.

BACKGROUND

For purposes of this discussion, the “Southside” refers to the area located on the south side of the UC Berkeley campus, roughly bounded by Bancroft Way, Dwight Way, Fulton Street and Prospect Street¹ (*see Attachment 1*). The existing Southside Plan was adopted in 2011. Since 2016, the City Council has forwarded four referrals related to increasing the pace of housing production and the overall development potential in

¹ Southside Plan Areas east of Piedmont Avenue are not part of this study, as they are in the Hillside Overlay area and have less development potential.

the Southside by considering and codify new zoning regulations for streamlined processes and less restrictive objective development standards. These referrals directed staff to reduce the development costs and administrative burden associated with discretionary review processes. (*see Attachment 2, 3, 4,5*).

Prior Presentations to Advisory Bodies

On February 5, 2020 and September 2, 2020, the Planning Commission received a report, approved a project description, and provided comments regarding the scope of a Draft Environmental Impact Report (EIR) that would be prepared to analyze zoning changes in the Southside consistent with the City Council referrals noted above. The changes proposed in this report would allow for an increase in development potential compared to the 2020 project description, which were described in the 2023-2031 Housing Element Update EIR.

On July 22, 2021, the UC Board of Regents approved UC Berkeley's Long-Range Development Plan and certified its EIR. The majority of UC Berkeley's student housing is located in the Southside and UC-owned properties in the area include administration, student support, athletics and recreation facilities, parking structures, and open spaces. The LRDP identifies several potential future building areas in the Southside and the EIR assumes housing developments that range from four to 16 stories in height.

On September 20, 2022, the City Council held a worksession on Residential Objective Standards, which included proposed zoning changes to promote Middle Housing in lower density districts and encourage increased housing capacity in the Southside.²

On October 14, 2022, staff presented the proposed Southside zoning changes to the City/UC/Students Relations Committee.

On November 2, 2022, the Planning Commission received a presentation on the proposed standards and provided feedback. Relevant feedback from these meetings is included in the Discussion section, below.

Community Outreach

Between 2021 and 2023, staff have presented the proposed Southside zoning changes to the following community organizations:

- East Bay for Everyone (EB4E);
- UC Berkeley Campus Planning;
- The Associated Students of the University of California (ASUC) Housing Commission;
- Southside Neighborhood Consortium (SNC);
- Berkeley Design Advocates (BDA); and
- Berkeley Architectural Heritage Association (BAHA).

² September 20, 2022. Council Worksession Residential Objective Standards on Middle Housing and the Southside. <https://berkeleyca.gov/sites/default/files/documents/2022-09-20%20WS%20Item%2001%20Residential%20Objective%20Standards.pdf>

Staff also conducted in-person events at the Berkeley Harvest Festival (October 15, 2022) and on Sproul Plaza (October 18, 2022) to collect community feedback, as well as an online survey (November 27, 2022 to December 18, 2022) to seek feedback from UC Berkeley students.³ The survey elicited preferences on two key themes: Location and Housing Type, and Amenities and Dining Options. Staff received over 500 individual responses from the survey. About half of the respondents live in the Southside and another third live in Berkeley outside the Southside.

DISCUSSION

In response to City Council referrals, staff are proposing: a) zoning district and General Plan designation boundary adjustments within the Southside; and b) new or modified development standards for zoning districts within the Southside. The zoning map and the proposed development standards can be considered independently, but are being proposed together to enact the most comprehensive streamlining and increased development potential. Notably, with the exception of allowing ground-floor residential use in the C-T district, staff are not proposing any changes to permitted land uses or land use permit requirements.

Southside Zoning District Boundary Adjustments

Maps of existing and proposed zoning and General Plan designations can be found in **Attachment 1** and **Attachment 6**, respectively. The R-S, R-SMU, and C-T zoning districts are unique to the Southside and each has an underlying General Plan designation. For the R-S district, the underlying General Plan designation is High Density Residential; for the R-SMU district, the underlying General Plan designation is Residential Mixed Use; for the C-T district, the underlying General Plan designation is Avenue Commercial.

To make the proposed adjustments to the zoning district boundaries, the City Council would also need to amend the General Plan map to match the new zoning boundaries (**see Attachment 6**). Staff also proposes to make General Plan text amendments to the designations so that they accurately reflect the proposed development standards for each zoning district. Redlined versions of the proposed General Plan amendments are included in **Attachment 6**.

The zoning district boundary adjustments would constitute an “upzoning” for all affected parcels, due to both the more intensive zoning district designations and also the proposed adjustments to development standards within each district.

- *R-SMU Expansion*. The first proposed adjustment is an expansion of the R-SMU district into the areas indicated in Figure 1, below. Approximately four blocks west of Telegraph Avenue would change from R-S to R-SMU, and three blocks east of Telegraph Avenue would change from R-3 and R-S to R-SMU (**see Figure 1**).

³ December 2022. Final Summary Southside Area UC Student Housing Survey.
https://berkeleyca.gov/sites/default/files/documents/FinalSummary_Southside%20Area%20UC%20Student%20Housing%20Survey%20-%202019%20December%202022.pdf

- *R-S Expansion.* The second proposed change includes the expansion of the R-S district into the areas currently zoned R-3 (see **Figure 2**).

Notably, no zoning boundary adjustments are proposed for the C-T district nor within the Hillside Overlay zone.

Figure 1. Expansion of R-SMU District

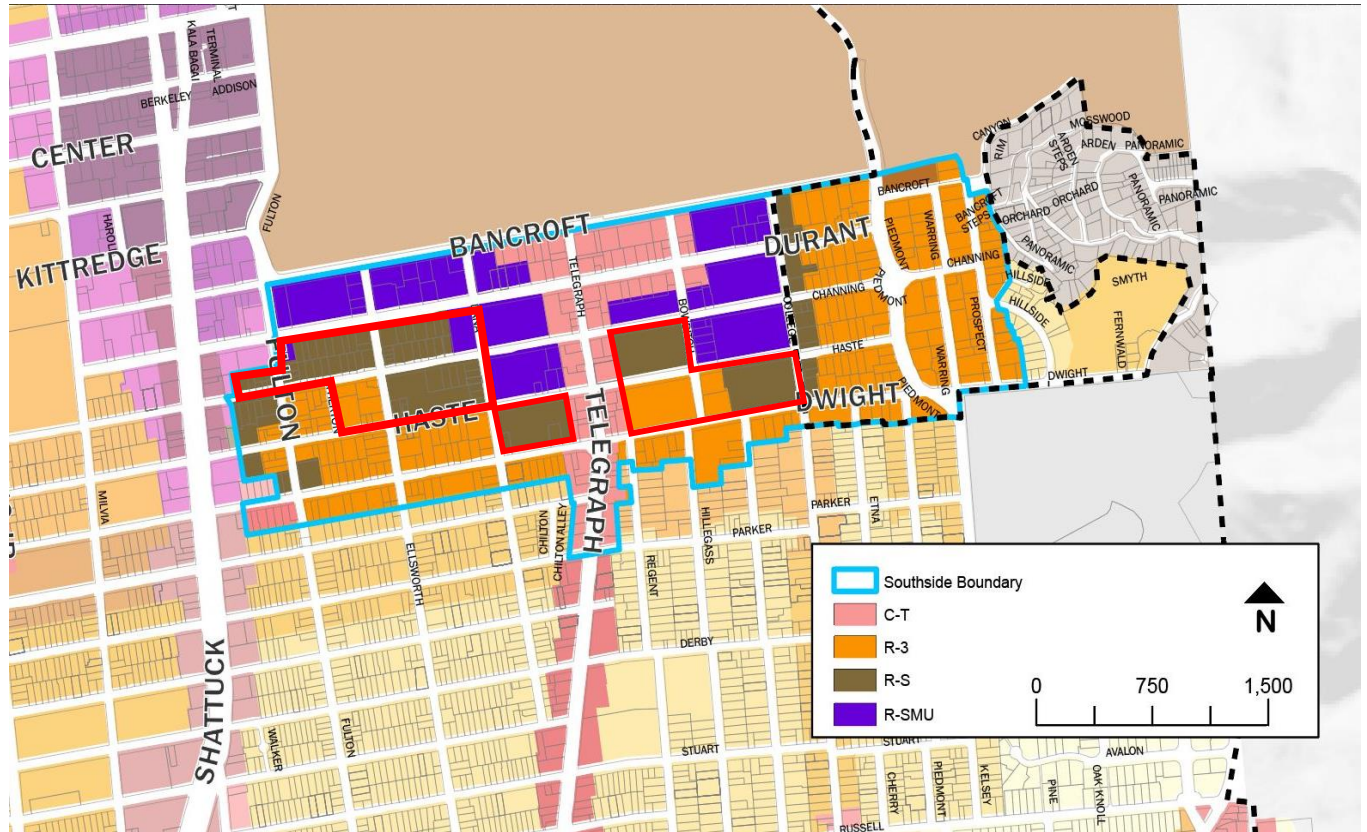
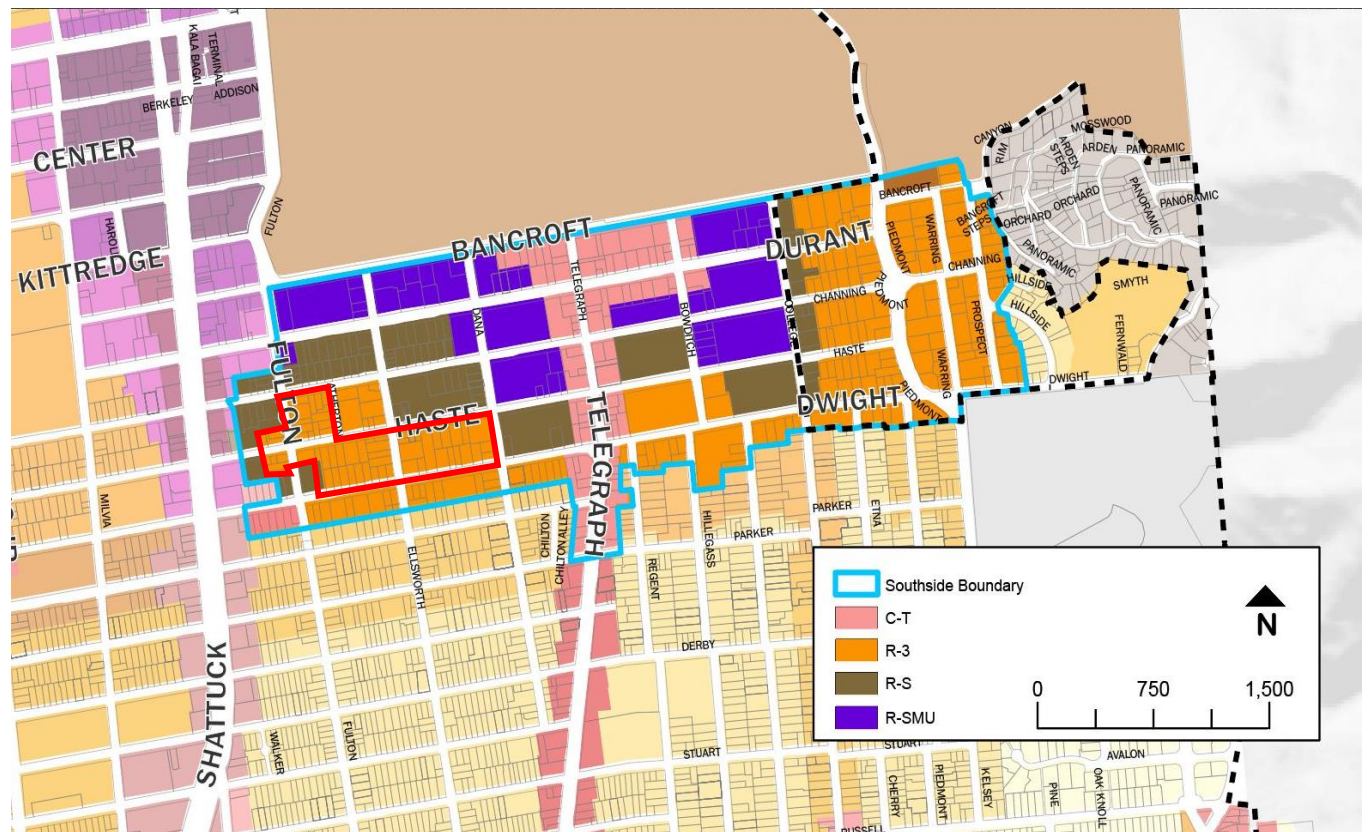


Figure 2. Expansion of R-S District



Proposed Permitted Uses and Permit Requirements

The zoning boundary adjustments would expand the areas in the Southside where commercial uses would be allowed.

- **R-SMU Expansion.** Table 1 summarizes the ways in which zoning district boundary changes would introduce a new set of allowed uses where the R-SMU district would expand into existing R-3 and R-S zoning districts.
- **R-S Expansion.** Table 2 summarizes the ways in which zoning district boundary changes would introduce new uses where the R-S district would expand into existing R-3 zoning districts.

In addition, the proposed land use changes include allowing ground-floor residential uses in the C-T district when located behind a commercial use that fronts the street (Telegraph Avenue, Bancroft Way, Durant Avenue, Channing Way, Haste Street, or Dwight Way). A permitted commercial use would be required to occupy the front 30 feet on the ground floor. Ground-floor residential use is already permitted in all other zoning districts in the Southside.

Table 1: Zoning Boundary Changes -- Uses -- R-SMU

Use	Existing R-3	Existing R-S	Proposed R-SMU
Alcoholic Beverage Service	NP	NP	UP(PH)
Food Products Store	NP	NP	UP(PH)
Food Service Establishment	NP	NP	UP(PH)
Hotel, Tourist	NP	UP(PH)	UP(PH)
Laundromat and Cleaner	NP	NP	UP(PH)
Office	NP	NP	UP(PH)
Personal and Household Service, General	NP	NP	UP(PH)
Retail, General	NP	UP(PH)	UP(PH)
Veterinary Clinic	NP	NP	UP(PH)

Table 2: Zoning Boundary Changes -- Uses -- R-S

Use	Existing R-3	Proposed R-S
Hotel, Tourist	NP	UP(PH)
Retail, General	NP	UP(PH)

Proposed Development Standards

Table 3 provides a summary of the proposed development standards, the general direction of the recommended changes and the policy rationale for each recommendation. Each standard is further discussed below and the specific development standard changes can be found in **Attachment 7**.

Table 3: Summary of Proposed Southside Development Standards

Standard	Recommendation	Policy Goal
Building Height	Set a maximum height limit and remove Use Permit exceptions	<ul style="list-style-type: none"> Encourage housing development through increasing capacity Increase predictability of development outcomes through objective standards Increase flexibility through a menu of options for open space and residential amenities
Lot Coverage and Setbacks	Increase lot coverage, reduce setbacks and remove Use Permit exceptions	
Open Space	Reduce requirement and/or increase flexibility in meeting open space standard Set requirement to a per 1,000 square foot standard, rather than per unit	
Building Separation	Remove building separation requirement	
Density	Set a minimum units-per-acre standard	<ul style="list-style-type: none"> Help meet RHNA goals in Housing Element

		<ul style="list-style-type: none"> • Set a density measurement (units/acre) that is aligned with State Law
Floor Area Ratio (FAR)	Set a maximum FAR	<ul style="list-style-type: none"> • Encourage housing development through increasing development envelope • Provide predictability for the review process and outcome • Facilitate calculations for State Density Bonus and possible local density bonus

For Southside parcels within the Hillside Overlay, namely R-3(H) and R-S(H), staff proposes to remove discretionary permits that would otherwise be required for residential additions and adding the fifth of more bedroom to a lot.

Maximum Height

In October 2017 and May 2018, Council made referrals to staff to increase allowable heights in the R-SMU, R-S, and R-3⁴ zoning districts, as well as to allow up to two 12-story buildings and increased heights for six projects⁵ in the Southside, from Dwight Way to Bancroft Way and from College Avenue to Fulton Street.

The proposed changes to maximum height include two elements: 1) increases in the maximum height; and 2) the removal of any permit process to exceed the maximum height. Height limits stated in the Zoning Ordinance will be the maximum building height allowed, unless waived through State density bonus law,⁶ and would be measured only in feet and not the number of stories. Zoning standards for building height within the Southside are proposed to be changed in the following ways:

- Allow up to 85 feet in the R-SMU district (increase from 60 feet / four stories). This would feasibly permit a building of at least 12 stories if a project were to maximize State density bonus.
- Allow up to 85 feet in the C-T district (currently 65 feet or up to 75 feet with a Use Permit north of Dwight, and 50 feet or up to 65 feet and 5 stories with a Use Permit south of Dwight). At the September 20, 2022 Council worksession, the Council recommended applying the standards for north of Dwight (85 feet height) to the entire C-T district within the Southside. In response, the proposed zoning standards remove the distinction between C-T parcels north and south of Dwight.
- Allow up to 55 feet in the R-S and R-S(H) districts (increase from a base of 35 feet / three stories and allowable increases with an AUP). Currently, a maximum

⁴ **Attachment 2.** October 31, 2017. Increase Height and FAR in the Southside. Berkeley City Council.

⁵ **Attachment 3.** May 1, 2018. Increase Student Housing in the Southside. Berkeley City Council.

⁶ A local density bonus program is also under consideration.

of 45 feet and 4 stories is allowed in the R-S with a Use Permit if at least 50 percent of the total building floor area is designated for residential use.

- Allow up to 45 feet in the R-3 and R-3(H) districts (increase from a base of 35 feet / three stories and allowable increases with an AUP).

Council referrals also requested zoning provisions to facilitate the construction of student housing through a process that does “not require additional CEQA review”⁷ or through a local density bonus in the R-SMU and/or C-T (north of Dwight) districts⁸. The zoning height amendments to the R-SMU and C-T districts provide opportunities to reach at least 12 stories if a project were to maximize State density bonus law. The recently-adopted Housing Element Update commits the Planning Commission and Council to also consider a local density program by December 2024.

Maximum Lot Coverage and Minimum Setbacks

Zoning standards for lot coverage and building setbacks are proposed to be changed in the following ways, as detailed in Table 2 of ***Attachment 7***:

- 70 percent lot coverage in R-3 and R-3(H) district locations (increase from the current 50 percent maximum).
- 75 percent lot coverage in R-S and R-S(H) district locations (increase from the current 70 percent maximum).
- 85 percent lot coverage in R-SMU district locations (increase from current the 60 percent maximum).

The proposed changes to minimum setbacks include two elements: 1) decreases in required setbacks; and 2) the removal of any permit process to further reduce setbacks. The proposed changes to existing minimum setback requirements are as follows:

- *Front Setback*. No minimum front setback required for R-SMU, R-S, and R-S(H) districts (currently, no minimum front setback is allowed with an AUP).
- *Street Side Setback*. No minimum street side setbacks required for R-SMU and R-S districts (currently, no minimum street side setback is allowed with an AUP).
- *Side Setback*. No minimum side setback required for the R-SMU district (currently, no minimum side setback is allowed with an AUP).
- *Lower- and Upper-Story Setback*. Reduce the various lower-story and upper-story side setbacks for R-SMU, R-S, and R-3 districts to a single setback of 4 feet (currently varies between 4 feet and 10 feet). Reduce lower-story and upper-story rear setbacks for R-SMU, and R-S districts to a single setback of 4 feet (currently varies between 10 ft and 19 ft; minimum rear setback can be reduced to zero in the R-SMU with an AUP).
- *Shade Study*. Eliminate the requirement for shade studies in the C-T district.

⁷ **Attachment 4**. November 27, 2018. Advance More Student Housing Now. Berkeley City Council.

⁸ **Attachment 5**. May 30, 2017. Pilot Density Bonus Program. Berkeley City Council.

Minimum Open Space

Table 4 summarizes existing and proposed minimum open space requirements.

Table 4: Existing and Proposed Required Open Space

		R-3/ R-3(H)	R-S/ R-S(H)	R-SMU	C-T
Existing	Per Dwelling Unit (sq. ft.)	200	50	40	40
	Per GLA Resident (sq. ft.)	90	20	20	No min.
Proposed	Per 1,000 sq. ft. floor area (sq. ft.)	150	50	40	40

- Replace Unit Standard with Floor Area Standard:* While the existing minimum open space requirement varies depending on unit type (Dwelling Unit vs. Group Living Accommodation), the proposed minimum requirement is based on a per 1,000 square foot ratio of gross residential floor area. Given the variety of possible unit types in the Southside, a floor area standard would provide both greater predictability and flexibility in accommodating open space requirements for buildings that may switch between offering dwelling units and group living arrangements, or for developments that may include both residential uses. The proposed open space standard is designed to increase floor area dedicated to residential uses while also preserving the requirement to provide residents with common and/or private usable open space and amenities on-site. Furthermore, the proposed standards are consistent with open spaces provided in recently-approved projects in the Southside.

Feedback from staff’s presentation to Berkeley Design Advocates included a recommendation that the open space requirement be no more than 40 square feet per unit, and even included a suggestion to do away with the requirement.

- Alternate Compliance Paths:* An additional amendment to the open space requirement, in response to community feedback detailed below, is to allow for greater flexibility in meeting the open space requirement. The proposed new BMC Section 23.304.160 - Residential Amenities, would permit a project to meet the minimum open space requirement through a combination of usable open space and residential amenities. The residential amenities would be selected from a menu of options, and would include common study rooms, storage rooms, conference room, shared laundry areas, and gym facilities. Staff considered a weighted point system for residential amenities, but decided to reduce complexity by having each amenity equally weighted.

Feedback from staff’s presentation to the ASUC Housing Commission included the observation that in terms of common open space, rooftop open spaces and on-site laundry facilities (a preference also indicated by students in staff’s outreach on Sproul Plaza and through the UC Student Housing survey) are very desirable, but, otherwise, common open spaces in new student-oriented developments tend to be underutilized. Commissioners expressed a preference for active public open spaces (parks, sidewalks) over private amenities.

Commissioners inquired whether an open space in-lieu fee could be instituted to fund public open spaces.

- *In Lieu Fee.* On February 14, 2023, the City Council approved a referral authored by Councilmember Robinson to establish an impact fee within the Southside Plan boundary to fund off-site public improvements in the Southside.⁹ Such a fee could be administered similarly to the Street and Open Space Improvement Plan (SOSIP) in the Downtown Area Plan,¹⁰ which provides a vision for the streets, parks and public open spaces in the Downtown. The C-DMU zoning district requires open space for both residential and non-residential uses, and allows projects to provide privately-owned public open space. There are provisions for projects to meet open space requirements by paying an in-lieu fee to fund SOSIP projects or to construct improvements consistent with the SOSIP.

Feedback from staff’s presentation to the Southside Neighborhood Consortium (SNC) included concerns about the impact on existing public open spaces from more intensive development in the Southside; specifically, with respect to the use of Willard Park. SNC suggested utilizing the Quimby Act¹¹ or other programs to fund public amenities and public services from new development.

No amendments are currently proposed to accommodate an in-lieu fee option. A nexus and feasibility study would be required, which would also require funding for a consultant. If the referral-recommended budget of \$250,000 from the General Fund is adopted by the City Council in the FY2023 budget, then staff will undertake such a study.

Building Separation

Table 5 summarizes existing building separation standards for zoning districts in the Southside.

Table 5: Existing Building Separation Standards

	R-3	R-S	R-SMU	C-T
1 st story	8 ft	8 ft	8 ft	No minimum
2 nd story	12 ft	12 ft	12 ft	
3 rd story	16 ft	16 ft	16 ft	
4 th story		20 ft	20 ft	
5 th story			24 ft	

⁹ February 14, 2023. Southside Impact Fee Nexus Study. Berkeley City Council.
<https://berkeleyca.gov/sites/default/files/documents/2023-02-14%20Item%2012%20Referral%20Southside%20Impact%20Fee.pdf>

¹⁰ December 2012. Street and Open Space Improvement Plan:
<https://berkeleyca.gov/sites/default/files/2022-01/Downtown-Streets-and-Open-Space-Improvement-Plan.pdf>

¹¹ <https://codes.findlaw.com/ca/government-code/gov-sect-66477.html>

Proposed Standards: The proposed development standards would eliminate building separation requirements. Building and fire code requirements for fire rating and separation would still apply.

Density Standards

The Zoning Ordinance currently does not include any minimum or maximum density standards for the Southside districts that are expressed in “units per acre”. A maximum density of one resident per 350 square feet of lot area is allowed for Group Living Accommodations (GLA) in the R-3, R-S, and C-T districts, and 175 square feet per resident in the R-SMU district. The Zoning Adjustments Board (ZAB) may currently approve a use permit to increase the GLA density.

Proposed Approach: The proposed density standards include: 1) removing the *maximum* density standard for GLAs in all Southside zoning districts; and 2) establishing *minimum* dwelling units per acre standards, as shown in Table 6.

Table 6: Density Standards

		R-3/R-3(H)	R-S/R-S(H)	R-SMU	C-T
Existing	Minimum or Maximum Dwelling Units per Acre	None	None	None	None
	Minimum lot area (sq. ft.) per GLA Resident	350 ¹	350 ¹	175 ²	350 ¹
Proposed	Minimum Dwelling Units per Acre	60	100	150	200
	Maximum Dwelling Units per Acre	No Maximum	No Maximum	No Maximum	No Maximum

¹ 124 residents per acre

² 248 residents per acre

Feedback from staff’s meeting with Berkeley Design Advocates (BDA) questioned the need for a maximum density standard, characterizing it as a tool to limit densities. The Building Code already sets an occupant load factor for spaces based on their function and size, which is used to determine the number and size of egress elements and, ultimately, the size of the building. Also, BDA members questioned how a density standard relates to unit type (studio, 1 bedroom, 2 bedrooms, etc.).

Feedback from UC Campus Planning staff suggested that a maximum density standard may help maintain a minimum habitability baseline. Given the nature of student-oriented housing with shared kitchens and rentals by room or by bed, UC staff suggested a density standard based on rooms as opposed to beds, which can be easily moved and reconfigured, or to align with AB 682’s definition of a shared unit.¹²

Given the feedback summarized above, and the City Council’s stated intention to increase residential development in the Southside, the proposed standards require a minimum residential density measured in dwelling units per acre. This measurement is

¹² AB 682, 2022. Planning and zoning: density bonuses: shared housing buildings. https://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=202120220AB682

consistent with State Density Bonus law, which recognizes density as being measured only in dwelling units per acre, and is consistent with other cities that include university or college campuses, such as San Diego and Los Angeles. The proposed minimum densities are also consistent with a number of recently-approved multi-unit projects in the Southside and are low enough so as not to prevent large units with multiple bedrooms, but also high enough to encourage development types that are denser than Middle Housing (duplexes, triplexes, townhomes). Removing the maximum density standard for GLAs ensures that regulations are not unduly capping otherwise feasible and code compliant residential development.

Floor Area Ratio (FAR)

Existing FAR standards are summarized in Table 7.

Table 7: Existing Floor Area Ratio Standards

	R-3	R-3(H)	R-S	R-S(H)	R-SMU	C-T (south of Dwight)	C-T (north of Dwight)
Maximum FAR	No Maximum					4.0	5.0, 6.0 with UP

Proposed Approach: Staff proposes a maximum FAR standard for each district in the Southside. The proposed FAR expands the development envelope for all parcels in the Southside and encourages variation in architectural styles. As an alternative to upper-story setbacks, massing breaks, or other design standards, staff propose a FAR standard that is based upon approximately 95 percent of a parcel’s maximum zoning envelope, including height, lot coverage, and setback requirements. Table 8 summarizes the proposed FAR standards.

Table 8: Proposed Floor Area Ratio Standards

	R-3/R-3(H)	R-S/R-S(H)	R-SMU	C-T
Maximum Height	45 ft	55 ft	85 ft	85 ft
Maximum Lot Coverage	70%	75%	85%	100%
Proposed FAR	3.0	4.0	7.0	8.0

Cumulative Zoning Effects

As noted previously, the zoning district boundary adjustment would result in an upzoning of the affected parcels within the Southside due to both the expansion of the R-S and R-SMU zoning districts and also the proposed adjustments to development standards within each district.

Where R-3 is redesignated R-S, not only does the existing R-S standards already allow for more development than the existing R-3 district, but the R-S district itself is proposed to be modified to permit more development. Table 9 summarizes the changes that would result from the proposed adjustment for Building Height, Lot Coverage and FAR when compared to existing zoning (see **Attachment 7** to compare existing and proposed changes within each zoning district).

Table 9: Zoning Boundary Changes –Development Standards-- R-S

	Existing R-3	Proposed R-S
Maximum Height	35 ft	55 ft
Maximum Lot Coverage	Corner lot: 50% Through Lot: 45%	75%
Maximum FAR	No maximum	4.0

Where R-3 and R-S are redesignated R-SMU, the upzoning is twofold: existing development standards in the R-SMU provide for a larger building envelope than the existing R-3 and R-S districts. In addition, the proposed R-SMU development standards would permit additional floor area capacity. Table 10 summarizes the changes that would result from the proposed adjustment for Building Height, Lot Coverage and FAR when compared to existing zoning (see **Attachment 7** to compare existing and proposed changes within each zoning district).

Table 10: Zoning Boundary Changes –Development Standards-- R-SMU

	Existing R-3	Existing R-S	Proposed R-SMU
Maximum Height	35 ft	35 ft (45 ft with AUP)	85 ft
Maximum Lot Coverage	Corner lot: 50% Through Lot: 45%	Corner Lot: 70% Through Lot: 65%	85%
Maximum FAR	No maximum	No maximum	7.0

ENVIRONMENTAL REVIEW

Development projections were analyzed in the Environmental Impact Report (EIR) for the Housing Element Update, which was certified by the City Council on January 18, 2023.¹³ The Housing Element EIR assumed approximately 1,000 dwelling units would be feasible with implementation of the Southside Zoning Modification Project, which is “intended to increase housing capacity and production to better meet student housing demand in the Southside through changes in a targeted number of zoning parameters: building heights, building footprints (including setbacks and lot coverage), parking, ground-floor residential use, and adjustments to the existing zoning district boundaries.”

Based on the Planning Commission’s feedback on the proposed zoning and associated General Plan amendments, staff will determine whether any further environmental review is necessary to adopt the proposed changes.

NEXT STEPS

The Planning Commission is asked to provide feedback on the proposed zoning map and text changes and General Plan map and text amendments. Staff will revise the proposal based on that feedback and return to the Commission for a public hearing to make a recommendation to the City Council. The new zoning changes would go into effect 30 days after the Council’s second reading of an ordinance containing final amendments.

¹³ Housing Element Update 2023-2031 Final EIR.
https://berkeleyca.gov/sites/default/files/documents/ATT%20%20FEIR_RTC.pdf

ATTACHMENTS

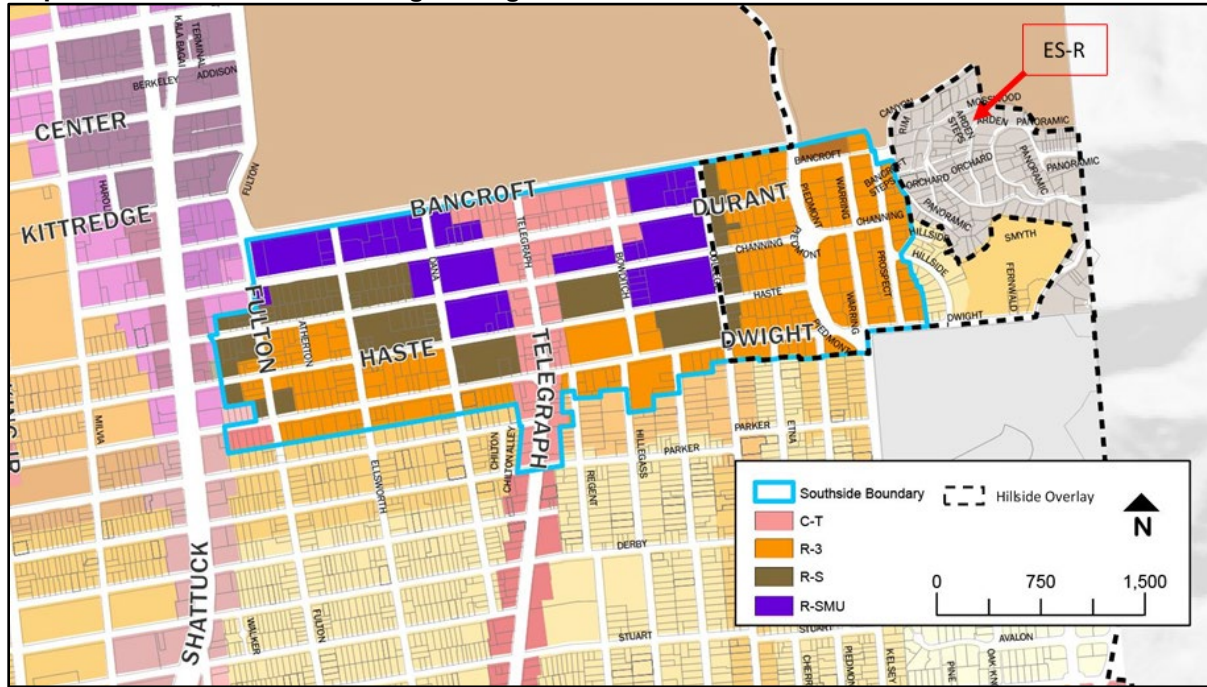
1. Existing and Proposed Zoning Map
2. October 31, 2017. Increase Height and FAR in the Southside. Berkeley City Council.
3. May 1, 2018. Increase Student Housing in the Southside. Berkeley City Council.
4. November 27, 2018. Advance More Student Housing Now. Berkeley City Council.
5. May 30, 2017. Pilot Density Bonus Program. Berkeley City Council.
6. Proposed General Plan Map and Text Amendments
7. Existing and Proposed Development Standards Tables
8. Proposed Zoning Ordinance Text Amendments
9. Southside Zoning Ordinance Amendments Matrix

REFERENCED CITY COUNCIL REFERRALS AND REPORTS

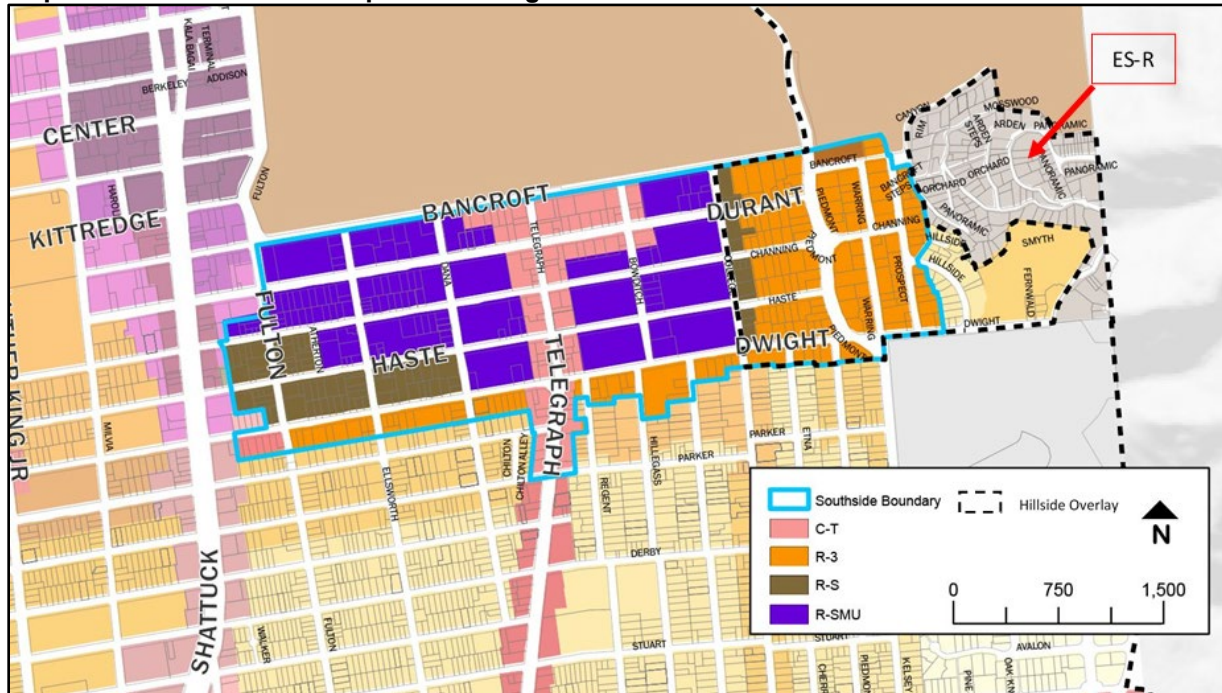
- September 22, 2022. City Council Worksession Report.
- December 2012. Downtown Streets and Open Space Improvement Plan.
- February 14, 2023. Southside Impact Fee Nexus Study.

ATTACHMENT 1. MAPS OF AND SOUTHSIDE PLAN AREA

Map 1. Southside Area – Existing Zoning



Map 2. Southside Area – Proposed Zoning





Kriss Worthington

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ACTION CALENDAR
October 31, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington and Kate Harrison

Subject: City Manager and Planning Commission Referral: Facilitate Primarily Student Housing by a Twenty Feet Height Increase and Adjust Floor Area Ratio in the R-SMU, R-S and R-3 Areas Only from Dwight to Bancroft and from College to Fulton

RECOMMENDATION

Refer to the City Manager and Planning Commission to facilitate primarily Student Housing by amending the Zoning Ordinance to add a twenty feet height increase and adjust Floor Area Ratio in the R-SMU, R-S and R-3 areas only from Dwight to Bancroft and from College to Fulton.

BACKGROUND:

In the last few years students have become increasingly active at proposing ways to increase student housing. Housing is urgently needed in close proximity to the UC Berkeley campus as rents increase and the University population steadily rises. Students, recent graduates, employees of the University, and local businesses contribute to the local economy, create jobs for the local community, and greatly enrich the community through their presence. Implementing this action would provide a place to live for many individuals who would otherwise have to reside far from campus. Oftentimes, the quest to find living spaces is emotionally taxing on students and can decrease academic performance or leave students without affordable and safe places to live.

Increasing density in the area surrounding campus proves better for the environment, better for campus area businesses, and better for students. By reducing commute times, students will opt to walk or bike to class, reducing congestion on the road. A shorter commute will also increase student safety and allow students to participate in extracurricular activities that may run through the evening because students have to worry less about how they will get home. An enhanced sense of safety in the surrounding region is beneficial for all in the community. Finally, higher density benefits campus area businesses because it brings them more customers which supports the local economy.

Page 2 of 2

Previous efforts to increase southside campus housing improved project viability just for the very small area of the C-T zoned blocks. Unfortunately even blocks on Bancroft directly across from the University still have excessive restrictions.

FINANCIAL IMPLICATIONS:

Minimal.

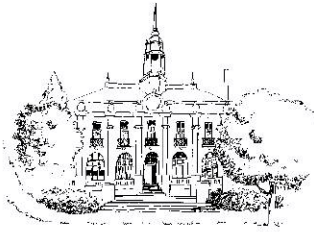
ENVIRONMENTAL SUSTAINABILITY

Consistent with Berkeley's Environmental Sustainability Goals and no negative impact.

CONTACT PERSON:

Councilmember Kriss Worthington

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ACTION CALENDAR

May 1, 2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington

Subject: Referral to the Planning Commission to allow 4 temporary zoning amendments to increase student housing in the Southside Area.

RECOMMENDATION:

That the Council refers the Planning Commission to allow 4 zoning amendments to increase student housing in the Southside Area through a Temporary Emergency Pilot Project.

BACKGROUND:

In current Planning Commission work plan indicates student housing zoning changes may take several years. The Planning Commission should explore the creation of a Temporary Emergency Pilot Project that allows 4 zoning amendments to increase student housing in the Southside area between College to Fulton and Bancroft to Dwight.

A Temporary Emergency Pilot Project is the best solution especially with a surge in the undergraduate population. Because this Temporary Emergency Pilot Project will be in place of immediate policy change, this will deliver quick relief to those that need it most--the students.

The proposed Temporary Emergency Pilot Project will take place over a set time period of 3 years with a limited and clearly outlined number of projects. During this time period, notwithstanding what is outlined in the current Zoning Ordinance, projects will be permitted:

- 1) Allow 4 projects that convert commercial space to residential space;
- 2) Allow 4 new projects to allow ground floors on any street to be converted into residential use except on Telegraph Avenue;
- 3) Allow up to 2 tall buildings up to 12 stories
- 4) Allow 6 projects to include a 20-foot height increase in order to increase the availability of student housing

The Temporary Emergency Pilot Project will help to ameliorate those suffering from the shortage in student housing. It will also make a greener Berkeley by cutting the commute times for students at UCB, BCC, or other schools in the vicinity.

FINANCIAL IMPLICATIONS:

Minimal as this is only a referral.

ENVIRONMENTAL SUSTAINABILITY:

Denser Housing close to campus will dramatically reduce greenhouses gases compare to students commuting by cars.

CONTACT PERSON:

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CONSENT CALENDAR

11/27/2018

To: Honorable Mayor and Members of the City Council
From: Councilmember Kriss Worthington
Subject: Short Term Referral to Expedite Components of the More Student Housing Now Resolution

RECOMMENDATION:

Short term referral to the City Manager and the Planning Department to promptly move forward with components of the More Student Housing Now Resolution **and any efforts to increase student housing** that do not require additional CEQA review, amend existing City ordinances and policies that prevent the implementation of SB 1227, and provide a budget referral that would allocate the necessary resources as determined by the Planning Staff.

BACKGROUND:

This referral is intended to expedite the implementation of particular components of the More Student Housing Now Resolution. The Planning Staff have identified the conversion of second floor commercial spaces to residential units, the expansion of car-free housing, and the creation of ground floor residential units as not requiring additional CEQA review. Therefore, the Planning Commission should be given the opportunity to vote on these policies at the earliest possible date. This Referral would also allow the City Council to approve a budget based on Planning Staff determination of needed resources for consultants and/or CEQA compliance.

Senator Nancy Skinner introduced and secured the passage of SB 1227, which “requires a density bonus to be provided to a developer that agrees to construct a housing development in which all units in the development will be used for students enrolled full-time at an institution of higher education.” This bill was created with both the City of Berkeley and UC Berkeley in mind, but existing City law may restrict the implementation of SB 1227. Therefore, the Council should recommended that the City of Berkeley make any administrative or ordinance changes necessary in order to take advantage of SB 1227. Doing so would not require additional CEQA review and would help actualize elements of the More Student Housing Resolution.

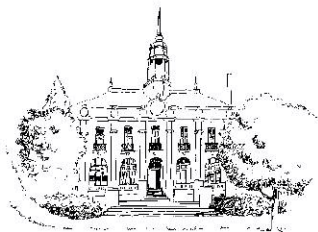
FINANCIAL IMPLICATIONS:

Budget referral to be determined by Planning Staff recommendation.

ENVIRONMENTAL SUSTAINABILITY: No negative impact and consistent with city standards.

CONTACT PERSON: Councilmember

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CONSENT CALENDAR
May 30, 2017

To: Honorable Mayor and Members of the City Council
From: Councilmembers Kriss Worthington and Ben Bartlett, and Mayor Arreguin
Subject: Planning Commission Referral for a Pilot Density Bonus Program for the Telegraph Avenue Commercial District to Generate Revenue to House the Homeless and Extremely Low-Income Individuals

RECOMMENDATION

That the Berkeley City Council refer a City Density Bonus policy for the Telegraph Avenue Commercial District to the Planning Commission to generate in-lieu fees that could be used to build housing for homeless and extremely low-income residents.

BACKGROUND

Under current state law, new development projects that get a density bonus, allowing up to 35 percent more density, are required to build inclusionary housing. Inclusionary housing is typically defined as below-market rate housing for people who earn 50 percent or 80 percent of the Area Median Income (AMI).

While it's great that developers are including some affordable housing in their market-rate projects, affordable housing for the homeless and extremely low-income who don't qualify for inclusionary units can be provided if developers instead paid fees into the Housing Trust Fund. This can be achieved through the use of a City Density Bonus for the Telegraph Avenue Commercial District, an area where many residents have expressed support for housing the homeless and the extremely low-income.

The City bonus fee would be equal to the in-lieu affordable housing mitigation fee, currently set at \$34,000 per unit. Fees paid into the fund could be leveraged with other Federal, State and Regional affordable housing sources, resulting in significantly more affordable housing built through the Housing Trust Fund than currently available. The City has important policy proposals to assist the homeless and extremely low-income residents that urgently need funding.

The pilot program of a City Density Bonus in the Telegraph Avenue Commercial District could go a long way toward easing Berkeley's critical housing shortage by increasing incentives for developers to add more housing and give the city greater ability to deliver affordable housing.

FISCAL IMPACTS

This proposal will generate millions in new revenue to the Housing Trust Fund.

ENVIRONMENTAL IMPACTS

The proposed change is consistent with City Climate Action Plan goals supporting increased residential density. Additionally, new residential construction is subject to more stringent green building and energy efficiency standards and will help reduce per capita greenhouse gas emissions.

CONTACT PERSON

Councilmember Kriss Worthington 510-981-7170

ATTACHMENT 6. Proposed General Plan and General Plan Text Amendments

GENERAL PLAN LAND USE ELEMENT AMENDMENTS (EXISTING AND PROPOSED)

GENERAL PLAN TEXT AMENDMENTS

Medium Density Residential

These areas of Berkeley are generally characterized by a mix of single-family homes and small to medium sized multi-family structures. The same uses appropriate in Low Density Residential are appropriate in Medium Density Residential areas. Building intensity will range from 20 to ~~40~~100 dwelling units per net acre, and the population density will generally range from 44 to ~~88~~250 persons per acre.

For information purposes, the compatible zoning districts for this classification are: Restricted Multi-family Residential (R-2A), which allows approximately 17 units per acre, and Multiple-family Residential (R-3), which allows approximately 26 units per acre (or approximately 100 units per acre in the R-3 zoning district within the Southside Plan Area). Height limits in the R-2A zoning district are typically 28 feet with provisions to allow up to 35 feet, and are 35 feet in the R-3 zoning district (or 45 feet in the R-3 zoning district within the Southside Plan Area).

High Density Residential

In Berkeley, these areas are generally characterized by large, multi-family structures conveniently located near transit, the Downtown, the University campus, or BART. Appropriate uses for these areas include: residential, community service, schools, institutional, recreational uses, open space, and in some cases where allowed by zoning, ground-floor commercial and office. Building intensity will range from 40 to ~~160~~0 dwelling units per net acre, and the population density will generally range from 88 to ~~220~~400 persons per net acre.

For information purposes, the compatible zoning districts for this classification are: Multi-Family Residential (R-4), which allows building heights of 35 feet with provisions to allow buildings up to 65 feet, and High Density Residential (R-5), which allows building heights of 40 feet with provisions to allow buildings up to 65 feet, and Residential Southside (R-S) which allows building heights of ~~35-55~~ feet with provisions to allow buildings up to 45 feet.

Residential Mixed Use

These areas are generally characterized by a diverse mixture of residential, commercial and institutional structures, in close proximity to transit and major shopping and employment centers. Appropriate uses for these areas include residential, neighborhood serving retail, offices, school, institutional, recreational uses, and open space. Building heights will generally range from two stories to either four or five stories, depending on type of use and location. Building intensity will range from 40 to ~~34~~00 dwelling units per net acre, and the population density will generally range from 88 to ~~220~~750 persons per net acre.

Internal

For information purposes, the compatible zoning district for this classification is Residential Southside Mixed Use (R-SMU), which allows building heights up to 60 feet with provisions to allow buildings up to ~~65 feet or 75~~ 85 feet ~~depending on their location within the district.~~

Avenue Commercial

These areas of Berkeley are characterized by pedestrian-oriented commercial development and multi-family residential structures. These areas are typically located on wide, multi-lane avenues served by transit or BART. Appropriate uses for these areas include: local-serving and regional-serving commercial, residential, office, community service, and institutional. Building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 85. Population density will generally range from 44 to ~~88890~~ persons per acre.

For information purposes, the compatible zoning districts for this classification are shown below with accompanying development standards.

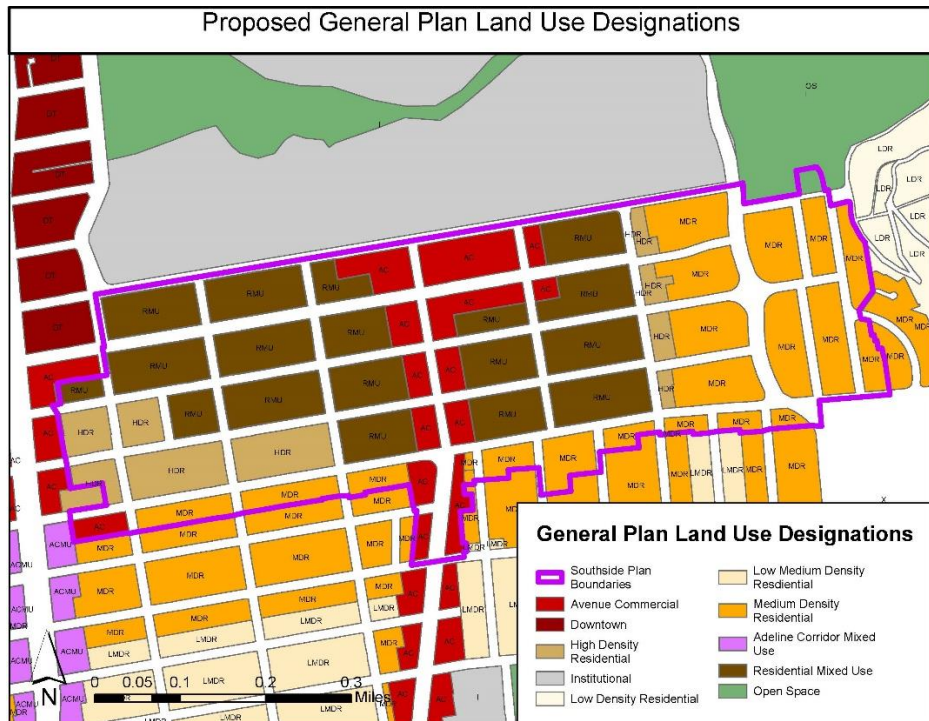
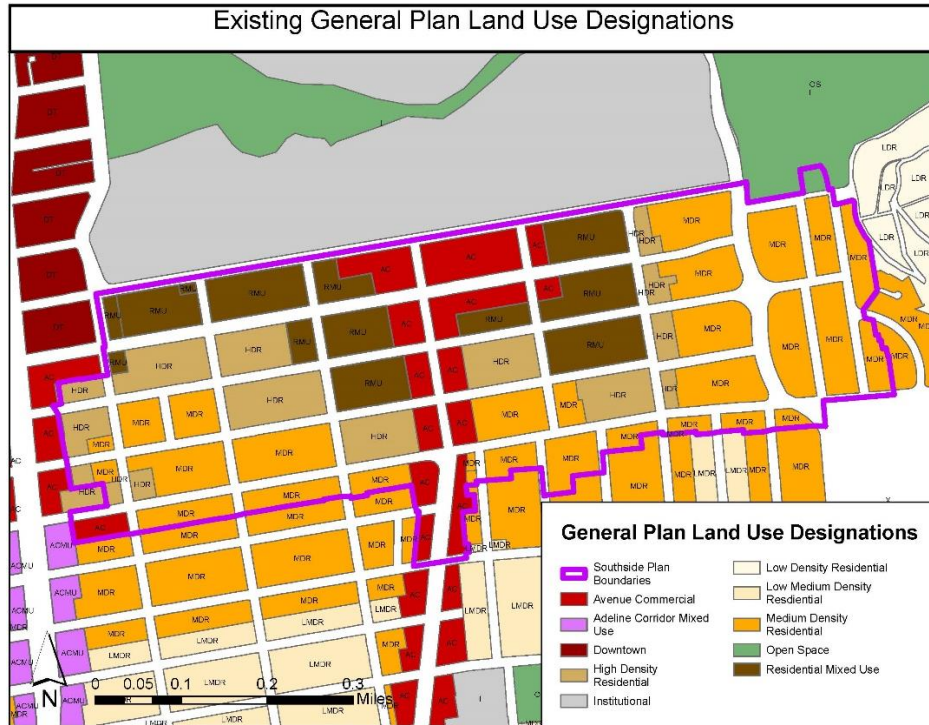
Zoning District	Maximum FAR	Maximum Height
South Area Commercial (C-SA):	4	24-60 ft
General Commercial (C-1) ¹ :	3	35-50 ft
Telegraph Avenue Commercial (C-T) :	3 <u>85</u>	50- 86 <u>85</u> ft
West Berkeley Commercial (C-W) ² :	3	40-50 ft

¹ Please see the University Avenue Strategic Plan for a description and location of development nodes on University Avenue in the C-1 Zoning District.

² Please see the West Berkeley Plan for a description and location of development nodes on San Pablo Avenue in the C-W Zoning District.

Internal

GENERAL PLAN MAP AMENDMENTS



ATTACHMENT 7. EXISTING AND PROPOSED SOUTHSIDE DEVELOPMENT STANDARDS TABLES

Table 1. Existing Development Standards - Southside Area
Standards in gray are included in proposed changes.

"-" = not applicable; P = Permitted AUP = Administrative Use Permit UPPH = Use Permit Public Hearing NP = Not Permitted	R-3	R-3H	R-S	R-SH	R-SMU	C-T (south of Dwight)	C-T (north of Dwight)
	Multiple-Family Residential	Multiple-Family Residential Hills Overlay	Residential High Density Subarea	Residential High Density Subarea Hills Overlay	Residential Southside District	Telegraph Avenue Commercial	
Single-Family	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Two-Family	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Multi-Family	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Group Living Accommodation	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Mixed-Use Residential	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Live/Work	NP	NP	NP	NP	NP	ZC	ZC
Ground-floor residential	Allowed	Allowed	Allowed	Allowed	Allowed	Not allowed	Not allowed
Commercial Uses	Not Permitted	Not Permitted	Hotel, Retail w/ UPPH	Hotel, Retail w/ UPPH	Personal & Household Service w/ ZC; Hotel, Retail, Food Service w/UPPH	Personal & Household Service, Retail w/ ZC; Food Service w/ ZC >1,500 sq.ft.; Hotel w/ UPPH	Personal & Household Service, Retail w/ ZC; Food Service w/ ZC >1,500 sq.ft.; Hotel w/ UPPH
Max. Density (sf per GLA resident)	350	350	350	350	175 (increase w/UPPH)	350 (increase w/UPPH)	350 (increase w/UPPH)
Min. Lot Area (sf)	5000	5000	5000	5000	5000	No Min.	No Min.
Max. FAR	No Max.	No Max.	No Max.	No Max.	No Max.	4.0	5.0 (6.0 w/UPPH)
Min. Open Space (sf per DU)	200; 90/GLA Resident	200; 90/GLA Resident	50; 20/GLA Resident	50; 20/GLA Resident	40; 20/GLA Resident	40; No Min. for GLA	40; No Min. for GLA
Min. Height (ft)	No Min.	No Min.	No Min.	No Min.	No Min.	35	35
Max. Height (stories)	3	3	3 (4 with UPPH)	3 (4 with UPPH)	4 (5 with UP)	5 with UP	No max
Max. Height (ft)	35	35	35 (45 with UPPH)	35 (45 with UPPH)	60 (65 in Subarea 2 or 75 in Subarea 1 with UPPH)	50 (65 w/ UPPH)	65 (75 w/ UPPH)
Max. Lot Coverage, Interior/Thru Lot (%)	1-2 Stories: 45 3 Stories: 30	1-2 Stories: 45 3 Stories: 30	1-2 Stories: 65 3 Stories: 60 4 Stories: 55	1-2 Stories: 65 3 Stories: 60 4 Stories: 55	1-2 Stories: 55 3 Stories: 50 4 Stories: 45 5 Stories: 40 (100 w/AUP)	100	100
Max. Lot Coverage, Corner Lot (%)	1-2 Stories: 50 3 Stories: 45	1-2 Stories: 50 3 Stories: 45	1-2 Stories: 70 3 Stories: 65 4 Stories: 60	1-2 Stories: 70 3 Stories: 65 4 Stories: 60	1-2 Stories: 60 3 Stories: 55 4 Stories: 50 5 Stories: 45 (100 w/AUP)	100	100
Min. Setback, Front (ft)	15	15	10 (No Min. w/ AUP)	10 (No Min. w/ AUP)	10 (No Min. w/AUP)	No Min.	No Min.
Min. Setback, Rear (ft)	15 (No Min. w/ AUP)	15 (No Min. w/ AUP)	1 st -3 rd Story: 10 4 th Story: 17 (No Min. w/ AUP)	1 st -3 rd Story: 10 4 th Story: 17 (No Min. w/ AUP)	1 st -3 rd Story: 10 4 th Story: 17 5 th Story: 19 (No Min. w/ AUP)	No Min.	No Min.
Min. Setback, Interior (ft)	1 st -2 nd Story: 4 3 rd Story: 6	1 st -2 nd Story: 4 3 rd Story: 6	1 st -2 nd Story: 4 3 rd Story: 6 4 th Story: 8	1 st -2 nd Story: 4 3 rd Story: 6 4 th Story: 8	1 st -2 nd Story: 4 3 rd Story: 6 4 th Story: 8 5 th Story: 10 (No Min. with AUP)	5 if Adjacent to Res. District, Otherwise No Min.	5 if Adjacent to Res. District, Otherwise No Min.
Min. Setback, Street Side (ft)	1 st Story: 6 2 nd Story: 8 3 rd Story: 10	1 st Story: 6 2 nd Story: 8 3 rd Story: 10	1 story: 6 2 nd Story: 8 3 rd -4 th Story: 10	1 story: 6 2 nd Story: 8 3 rd -4 th Story: 10	1 st Story: 6 2 nd Story: 8 3 rd -5 th Story: 10 (No Min. with AUP)	Same as Adjacent Res. District, Otherwise No Min.	Same as Adjacent Res. District, Otherwise No Min.
Min. Building Separation (ft)	1 st Story: 8 2 nd Story: 12 3 rd Story: 16 (Reduce w/AUP)	1 st Story: 8 2 nd Story: 12 3 rd Story: 16 (Reduce w/AUP)	1 st story: 8 2 nd Story: 12 3 rd Story: 16 4 th Story: 20 (Reduce w/AUP)	1 st story: 8 2 nd Story: 12 3 rd Story: 16 4 th Story: 20 (Reduce w/AUP)	1 st Story: 8 2 nd Story: 12 3 rd Story: 16 4 th Story: 20 5 th Story: 24 (Reduce w/AUP)	No min	No min
Min. Residential Parking Spaces	No Min.	No Min (1 space/unit if road narrower than 26 ft)	No Min.	No Min (1 space/unit if road narrower than 26 ft)	No Min.	No Min.	No Min.
Max. Residential Parking Spaces	0.5 spaces/unit	0.5 spaces/unit (None if road narrower than 26 ft)	0.5 spaces/unit	0.5 spaces/unit (None if road narrower than 26 ft)	0.5 spaces/unit		

Table 2. Proposed Development Standards - Southside Area

Standards in gray are changed from existing standards.

"-" = not applicable; P = Permitted AUP = Administrative Use Permit UPPH = Use Permit Public Hearing NP = Not Permitted	R-3	R-3H	R-S	R-SH	R-SMU	C-T
	Multiple-Family Residential	Multiple-Family Residential Hillside Overlay	Residential Southside District	Residential High Density Subarea Hillside Overlay	Residential Southside District	Telegraph Avenue Commercial
Single-Family	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Multi-Unit Residential	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Group Living Accommodation	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Mixed-Use Residential	UPPH	UPPH	UPPH	UPPH	UPPH	UPPH
Live/Work	NP	NP	NP	NP	NP	ZC
Ground-floor residential	Allowed	Allowed	Allowed	Allowed	Allowed	Allowed if commercial use in first 30 feet of depth
Commercial Uses	Not Permitted	Not Permitted	Hotel, Retail w/ UPPH	Hotel, Retail w/ UPPH	Personal & Household Service w/ ZC; Hotel, Retail, Food Service w/UPPH	Personal & Household Service, Retail w/ ZC; Food Service w/ ZC <1,500 sq.ft. or AUP >1,500 sq.ft.; Hotel w/ UPPH
Min. Density (DU/acre) - Round to the nearest whole number	60	60	100	100	150	200
Max. Density (DU/acre)	No Max.	No Max.	No Max.	No Max.	No Max.	No Max.
Min. Lot Area (sf)	5000	5000	5000	5000	5000	No Min.
Max. FAR	3.0	3.0	4.0	4.0	7.0	8.0
Min. Usable Open Space and/or Residential Amenity (sf per 1,000 sf floor area)	150	150	50	50	40	40
Min. Height (ft)	No Min.	No Min.	No Min.	No Min.	No Min.	35
Max. Height (ft) [1]	45	45	55	55	85	85
Max. Lot Coverage (%)	70	70	75	75	85	100
Min. Setback, Front (ft)	15	15	No Min.	No Min.	No Min.	No Min.
Min. Setback, Rear (ft)	4	4	4	4	4	No Min.
Min. Setback, Interior (ft)	4	4	4	4	No Min.	5 if adjacent to R District, otherwise no min
Min. Setback, Street Side (ft)	4	4	No Min.	No Min.	No Min.	Same as adjacent R District, otherwise no min
Min. Building Separation (ft)	No Min.	No Min.	No Min.	No Min.	No Min.	No Min.
Min. Residential Parking Spaces	No Min.	No Min (1 space/unit if road narrower than 26 ft)	No Min.	No Min (1 space/unit if road narrower than 26 ft)	No Min.	No Min.
Max. Residential Parking Spaces	0.5 spaces/unit	0.5 spaces/unit (None if road narrower than 26 ft)	0.5 spaces/unit	0.5 spaces/unit (None if road narrower than 26 ft)	0.5 spaces/unit	0.5 spaces/unit

[1] Building height is measured to the top of the roof. Parapets may exceed the height limit by up to 5 feet as of right.

ATTACHMENT 8. Proposed Zoning Ordinance Text Amendments

I. BMC Section 23.202.030(A)(1):

1. Permits Required.

- a. In all Residential Districts except for parcels located within either the ES-R district or the Southside Plan boundaries, residential additions require permits as follows:
 - i. Residential additions (up to 15 percent of lot area or 600 square feet, whichever is less): Zoning Certificate.
 - ii. Major residential additions (more than 15 percent of lot area or 600 square feet, whichever is less): AUP.
- b. In the ES-R district, residential additions require permits as follows:
 - i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.
 - ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.
- c. Parcels within the Southside Plan boundaries are exempt from the requirements of this section.

II. BMC Section 23.202.030(B):

B. Adding Bedrooms.

1. In the R-1, R-1A, R-2, R-2A, and R-3 districts, adding a bedroom to a lot requires permits as follows:
 - a. Adding a first, second, third, or fourth bedroom to a lot: no permit required.
 - b. Adding a fifth bedroom to a lot: AUP.
 - c. Adding a bedroom to a lot beyond the fifth: Use Permit.
2. See Section 23.502.020.B - Defined Terms ("B" Terms) for bedroom definition.
3. In the ES-R district, any alteration to create a new bedroom in a single-family detached home on a single lot requires an AUP. See Section 23.202.070.H.6 (Land Use Intensification) for required finding.
- ~~3.4.~~ Parcels within the Southside Plan boundaries are exempt from the requirements of this section.

III. BMC Section 23.202.100(C):

C. **Additional Permit Requirements.** See Subsections A of Section 23.202.030 (Residential Additions) and Subsection B of Section 23.202.030 (Adding Bedrooms).

IV. **BMC Section 23.202.100.E:**

E. **Development Standards.**

1. **Basic Standards.** ~~See Table 23.202-11: R-3 Development Standards. See Table 23.20211: R-3 Lot and Height Standards, Table 23.20212: R-3 Setback and Building Separation Standards, and Table 23.20213: R-3 Lot Coverage Standards.~~ **Supplemental Standards.** Supplemental development standards that apply in the R-3 district are noted in ~~Table 23.20211: R-3 Lot and Height Standards, Table 23.20212: R-3 Setback and Building Separation Standards, and Table 23.20213: R-3 Lot Coverage Standards.~~

TABLE 23.202-11: R-3 DEVELOPMENT STANDARDS

<u>BASIC STANDARDS</u>	<u>OUTSIDE OF SOUTHSIDE PLAN</u>	<u>WITHIN SOUTHSIDE PLAN</u>	<u>SUPPLEMENTAL STANDARDS</u>
<u>Lot Area, Minimum</u>			<u>23.304.020 – Lot Requirements</u>
<u>New Lots</u>	<u>5,000 sq. ft.</u>	<u>5,000 sq. ft.</u>	
<u>Per Group Living Accommodation Resident</u>	<u>350 sq. ft. [1]</u>		
<u>Residential Density</u>			<u>23.106.100 – Residential Density</u>
<u>Minimum (du/acre)</u>	<u>No minimum</u>	<u>60</u>	
<u>Maximum (du/acre)</u>	<u>No maximum</u>	<u>No maximum</u>	
<u>Usable Open Space, Minimum</u>			<u>23.304.090 – Usable Open Space; 23.304.160 – Residential Amenities</u>
<u>Per Dwelling Unit</u>	<u>200 sq. ft.</u>	<u>150 sq. ft. per 1,000 sq. ft. of gross floor area</u>	
<u>Per Group Living Accommodation Resident</u>	<u>90 sq. ft.</u>	<u>[2]</u>	
<u>Floor Area Ratio, Maximum</u>	<u>No maximum</u>	<u>3.0</u>	
<u>Main Building Height, Average</u>			<u>23.304.050 – Building Height</u>
<u>New Buildings and Non-Residential Additions</u>	<u>35 ft. and 3 stories</u>	<u>45 ft. [3]</u>	
<u>Residential</u>	<u>16 ft. [4]</u>		

<u>Additions</u>			
<u>Lot Coverage, Maximum</u>			
<u>Interior and Through Lot</u>	<u>1 Story: 45%</u>	<u>70%</u>	<u>23.304.120 – Lot Coverage</u>
	<u>2 Stories: 45%</u>		
	<u>3 Stories: 30%</u>		
<u>Corner Lot</u>	<u>1 Story: 50%</u>	<u>70%</u>	
	<u>2 Stories: 50%</u>		
	<u>3 Stories: 45%</u>		
<u>Lot Line Setback, Minimum</u>			
<u>Front</u>	<u>15 ft.</u>	<u>4 ft.</u>	<u>23.304.030 - Setbacks</u>
<u>Rear</u>	<u>15 ft.</u>	<u>4 ft.</u>	
<u>Interior Side</u>	<u>1st Story: 4 ft.</u>	<u>4 ft.</u>	
	<u>2nd Story: 4 ft.</u>		
	<u>3rd Story: 5 ft.</u>		
<u>Street Side</u>	<u>1st Story: 6 ft.</u>	<u>4 ft.</u>	
	<u>2nd Story: 8 ft.</u>		
	<u>3rd Story: 10 ft.</u>		
<u>Building Separation, Minimum</u>	<u>1st Story: 8 ft.</u>	<u>No minimum</u>	<u>23.304.040 – Building Separation in Residential Districts</u>
	<u>2nd Story: 12 ft.</u>		
	<u>3rd Story: 16 ft.</u>		

Notes:

[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.

[2] The usable open space requirement may be satisfied by any combination of square footage area meeting the standards of 23.304.090 – Usable Open Space and/or amenities listed in Section 23.304.160 – Residential Amenities.

[3] Building height is measured to the top of the roof. Parapets may exceed the height limit by up to 5 feet as of right.

[4] Maximum 35 ft. with an AUP.

TABLE 23.202-11: R-3 LOT AND HEIGHT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020—Lot Requirements
New Lots	5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]	
Usable Open Space, Minimum		23.304.090—Usable Open Space
Per Dwelling Unit	200 sq. ft.	
Per Group Living Accommodation Resident	90 sq. ft.	
Floor Area Ratio, Maximum		No maximum
Main Building Height, Average		23.304.050—Building Height
New Buildings and Non-Residential Additions	35 ft. and 3 stories	
Residential Additions	16 ft. [2]	
<p>Notes: [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet. [2] Maximum 35 ft. with an AUP.</p>		

TABLE 23.202-12: R-3 SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum				
Front	15 ft.	15 ft.	15 ft.	23.304.030—Setbacks
Rear	15 ft.	15 ft.	15 ft.	
Interior Side	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	23.304.040—Building Height

TABLE 23.202-13: R-3 LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
Lot Coverage, Maximum				23.304.120-Lot Coverage
Interior and Through Lot	45%	45%	30%	
Corner Lot	50%	50%	45%	

~~2. **Increase in Lot Coverage.** Lot coverage may be increased for a project in an R-3 district located within the Southside Plan boundaries if an AUP is obtained with one or both of the following findings:~~

- ~~a. The increased coverage would enable a new rear dwelling on the lot; or~~
- ~~b. It would enable moving a historic building onto the lot.~~

V. BMC Section 23.202.110(E):

E. Development Standards.

1. **Basic Standards.** See Table 23.202-124: R-4 Lot and Height Standards, Table 23.202-135: R-4 Setback and Building Separation Standards, and Table 23.202-146: R-4 Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-4 district are noted in Table 23.202-124: R-4 Lot and Height Standards, Table 23.202-135: R-4 Setback and Building Separation Standards, and Table 23.202-146: R-4 Lot Coverage Standards.

TABLE 23.202-1412: R-4 LOT AND HEIGHT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020- Lot Requirements
New Lots	5,000 sq. ft.	
Per Group Living Accommodation Resident	350 sq. ft. [1]	
Usable Open Space, Minimum		23.304.090- Usable Open Space
Per Dwelling Unit	200 sq. ft.	
Per Group Living Accommodation Resident	90 sq. ft.	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Average		23.304.050-Building Height
New Buildings and Non-Residential Additions	35 ft. and 3 stories [2]	
Residential Additions	16 ft. [3]	
Notes:		
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.		
[2] Maximum 65 ft and six stories allowed with Use Permit.		
[3] Height greater than 14 ft. up to 35 ft. allowed with an AUP. Height greater than 35 ft. up to 65 ft. allowed with a Use Permit.		

TABLE 23.202-135: R-4 SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY						SUPPLEMENTAL STANDARDS
	1 ST	2 ND	3 RD	4 TH	5 TH	6 TH	
Lot Line Setbacks, Minimum							23.304.030-Setbacks
Front	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	17 ft.	19 ft.	21 ft.	
Interior Side	4 ft.	4 ft.	6 ft.	8 ft.	10 ft.	12 ft.	
Street Side	6 ft.	8 ft.	10 ft.	12 ft.	14 ft.	15 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	20 ft.	24 ft.	28 ft.	23.304.040-Building Separation in Residential Districts

TABLE 23.202-14614: R-4 LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT						SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	4 STORIES	5 STORIES	6 STORIES	
Lot Coverage, Maximum							23.304.120 – Lot Coverage
Interior and Through Lot	45%	45%	40%	35%	35%	35%	
Corner Lot	50%	50%	45%	40%	40%	40%	

Lot Line Setbacks, Minimum							23.304.030- Setbacks
Front	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	
Rear	15 ft.	15 ft.	15 ft.	17 ft.	19 ft.	21 ft.	
Interior	4 ft.	4 ft.	6 ft.	8 ft.	10 ft.	12 ft.	
Street Side	6 ft.	8 ft.	10 ft.	10 ft.	10 ft.	10 ft.	23.304.040- Building Separation in Residential Districts
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	20 ft.	24 ft.	28 ft.	

TABLE 23.202-179: R-5 LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT						SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	4 STORIES	5 STORIES	6 STORIES	
Lot Coverage, Maximum							23.304.120- Lot Coverage
Interior and Through Lots	55%	55%	50%	45%	40%	40%	
Corner Lots	60%	60%	55%	50%	45%	45%	

VII. BMC Section 23.202.130(E):

E. Development Standards.

- Basic Standards.** See Table 23.202-1820: R-S Development Standards, ~~Table 23.202-20: R-S Lot and Height Standards, Table 23.202-21: R-S Setback and Building Separation Standards, and Table 23.202-22: R-S Lot Coverage Standards~~
- Supplemental Standards.** ~~Supplemental development standards that apply in the R-S district are noted in Table 23.202-20: R-S Lot and Height Standards, Table 23.202-21: R-S Setback and Building Separation Standards, and Table 23.202-22: R-S Lot Coverage Standards.~~

TABLE 23.202 -1820: R-S LOT AND HEIGHT STANDARDS DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.204.020-Lot Requirements
New Lots	5,000 sq. ft.	
<u>Residential Density</u>		<u>23.106.100-Residential</u>

<u>Minimum (du/acre)</u>	<u>100</u>	<u>Density</u>
<u>Maximum (du/acre)</u>	<u>No maximum</u>	
Usable Open Space, Minimum <u>[1]</u>	<u>50 sq. ft. per 1,000 sq. ft. of gross floor area</u>	23.304-090-Usable Open Space; <u>23.304.160-Residential Amenities</u>
Floor Area Ratio, Maximum	No maximum <u>4.0</u>	
Main Building Height, Maximum <u>[2]</u>	<u>55 ft.</u>	23.304.050-Building Height
<u>Lot Coverage, Maximum</u>	<u>75%</u>	<u>23.304.120-Lot Coverage</u>
<u>Lot Line Setbacks, Minimum</u>		<u>23.304.030-Setbacks</u>
<u>Front</u>	<u>No minimum</u>	
<u>Rear</u>	<u>4 ft.</u>	
<u>Interior Side</u>	<u>4 ft.</u>	
<u>Street Side</u>	<u>No minimum</u>	
<u>Building Separation, Minimum</u>	<u>No minimum</u>	

Notes:

[1] The usable open space requirement may be satisfied by any combination of square footage area meeting the standards of 23.304.090-Usable Open Space and/or amenities listed in 23.304.160-Residential Amenities.

[2] Building height is measured to the top of the roof. Parapets may exceed the height limit by up to 5 feet as of right.

[4] One additional person is allowed for remaining lot area between 350 and 200 square feet.

~~Maximum 45 feet and 4 stories allowed with a Use Permit if at least 50 percent of the total building floor area is designated for residential use and the ZAB finds that the project meets the purpose of the district.~~

~~Maximum 35 feet and 3 stories allowed with an AUP. Maximum 45 feet and 4 stories allowed with a Use Permit if at least 50 percent of the total building floor area is designated for residential use and the ZAB finds that the project meets the purpose of the district.~~

Table 23.202-21: R-S Setback and Building Separation Standards

	STANDARDS BY BUILDING STORY				SUPPLEMENTAL STANDARDS
	1 ST	2 ND	3 RD	4 TH	
Lot Line Setback, Minimum					23.304.030-Setbacks
Front	10 ft.	10 ft.	10 ft.	10 ft.	

Rear	10 ft.	10 ft.	10 ft.	17 ft.	
Interior	4 ft.	4 ft.	6 ft.	8 ft.	
Street Side	6 ft.	8 ft.	10 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	20 ft.	23.304.040- Building Separation in Residential Districts

TABLE 23.202-22: R-S LOT COVERAGE STANDARDS

	STANDARD BASED ON BUILDING HEIGHT				SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	4 STORIES	
Lot Coverage, Maximum					23.304.120-Lot Coverage
Interior and Through Lot	65%	65%	60%	55%	
Corner Lot	70%	70%	65%	60%	

VIII. BMC Section 23.202.140(E):

E. Development Standards.

- Basic Standards.** See Table [23.202-19: R-SMU Development Standards.](#) ~~Table 23.202-23: R-SMU Lot and Height Standards shows lot and height standards that apply in all areas in the R-SMU district.~~

TABLE 23.202-~~19~~23: R-SMU LOT AND HEIGHT ~~DEVELOPMENT~~ STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020-Lot Requirements
New Lots	5,000 sq. ft.	
<u>Residential Density</u>		<u>23.106.100-Residential Density</u>
<u>Minimum (du/acre)</u>	<u>150</u>	
<u>Maximum (du/acre)</u>	<u>No maximum</u>	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
<u>Usable Open Space, Minimum</u> <u>[1]</u>	<u>40 sq. ft. per 1,000</u> <u>sq. ft. of gross floor</u> <u>area</u>	<u>23.304.090-Usable Open</u> <u>Space, and</u> <u>23.304.160 – Amenities for</u> <u>Multi-Family Residential and</u> <u>Mixed-Use Residential</u> <u>Developments</u>
Floor Area Ratio, Maximum	No maximum <u>7.0</u>	
Main Building Height, Maximum <u>[2]</u>	60-85 ft. and 4 stories	23.304.050-Building Height
<u>Lot Coverage, Maximum</u>	<u>85%</u>	<u>23.304.120-Lot Coverage</u>
<u>Lot Line Setbacks, Minimum</u>		<u>23.304.030-Setbacks</u>
<u>Front</u>	<u>No minimum</u>	
<u>Rear</u>	<u>4 ft.</u>	
<u>Interior Side</u>	<u>No minimum</u>	
<u>Street Side</u>	<u>No minimum</u>	
<u>Building Separation, Minimum</u>	<u>No minimum</u>	
<p>Notes:</p> <p><u>[1] The usable open space requirement may be satisfied by any combination of square footage area meeting the standards of 23.304.090-Usable Open Space and/or amenities listed in 23.304.160-Residential Amenities.</u></p> <p><u>[2] Building height is measured to the top of the roof. Parapets may exceed the height limit by up to 5 feet as of right.</u></p> <p>One additional person is allowed for between 100 and 175 square feet of remaining lot area.</p> <p>Maximum 60 feet and 4 stories allowed with an AUP, or up to the district limit with a UP(PH).</p>		

~~a. Table 23.202-24 and Table 23.202-25 show setback, building separation, and lot coverage standards that apply to main buildings:~~

~~i. With dwelling units or group living accommodations; or~~

~~ii. Are located north of Durant Avenue~~

~~2. **Supplemental Standards.** Supplemental development standards that apply in the R-SMU district are noted in Table 23.202-23 to Table 23.202-27.~~

~~3. **Increase in Building Height.**~~

- a. ~~The ZAB may approve a Use Permit to increase the allowed height of a main building or residential addition in the two subareas shown in Figure 23.202-2: R-SMU Subareas. Maximum allowed height is:~~
 - i. ~~75 feet and 5 stories in Subarea One; and~~
 - ii. ~~65 feet and 5 stories in Subarea Two.~~

FIGURE 23.202-2: R-SMU SUBAREAS

- b. ~~To approve the Use Permit for increased building height, the ZAB must make the following findings:~~
 - i. ~~At least 50 percent of the total floor area is designated for residential use.~~
 - ii. ~~The project meets the purposes of the R-SMU district as stated in Section 23.202.140.A (District Purpose).~~
4. ~~**Increase in Density for Group Living Accommodation.** The ZAB may approve a Use Permit to increase the density of a group living accommodation use (i.e., decrease the minimum lot area per group living accommodation room as shown in Table 23.202-23:R-SMU Lot and Height Standards. To approve the Use Permit, the ZAB must make the following findings:~~
- a. ~~At least 50 percent of the total building floor area is designated for residential use.~~
 - b. ~~The increased density will not be detrimental to the immediate neighborhood.~~
 - c. ~~The project meets the purposes of the R-SMU district as stated in Section 23.202.140.A R-SMU Residential Southside District (District Purpose).~~

TABLE 23.202-24: R-SMU SETBACK AND BUILDING SEPARATION STANDARDS FOR MAIN BUILDINGS WITH DWELLING UNITS OR GROUP LIVING ACCOMMODATIONS OR LOCATED NORTH OF DURANT AVENUE

	STANDARDS BY BUILDING STORY					SUPPLEMENTAL STANDARDS
	1 ST	2 ND	3 RD	4 TH	5 TH {1}	
Lot Line Setbacks, Minimum						
Front	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	23.304.030-Setbacks
Rear	10 ft.	10 ft.	10 ft.	17 ft.	19 ft.	
Interior	4 ft.	4 ft.	6 ft.	8 ft.	10 ft.	
Street Side	6 ft.	8 ft.	10 ft.	10 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	20 ft.	24 ft.	23.304.040-Building

						Separation in Residential Districts
[1] The 5 th story regulations are not applicable to buildings with less than 50% residential floor area nor for buildings outside of Subareas 1 and 2 (even if located north of Durant Avenue).						

TABLE 23.202-25: R-SMU LOT COVERAGE STANDARDS FOR MAIN BUILDINGS WITH DWELLING UNITS OR GROUP LIVING ACCOMMODATIONS OR LOCATED NORTH OF DURANT AVENUE

	STANDARD BASED ON BUILDING HEIGHT					SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	4 STORIES	5 STORIES	
Lot Coverage, Maximum						23.304.120- Lot Coverage
Interior and Through Lots	55%	55%	50%	45%	40%	
Corner Lots	60%	60%	55%	50%	45%	

- d. ~~Table 23.202-26 and Table 23.202-27 show setback, building separation, and lot coverage standards that apply to main buildings:~~
- ~~i. Without dwelling units or group living accommodations: or~~
 - ~~ii. Located south of Durant Avenue.~~

TABLE 23.202-26: R-SMU SETBACK AND BUILDING SEPARATION STANDARDS FOR MAIN BUILDINGS WITHOUT DWELLING UNITS OR GROUP LIVING ACCOMMODATIONS OR LOCATED SOUTH OF DURANT AVENUE

	BUILDING STORY STANDARD				SUPPLEMENTAL STANDARDS
	1 ST	2 ND	3 RD	4 TH	
Lot Line Setback, Minimum					23.304.030- Setbacks
Front	15 ft.	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	17 ft.	
Interior	4 ft.	4 ft.	6 ft.	8 ft.	
Street Side	6 ft.	8 ft.	10 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	20 ft.	23.304.040- Building

					Separation in Residential Districts
--	--	--	--	--	-------------------------------------

TABLE 23.202-27: R-SMU LOT COVERAGE STANDARDS FOR MAIN BUILDINGS WITHOUT DWELLING UNITS OR GROUP LIVING ACCOMMODATIONS OR LOCATED SOUTH OF DURANT AVENUE

	STANDARD BASED ON BUILDING HEIGHT				SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	4 STORIES	
Lot Coverage, Maximum					23.304.120-Lot Coverage
Interior and Through Lot	45%	50%	40%	35%	
Corner Lot	50%	50%	45%	40%	

5. Increase in Lot Coverage.

- a. ~~An AUP may be approve to increase lot coverage up to 100 percent for a main building that contains dwelling units, contains group living accommodations, or is located north of Durant Avenue.~~
- b. ~~To approve an AUP, a finding must be made that the increase is appropriate given the setbacks and architectural design of surrounding buildings.~~

IX. BMC Section 23.202.150(D):

D. Ground-floor Uses. See Table 23.202-208: Permitted Street-Facing Ground Floor Uses.

TABLE 23.202-208: PERMITTED STREET-FACING GROUND FLOOR USES

FRONTAGE LOCATIONS	PERMITTED STREET-FACING GROUND FLOOR USES
Along Ashby and MLK	Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms. At least 50% of the combined frontage of MLK and Ashby must include active ground -floor uses. [1] Active uses at corner locations are encouraged.

Along Adeline	Non-Residential Uses or non-residential accessory spaces to residential buildings, such as community rooms.
Along Woolsey, Tremont [2], or fronting interior public spaces	Residential or Non-Residential Uses
Along Sacramento, along the Ohlone Greenway, or within 50 feet of any street corner	Residential or Non-Residential Uses
Along Delaware, Acton, or Virginia	Residential Uses
<p>[1] Active uses are commercial uses which generate regular and frequent foot traffic; such uses include businesses in the following use categories: Retail; Personal and Household Services; Food and Alcohol Service, and Entertainment.</p> <p>[2] Public entrances for non-residential uses fronting Tremont Street must be located on Woolsey Street.</p>	

X. BMC Sections 23.202.150(F)(1) and (2):

F. Development Standards.

1. **Basic Standards.** See Table 23.202-219.
2. **Supplemental Standards.** Supplemental standards that apply in the R- BMU district are noted in Table 23.202-219.

TABLE 23.202-219: R-BMU DEVELOPMENT STANDARDS

		SUPPLEMENTAL STANDARDS
Lot Area, Minimum	No minimum	23.304.020
Private Usable Open Space, Minimum [1][2]		23.304.090
Per Dwelling Unit	40 sf/DU	23.304.090
Per Group Living Accommodation Resident	15 sf/resident	23.304.090
Public Open Space, Minimum		
Per Dwelling Unit	35 sf/unit	
Per Group Living Accommodation Resident	18 sf/resident	
Floor Area Ratio (FAR), Maximum	4.2	
Main Building Height, Maximum [3]	80 feet and 7 stories	23.304.050

Residential Density, Minimum	75 dwelling units per acre	
<p>[1] Private Usable Open Space may be provided as any combination of personal and common private space.</p> <p>[2] 50% of the Private Usable Open Space requirement may be fulfilled through the provision of an equal amount of additional Public Open Space.</p> <p>[3] Building Height Measurement: In the case of a roof with a parapet wall, building height shall be measured to the top of the roof and parapets may exceed the height limits by up to five feet by right.</p>		

DRAFT

XI. BMC Section 23.204.020 Table 23.204-1:

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS	
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC		
Residential Uses													
Accessory Dwelling Unit	See 23.306-Accessory Dwelling Units												
Dwellings													
Single-Family	UP(PH)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3
Two-Family	UP(PH)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3
Multi-Family	UP(PH)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3
Group Living Accommodation	UP(PH)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3
Hotel, Residential	UP(PH)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.204.060.B.3
Mixed-Use Residential	UP(PH)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	UP(PH) *)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	See Table 23.204-41	UP(PH)	23.204.060.B.3; 23.204.100.B.4; 23.204.110.B.5
Senior Congregate Housing	See 23.302.070.H												
Public and Quasi-Public Uses													
Child Care Center	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Cemetery/Crematory/Mausoleum	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Club/Lodge	UP(PH)	UP(PH))	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Columbaria	See 23.302.070.C												

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Community Care Facility	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	ZC	AUP	
Community Center	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Emergency Shelter	See 23.308-Emergency Shelters		-	-	See 23.308-Emergency Shelters							
Family Day Care Home, Large	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Family Day Care Home, Small	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Hospital	UP(PH)	UP(PH))	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	
Library	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Mortuaries and Crematories	UP(PH)	UP(PH))	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	
Municipal Animal Shelter	-	-	-	-	-	-	-	-	-	-	--	
Nursing Home	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Park/Playground	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	AUP	ZC	
Public Safety and Emergency Service	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Public Utility Substation/Tank	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Religious Assembly	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP	UP(PH)	
School	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School, Vocational	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	UP(PH)	AUP	
Retail Uses												
Alcoholic Beverage Retail Sale	UP(PH)*	UP(PH))*	UP(PH) *	UP(PH)*	UP(PH) *	UP(PH) *	NP	UP(PH) *	UP(PH)*	UP(PH) *	UP(PH) *	23.204.060.B.2; 23.310

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS	
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC		
Cannabis Retailer	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.320; 12.21; ad 12.22
Cannabis Retailer, Delivery Only	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	--	23.320; 12.21; and 12.22
Firearm/Munitions Business	UP(PH)*	UP(PH) [*]	UP(PH) [*]	UP(PH)*	UP(PH) [*]	UP(PH) [*]	UP(PH) [*]	UP(PH) [*]	UP(PH) [*]	NP	UP(PH)	UP(PH) [*]	23.302.070.D
Industrial and Mining Products	--	--	--	--	--	--	--	--	--	--	--	--	
Pawn Shop/Auction House	UP(PH)	--	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	
Pet Store	UP(PH)	UP(PH) [*]	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	ZC [3]	UP(PH)	
Retail, General	ZC [1]	ZC [1]	ZC* [2]	ZC* [2]	ZC* [2]	ZC [1]	ZC	ZC* [2]	ZC	ZC* [3]	ZC*		23.204.040.E (for department stores); 23.204.040.F (for drug stores)
Smoke Shop	UP(PH)*	UP(PH) [*]	UP(PH) [*]	UP(PH)*	UP(PH) [*]	UP(PH) [*]	UP(PH) [*]	UP(PH) [*]	UP(PH) [*]	NP	UP(PH) [*]	UP(PH) [*]	23.302.070.I
Personal and Household Service Uses													
Personal and Household Services, General	ZC [1]	ZC [1]	ZC [2]	ZC [2]	ZC [2]	ZC [1]	ZC	ZC [2]	ZC	ZC [5]	ZC		
Kennels and Pet Boarding	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP		
Laundromats and Cleaners	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	AUP	AUP	UP(PH)	UP(PH)	AUP [4]	AUP		
Veterinary Clinic	UP(PH)	UP(PH) [*]	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Video Tape/Disk Rental	ZC [1]	ZC [1]	ZC [2]	AUP	ZC [2]	-	ZC	ZC [2]	ZC	ZC [5]	NP		
Office Uses													
Business Support Services	ZC [1]	ZC [1]	ZC [2]	ZC [2]	ZC [2]	ZC [1]	ZC*	ZC [2]	ZC	ZC [5]	ZC [6]		23.204.110.B.6
Banks and Financial Services, Retail	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	ZC [1]	AUP*	UP(PH)	ZC*	AUP	ZC		23.204.110.B.6; 23.204.130.B.3; 23.204.130.D.3

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	ZC [1]	ZC [1]	ZC* [2]	ZC* [2]	ZC* [2]	ZC [1]	ZC*	ZC* [2]	ZC*	ZC [5]	ZC [6]	23.204.040.D; 23.204.110.B.6; 23.204.130.D.3
Medical Practitioners	ZC [1]	ZC [1]	AUP	NP	UP(PH)	ZC [1]	AUP*	UP(PH)	ZC*	ZC [5]	ZC [6]	23.204.040.D; 23.204.110.B.6; 23.204.130.D.3
Non-Chartered Financial Institutions	UP(PH)*	UP(PH) *)	NP	NP	NP	UP(PH) *)	UP(PH) *)	NP	NP	UP(PH) *)	UP(PH)	23.302.070.F; 23.204.110.B.6
Office, Business and Professional	ZC [1]	ZC [1]	AUP*	AUP*	AUP*	ZC [1]	AUP*	AUP*	ZC*	ZC [5]	ZC [6]	23.204.040.B; 23.204.110.B; 23.204.130.D.3
Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses												
Adult-oriented Business	UP(PH)*	UP(PH) *)	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH) *)	NP	23.203.070.A
Amusement Device Arcade	See 23.204.040.A											23.302.070.B
Bar/Cocktail Lounge/Tavern	UP(PH)*	UP(PH) *)	UP(PH) *)	--	NP	UP(PH) *)	UP(PH) *)	NP	UP(PH)*	UP(PH) *)	UP(PH)	23.204.100.B.3; 23.204.110.B.2; 23.310
Commercial Recreation Center	See 23.204.040.A											
Dance/Exercise/Martial Arts/Music Studio	ZC [1]	ZC [1]	ZC [2]	AUP	AUP [4]	ZC [1]	ZC	AUP	ZC	ZC [7]	ZC	
Entertainment Establishment	UP(PH)	UP(PH) *)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Food Service Establishment	See 23.302.070.E											
Group Class Instruction	ZC [1]	ZC [1]	AUP	AUP	AUP*	ZC [1]	ZC*	AUP	ZC*	ZC	ZC	23.204.040.B
Gym/Health Club	See 23.204.040.C											
Hotels, Tourist	UP(PH)	UP(PH) *)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Motels, Tourist	UP(PH)	UP(PH) *)	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Theater	UP(PH)	UP(PH))	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP	AUP	UP(PH)	UP(PH)	
Vehicle Service and Sales Uses												
Alternative Fuel Station	UP(PH)	UP(PH))	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	AUP*	UP(PH)	23.204.110.B.4; 23.204.140.B.3
Electric Vehicle Charging Station	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP*	AUP	
Gasoline Fuel Stations	UP(PH)	UP(PH))	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	UP(PH) *	UP(PH)	23.204.140.B.3
Large Vehicle Sales and Rental	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP* [8]	NP	23.204.140.B.3
Small Vehicle Sales and Service	AUP	NP	NP	NP	NP	UP(PH) *	NP	NP	UP(PH)	UP(PH) *	NP	23.204.100.B.5; 23.204.140.B.3
Tire Sales and Service	UP(PH)	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH) *	NP	23.204.140.B.3
Vehicle Parts Store	ZC [1]	NP	ZC [2]	ZC [2]	ZC [2]	ZC [1]	ZC	ZC [2]	NP	AUP* [8]	ZC	
Vehicle Rentals	AUP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	AUP* [8]	NP	23.204.140.B.3
Vehicle Repair and Service	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP* [8]	NP	
Vehicle Sales, New	AUP	NP	NP	NP	NP	UP(PH) *	NP	NP	UP(PH)	AUP* [8]	NP	23.204.140.B.3
Vehicle Sales, Used	AUP	NP	NP	NP	NP	UP(PH) *	NP	NP	UP(PH)	UP(PH) *	NP	23.204.100.B.5; 23.204.140.B.3; 23.204.140.D.4
Vehicle Wash	UP(PH)	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH) *	NP	23.204.140.B.3
Vehicle Wrecking	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Industrial and Heavy Commercial Uses												

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
Bus/Cab/Truck/Public Utility Depot	-	-	-	-	-	-	-	-	-	-	--	
Commercial Excavation	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	-	NP	UP(PH)	
Contractors Yard	-	-	-	-	-	-	-	-	-	AUP	--	
Dry Cleaning and Laundry Plant	UP(PH)	UP(PH))	NP	-	UP(PH)	NP	NP	NP	UP(PH)	NP	NP	
Laboratory												
Commercial Physical or Biological	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	NP	NP	
Cannabis Testing	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	AUP [9]	NP	
Manufacturing												
Construction Products	-	-	-	-	-	-	-	-	-	UP(PH)	--	
Light Manufacturing	-	-	-	-	-	-	-	-	-	AUP [8]	--	
Pesticides/Herbicides/Fertilizers	-	-	-	-	-	-	-	-	-	UP(PH)	--	
Petroleum Refining and Products	-	-	-	-	-	-	-	-	-	UP(PH)	--	
Pharmaceuticals	-	-	-	-	-	-	-	-	-	UP(PH)	--	
Primary Production Manufacturing	-	-	-	-	NP	-	-	-	-	UP(PH)	--	
Semiconductors	-	-	-	-	NP	-	-	-	-	UP(PH)	--	
Material Recovery Enterprise	-	-	-	-	-	-	-	-	-	-	--	
Media Production	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	AUP	UP(PH)	23.204.130.B.4

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS	
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC		
Mini-storage	UP(PH)	NP	NP	NP	NP	NP	NP	-	UP(PH)	NP	NP		
Recycled Materials Processing	-	-	-	-	-	-	-	-	-	-	--		
Recycling Redemption Center	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP		
Repair Service, Non-Vehicle	-	-	-	-	-	-	-	-	-	AUP	--		
Research and Development	-	-	-	-	-	-	-	-	-	--	--		
Services to Buildings and Dwellings	-	-	-	-	-	-	-	-	-	AUP	--		
Warehouse	UP(PH)	NP	NP	NP	NP	NP	NP	-	UP(PH)	NP	NP		
Warehouse-Based Non-Store Retailer	-	-	-	-	-	-	-	-	-	-	--		
Wholesale Trade	-	-	-	-	-	-	-	-	-	AUP [8]	--		
Incidental Uses													
Amusement Devices	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	UP(PH)	23.302.070.B
Alcoholic Beverage Service	See 23.310												
Cafeteria, On-Site	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP	UP(PH)	
Columbaria	See 23.302.070.C												
Food and Beverage for Immediate Consumption	ZC	ZC	AUP	UP(PH)	UP(PH)	ZC	AUP	UP(PH)	ZC	ZC	ZC		
Food Service Establishment	See 23.302.070.E												
Live Entertainment	See 23.302.020.D												
Manufacturing	AUP	AUP	UP(PH)	UP(PH)	NP	UP(PH)	AUP	AUP	AUP	AUP	AUP		
Retail Sale of Goods Manufactured On-Site	ZC [1]	ZC [1]	ZC [2]	ZC [2]	ZC [2]	ZC [1]	ZC	ZC [2]	ZC	AUP	ZC		
Storage of Goods (>25%	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	23.302.020.C

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit NP = Not Permitted -- = Permitted with AUP, see 23.204.020(B) [#] = Table Note Permit Requirement * Use-Specific Regulations Apply	COMMERCIAL DISTRICTS											USE-SPECIFIC REGULATIONS
	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	
gross floor area)												
Wholesale Activities	AUP*	AUP*	UP(PH) *	UP(PH)*	NP	AUP*	AUP*	AUP*	AUP*	AUP	AUP	23.204.080.B.3
Other Miscellaneous Uses												
Art/Craft Studio	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	ZC [6]	
ATM, Exterior and Attached to Bank	AUP	AUP	AUP	UP(PH)	AUP	AUP	AUP	AUP*	AUP	AUP	AUP	23.204.120.B.2
ATM, Interior or Exterior and Not With Bank	UP(PH)	UP(PH))	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)*	AUP	UP(PH)	23.204.120.B.2
Circus/Carnival	UP(PH)	UP(PH))	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Drive-in Uses	UP(PH)	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	NP	NP	UP(PH)	
Home Occupations	See 23.302.040											
Live/Work	See 23.312											
Parking Lot/Structure	See 23.302.070.G											
Public Market, Open Air	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	UP(PH)	AUP	
Public Market, Enclosed	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP [9]	AUP	
Short-Term Rental	See 23.314		NP	NP	See 23.314			NP	See 23.314		NP	
Urban Agriculture, Low-Impact	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC	ZC	23.318
Urban Agriculture, High-Impact	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	AUP	23.318
Wireless Telecommunication Facility	See 23.332—Wireless Communication Facilities											

Notes:

- [1] Change of use of floor area over 3,000 square feet requires an AUP.
- [2] Change of use of floor area over 2,000 square feet requires an AUP.
- [3] Requires an AUP for uses 3,500 sq. ft. to 7,500 square feet. Requires a Use Permit for uses more than 7,500 sq. ft.

[4] Requires a Use Permit if 5,000 sq. ft. or more.

[5] Requires an AUP for uses 3,000 sq. ft. to 5,000 square feet. Requires a Use Permit for uses more than 5,000 sq. ft.

[6] Requires an AUP for uses 2,500 sq. ft. or greater or 50 ft. wide or greater on Shattuck, between Ward and Russell; Adeline between Russell and the City boundary; on Ashby, east of Adeline; or on the north side of Ashby, west of Adeline.

[7] Requires a Use Permit if 7,500 square feet or more.

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

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

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XII. BMC Section 23.204.110(B)(5):

5. ~~Residential-Only Buildings Ground Floor Uses. Residential uses are permitted on the ground floor if a commercial use occupies the first 30 feet of depth of the ground floor, as measured from the ground floor street frontage. Residential-only buildings are not permitted in the C-T district. Dwelling units and group living accommodations are allowed only above the ground floor in a mixed-use building.~~

XIII. BMC Section 23.204.110(D):

D. Development Standards.

1. **Basic Standards.** See Table 23.204-32: C-T Development Standards.

TABLE 23.204-32: C-T DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area Minimum		23.304.020-Lot Requirements
New Lots	No minimum	
Per Group Living Accommodation Resident	350 sq. ft. [1]	
<u>Residential Density</u>		<u>23.106.100-Residential Density</u>
<u>Minimum (du/acre)</u>	<u>200</u>	
<u>Maximum (du/acre)</u>	<u>No maximum</u>	
Usable Open <u>Space</u> , Minimum <u>[1]</u>	<u>40 sq. ft. per 1,000 sq. ft. of gross floor area</u>	23.304.090-Usable Open Space; <u>23.304.160 - Residential Amenities</u>
Floor Area Ratio, Maximum	<u>8.0</u>	
South of Dwight Way	4.0	
North of Dwight Way	5.0 [2]	
Telegraph/Channing Parking Garage, <u>APN 55-1879-6-1-[3]</u>	No maximum	
Main Building Height, Minimum	35 ft.	23.304.050-Building Height
Main Building Height, Maximum <u>[3] [2]</u>	<u>85 ft.</u>	
Telegraph/Channing Parking Garage, APN 55-1879-6-1	85 ft. and 7 stories	
Lot Coverage, Maximum	100%	23.304.120-Lot Coverage

Lot Line Setbacks, Minimum		23.304.030-Setbacks
Abutting/Confronting a Non-residential District	No minimum	
Abutting/Confronting a Residential District	See 23.304.030.C.2	
Building Separation, Minimum	No minimum	23.304.040-Building Separation in Residential Districts
Lot Coverage, Maximum	100%	23.304.120-Lot Coverage

Notes:

- ~~[1] The usable open space requirement may be satisfied by any combination of square footage area meeting the standards of 23.304.090-Usable Open Space and/or amenities listed in 23.304.160-Residential Amenities.~~
- ~~[2] Building height is measured to the top of the roof. Parapets may exceed the height limit by up to 5 feet as of right.~~
- ~~One additional resident is allowed for remaining lot area between 200 and 350 square feet. Increased FAR and height allowed with Use Permit. See Table 23.204-33.~~
- ~~APN 55-1879-6-1.~~
- ~~No dimension may be less than 6 feet.~~

2. **Lots Abutting or Confronting a Residential District.** See 23.304.130 (Non-residential Districts Abutting a Residential District) for additional building feature requirements for lots that abut or confront a Residential District.

~~3. **Increased Group Living Density.**~~

- ~~a. Projects with group living accommodations occupying 50 percent or more of the total building floor area are eligible for increased density.~~
- ~~b. To approve a Use Permit to increase the density of a group living accommodation the ZAB must make the following findings:~~
- ~~i. The increase in density will not be detrimental to the immediate neighborhood; and~~
- ~~ii. The project meets the purposes of the district.~~

~~4. **Height and FAR Increases.**~~

- ~~a. Projects with 50 percent or more of the total building floor area for residential use are eligible for increased building height and FAR as shown in Table 23.204-33.~~

TABLE 23.204-33: C-T ALLOWED HEIGHT AND FAR INCREASES

Project Location	Allowed Increase	
	Height	FAR
South of Dwight Way	65 ft. and 5 stories	No increase allowed
North of Dwight Way	75 ft.	6.0

~~b. The ZAB may allow the increased height and FAR with a Use Permit upon finding that the project will not result in a significant reduction in sunlight on Telegraph Avenue sidewalks.~~

~~5. **Shade Studies.**~~

~~a. A shade study is required for all proposed buildings exceeding three stories or 40 feet.~~

~~b. Based on the findings of the shade study, the ZAB may require the fourth or higher story of a building to be set back to minimize shade impacts on adjacent properties or the public right-of-way.~~

~~6. **Environmental Impacts.** Projects that may create environmental impacts as described in the Southside Plan Final EIR shall be subject to the adopted Mitigation Monitoring Program (MMP).~~

XIV. BMC Section 23.204.110(E):

E. Permit Findings. To approve an AUP or Use Permit for a project in the C-T district, the review authority must make the findings in Section 23.406.040 (Use Permits) and find that the proposed use or structure:

1. Is compatible with the purposes of the district;
2. Encourages and maintains the present street frontage of the district;
3. Does not interfere with the continuity of retail or compatible service facilities at the ground level;
4. Does not interrupt a continuous wall of building facades;
5. Is compatible in design and character with the district and the adjacent residential neighborhoods; and
6. Does not generate traffic or parking demand significantly beyond the capacity of the district or significantly increase impacts on adjacent residential neighborhoods; ~~and~~
- ~~7. Complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP)~~

XV. BMC Section 23.204.120(D):

D. Development Standards.

- 1. Basic Standards.** See Table 23.204-334: C-SO Development Standards. For residential-only projects, see also Table 23.204-345: C-SO Setback and Building Separation Standards for Residential-Only Uses and Table 23.204-356: C-SO Lot Coverage Standards for Residential-Only Uses.

TABLE 23.204-334: C-SO DEVELOPMENT STANDARDS

	Project Land Use			Supplemental Standards
	Non-Residential and Mixed Use	Mixed-Use [1]	Residential Only [1]	
Lot Area, Minimum				
New Lots	No minimum		5,000 sq. ft	23.304.020-Lot Requirements
Per Group Living Accommodation Resident	350 sq. ft. [2]			
Usable Open Space, Minimum				23.304.090-Usable Open Space
Per Dwelling Unit	40 sq. ft. [4]	200 sq. ft.		
Per Group Living Accommodation Resident	No minimum		90 sq. ft.	
Floor Area Ratio, Maximum	2.0		No maximum	
Main Building Height, Minimum	No minimum			
Main Building Height, Maximum	28 ft. and 2 stories			23.304.050-Building Height
Lot Line Setbacks, Minimum				23.304.030-Setbacks
Abutting/Confronting a Non-residential District		No minimum		
Abutting/Confronting a Residential District		See 23.304.030.C.2		
			See Table 23.204-35	

	Project Land Use			Supplemental Standards
	Non-Residential and Mixed Use	Mixed-Use [1]	Residential Only [1]	
Building Separation, Minimum	No minimum [3]		See Table 23.204-35	23.304.040-Building Separation in Residential Districts
Lot Coverage, Maximum	100%		See Table 23.204-36	23.304.120-Lot Coverage

Notes:

- [1] For mixed use and residential only projects, development standards included in this table may be modified. See 23.204.120.D.3.
- [2] One additional resident is allowed for remaining lot area between 200 and 350 square feet.
- [3] For mixed-use projects, minimum building separation shall be as required for residential-only projects
- [4] No dimension may be less than 6 feet.

TABLE 23.204-345: C-SO SETBACK AND BUILDING SEPARATION STANDARDS FOR RESIDENTIAL-ONLY USES

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1ST	2ND	3RD	
Lot Line Setbacks, Minimum [1]				23.304.030-Setbacks
Front	15 ft.	15 ft.	15 ft.	
Rear	15 ft.	15 ft.	15 ft.	
Interior	4 ft.	4 ft.	6 ft.	
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum [1]	8 ft.	12 ft.	16 ft.	23.304.040-Building Separation in Residential Districts

- [1] For mixed use and residential-only projects, development standards included in this table may be modified. See 23.204.120.D.3.

TABLE 23.204-35635: C-SO LOT COVERAGE STANDARDS FOR RESIDENTIAL-ONLY USES

	STANDARD BASED ON BUILDING HEIGHT			SUPPLEMENTAL STANDARDS
	1 STORY	2 STORIES	3 STORIES	
Lot Coverage, Maximum [1]				23.304.120-Lot Coverage
Interior and Through Lots	45%	45%	40%	
Corner Lots	50%	50%	45%	
[1] For mixed use and residential-only projects, development standards included in this table may be modified. See 23.204.120.D.3.				

XVI. BMC Section 23.204.120(D)(3):

3. **Modification to Standards –Mixed Use and Residential-Only Projects.** The ZAB may modify development standards in Table 23.204-334, Table 23.204-345, and Table 23.204-356 for a mixed-use or residential-only project with a Use Permit upon making one of the following findings:
 - a. The modification will encourage public transit utilization and existing off-street parking facilities in the area of the proposed building.
 - b. The modification will facilitate the construction of residential or tourist hotel uses where appropriate.
 - c. The modification will permit consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose.




XVII. BMC Section 23.204.130(E)(1)(a):

1. **Height.**
 - a. **Height Limits.** Table 23.204-367: C-DMU Height Limits shows height limits in the C-DMU district, except as otherwise allowed by Paragraph 2 below. See Figure 23.204-5: C-DMU Sub-Areas for district sub-area boundaries.

FIGURE 23.204-5: C-DMU SUB-AREAS



C-DMU Subareas

-  Core Area
-  Outer Core
-  Corridor
-  Buffer



Parcel boundaries as of [adoption date]

TABLE 23.204-367: C-DMU HEIGHT LIMITS

SUB-AREA	MINIMUM	MAXIMUM	MAXIMUM WITH USE PERMIT
Core Area	50 ft.	60 ft.	75 ft.
Outer Core	40 ft.		
Corridor	40 ft.		
Buffer	No minimum	50 ft.	60 ft.

XVIII. BMC Section 23.204.130(E)(2)(a) Table 23.204-38:

TABLE 23.204-378: C-DMU INCREASED HEIGHT ALLOWANCE

Sub-Area	Number of Buildings	Height	
		Minimum	Maximum
Combined Core and Outer Core	2	75 ft.	120 ft.
Core	3	120 ft.	180 ft.

XIX. BMC Section 23.204.130(E)(3)(a):

3. Setbacks.

- a. **Basic Standards.** Table 23.204-389 shows minimum required lot line setbacks in the C-DMU district. Additional standards are listed in 23.204.130(3)(d).

TABLE 23.204-389: C-DMU SETBACK STANDARDS

PORTION OF BUILDING AT HEIGHT OF:	FRONT	MINIMUM INTERIOR SIDE		MINIMUM REAR
		65' AND LESS FROM LOT FRONTAGE	OVER 65' FROM LOT FRONTAGE	
Zero to 20 feet	No minimum. 5 ft. max.	No minimum		
21 feet to 75 feet	No minimum.	No minimum	5 ft.	
76 feet to 120 feet	15 ft. min.	5 ft.	15 ft.	
Over 120 feet	15 ft. min.	15 ft.		

XX. BMC Section 23.204.130(E)(3)(b):

- b. **Modifications to Standards.** The ZAB may modify the setback standards in Table 23.204-389 with a Use Permit upon finding that the modified setbacks will not unreasonably limit solar access or create significant increases in wind experienced on the public sidewalk.

XXI. BMC Section 23.204.130(E)(4):

- 4. **Usable Open Space.** Table 23.204-3940 shows minimum required usable open space in the C-DMU district.

TABLE 23.204-3940: C-DMU USABLE OPEN SPACE REQUIREMENTS

	MINIMUM USABLE OPEN SPACE	SUPPLEMENTAL STANDARDS
Residential Uses	80 sq. ft./unit [1]	23.304.090-Usable Open Space
Non-Residential Uses	1 sq. ft. of privately-owned public open space per 50 sq. ft. of commercial floor area.	
Note: [1] Each square foot of usable open space provided as privately-owned public open space is counted as two square feet of required on-site open space.		

XXII. BMC Section 23.204.140(B)(2):

2. Mixed-Use Residential.

- a. See Table 23.204-404 for mixed-use residential permit requirements in the C-W district.

Table 23.204-404: C-W Mixed-Use Residential Permit Requirements

Total Project Floor Area	Permit Required
Projects with both residential and retail uses where the retail space comprises 15% to 33% of total gross floor area	
Less than 20,000 square feet	ZC
20,000 square feet or more	UP(PH)
All other mixed-use residential projects	
Less than 5,000 square feet	ZC
5,000 to 9,000 square feet	AUP
More than 9,000 square feet	UP(PH)

- b. All new retail uses in an existing mixed-use development are subject to the permit requirements for mixed use development as shown in Table 23.204-404.

XXIII. BMC Section 23.204.140(E)(1):

E. Development Standards.

1. **Basic Standards.** See Table 23.204-412 for development standards in the C-W district.

TABLE 23.204-412: C-W DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area Minimum		23.304.020-Lot Requirements
New Lots	No minimum	
Per Group Living Accommodation Resident		
Usable Open Space, Minimum		23.304.090-Usable Open Space
Per Dwelling Unit or Live/Work Unit	40 sq. ft.	
Per Group Living Accommodation Resident	No minimum	
Floor Area Ratio, Maximum	3.0	
Main Building Height, Minimum	No minimum	
Main Building Height, Maximum	40 ft. and 3 stories [1,2]	23.304.050-Building Height
Lot Line Setbacks, Minimum		23.304.030-Setbacks
Abutting/Confronting a Non-residential District	No minimum	
Abutting/Confronting a Residential District	See 23.304.030.C.2	
Building Separation, Minimum	No minimum	
Lot Coverage, Maximum	100%	23.304.120- Lot Coverage
Notes:		
[1] 50 ft. and 4 stories allowed for mixed-use projects. The fourth floor must be used for residential or live/work purposes.		
[2] On Assessor Parcel Numbers 054-1763-001-03, 054-1763-010-00 and 054-1763-003-03 the maximum height is 50 feet and 4 stories.		

XXIV. BMC Section 23.204.150(B)(3)(a):

3. Permitted Ground Floor Uses.

- a. **Commercial and Active Commercial Required.** In addition to other requirements of the C-AC district, the first 30 feet of depth of the ground floor, as measured from the frontage which abuts the portions of Adeline Street, Shattuck Avenue, MLK, Jr. Way or Ashby Avenue identified in Table 23.204-423: C-AC Permitted Ground Floor Uses shall be reserved for either Active Commercial Uses, or for commercial uses. Ground floor tenant spaces with frontages on streets not identified below can be used for any use permitted in the district.

TABLE 23.204-423: C-AC PERMITTED GROUND FLOOR USES

AREA	PERMITTED GROUND FLOOR USE
Shattuck Avenue between Dwight and Derby	Commercial Uses
Shattuck between Ward and Russell	Active Commercial Uses
Adeline between Russell and City boundary	
Ashby, east of Adeline	
North side of Ashby, west of Adeline	

XXV. BMC Section 23.204.150(E)(1):

XXVI. Basic Standards. See Table 23.204-434: C-AC South Shattuck Subarea Development Standards, and Table 23.204-445: C-AC North and South Adeline Subarea Development Standards. **BMC Section 23.204.150(E)(5) Table 23.204-44:**

TABLE 23.204-434: C-AC SOUTH SHATTUCK SUBAREA DEVELOPMENT STANDARDS

	PROJECT LAND USE [5]							SUPPLEMENTAL STANDARDS
	Residential and Mixed Use Tier 1 (Less than 14% affordable housing)	Residential & Mixed Use Tier 2 (14% affordable housing)	Residential & Mixed Use Tier 3 (21% affordable housing)	Residential & Mixed Use Tier 4 (25% affordable housing)	Residential & Mixed Use (100% affordable housing)	Group Living Accommodation [6]	Non-Residential	
Lot Area Minimum								23.304.020-Lot Requirements
New Lots	No minimum					350 sq. ft.		
Per Group Living Accommodation Resident	N/A					350 sq. ft. [1]		
Usable Open Space, Minimum [3]	40 sq. ft.							
Per Dwelling Unit/GLA Resident [4]	40 sq. ft.							23.304.090-Usable Open Space

	PROJECT LAND USE [5]							SUPPLEMENTAL STANDARDS
	Residential and Mixed Use Tier 1 (Less than 14% affordable housing)	Residential & Mixed Use Tier 2 (14% affordable housing)	Residential & Mixed Use Tier 3 (21% affordable housing)	Residential & Mixed Use Tier 4 (25% affordable housing)	Residential & Mixed Use (100% affordable housing)	Group Living Accommodation [6]	Non-Residential	
Floor Area Ratio, Maximum	2.5	4.0	5.0	5.5	5.5	2.5	2.5	
Main Building Height, Maximum	4 stories 45 feet	6 stories 65 feet	7 stories 75 feet	8 stories 85 feet	8 stories 90 feet	4 stories 45 feet	4 stories 45 feet	23.304.050- Building Height
Residential Density, Maximum (du/acre) [2]	120	210	250	300	300	1 GLA resident per 350 sf of lot area	N/A	
Lot Line Setbacks, Minimum								23.304.030- Setbacks
Abutting/Confronting a Non-residential District	No minimum							
Abutting/Confronting a Residential District	See 23.204.150.G							
Building Separation, Minimum	No minimum							
Lot Coverage, Maximum								23.304.120- Lot Coverage
Interior Lot	60%	90%	90%	90%	90%	60%	100%	

	PROJECT LAND USE [5]							SUPPLEMENTAL STANDARDS
	Residential and Mixed Use Tier 1 (Less than 14% affordable housing)	Residential & Mixed Use Tier 2 (14% affordable housing)	Residential & Mixed Use Tier 3 (21% affordable housing)	Residential & Mixed Use Tier 4 (25% affordable housing)	Residential & Mixed Use (100% affordable housing)	Group Living Accommodation [6]	Non-Residential	
Corner Lot	70%	90%	90%	95%	95%	70%	100%	
Notes: [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet. [2] For the purposes of calculating the State Density Bonus the Tier 1 density shall constitute the maximum allowable gross residential density. Tier 2, 3, and 4 density is authorized as a local density bonus under Government Code section 65915(n). [3] An AUP may be granted to reduce useable open space requirements if shown to be necessary to build an all-electric building. [4] Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space. [5] Affordable units calculated as percentage of total units.								

XXVII. BMC Section 23.204.150(E)(5) Table 23.204-45:

TABLE 23.204-45: C-AC NORTH AND SOUTH ADELIN SUBAREA DEVELOPMENT STANDARDS

	Project Land Use [6]	Supplemental
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	Residential and Mixed Use Tier 1 (Less than 14% affordable housing)	Residential & Mixed Use Tier 2 (14% affordable housing)	Residential & Mixed Use Tier 3 (21% affordable housing)	Residential & Mixed Use Tier 4 (25% affordable housing)	Residential & Mixed Use (100% affordable housing)	Group Living Accommodation	Non-Residential	Standards
Lot Area Minimum								23.304.020
New Lots	No minimum							
Per Group Living Accommodation Resident	N/A					350 sq. ft. [1]	N/A	
Usable Open Space, Minimum [3]	40 sq. ft.							
Per Dwelling Unit/GLA Resident [4]	N/A					40 sq. ft.		23.304.090
Floor Area Ratio, Maximum	2.0	3.5	4.0	5.0	5.0	2.5	2.8	
Residential Density, Maximum (du/acre) [2]	100	150	210	250	250	1 GLA resident per 350 sf of lot area	N/A	
Main Building Height, Maximum	3 stories 35 feet	5 stories 55 feet	6 stories 65 feet	7 stories 75 feet	7 stories 80 feet	4 stories 45 feet	3 stories 45 feet	

Lot Line Setbacks, Minimum								
Abutting/Confronting a Non-residential District	No minimum							23.304.030
Abutting/Confronting a Residential District	10 ft 20 ft from any shared lot line for any portion exceeding 35 feet 45 ft from front property line for any portion exceeding 45 feet					N/A		23.304.030 23.204.150.E.4
Building Separation, Minimum	No minimum							23.304.040
Interior Lot	60%	90%	90%	90%	90%	60%	100%	
Corner Lot	70%	90%	90%	95%	95%	70%	100%	
Lot Coverage, Maximum	100%							
Notes: [1] One additional resident is allowed for remaining lot area between 200 and 350 square feet. [2] For the purpose State Density Bonus calculation, the Tier 1 density is the maximum allowable gross residential density. Tier 2, 3, and 4 density is authorized as a local density bonus under Government Code section 65915(n). [3] An AUP may be granted to reduce useable open space requirements if shown to be necessary to build an all-electric building. [4] Each square-foot of open space that is designated as publicly accessible open space shall be counted as two square-feet of required on-site open space. [5] Affordable units calculated as percentage of total units								

XXVIII. BMC Section 23.204.150(F)(2)(b):

- b. **Active Commercial Areas.** Ground floor frontages in areas identified as Active Commercial in Table 23.204-4~~23~~ shall meet the requirements of 23.204.150(F)(2)(a) except:
 - i. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
 - ii. Facades shall provide at least 75 percent transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior. Dark or mirrored glass will not satisfy this requirement.

XXIX. BMC Section 23.204.150(F)(2)(c):

- c. **Commercial Use Areas.** Ground floor frontages in areas identified as commercial in Table 23.204-4~~23~~ shall meet the requirements of 23.204.150(F)(2)(a) except:
 - i. Ground floors shall have a minimum floor to floor height of 15 feet and a minimum floor to ceiling height of 12 feet.
 - ii. Facades shall provide at least 65% transparency between 3 and 10 feet above grade (doors and transparent windows) to allow maximum visual interaction between sidewalk areas and the interior of office spaces. Dark or mirrored glass will not satisfy this requirement.

XXX. BMC Section 23.210.020(C)(2)(a):

- a. Table 23.210-1 shows the maximum allowed building height in the H overlay zone, with the exception of parcels located within the Southside Plan boundaries, which are the same as the underlying base district.

XXXI. BMC Section 23.304.030 Table 23.304-1:

TABLE 23.304-1: ALLOWED SETBACK REDUCTIONS IN RESIDENTIAL DISTRICTS

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
Front Setback Reductions				

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
ES-R	On any lot	No minimum.	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-S; R-SMU	On any lot	No minimum	AUP	The reduced setback is appropriate given the setbacks and architectural design of surrounding buildings
R-SMU	For either: 1) a main building with dwelling units or group living accommodations; or 2) any building north of Durant Avenue	No minimum	AUP	The reduced setback is appropriate given the setbacks and architectural design of surrounding buildings
Rear Setback Reductions				
ES-R [3]	On any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1, R-1A	On a lot less than 100 ft. deep	20% of lot depth	ZC	None
R-1A	To construct a dwelling unit	12 ft.	AUP	The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
R-2, R-2A, R-3, R-4, R-5 [4], R-S, R-SMU	On a lot with two or more main buildings with dwelling units	No minimum	AUP	No additional findings
R-SMU	For either: 1) a main building with dwelling units or group living accommodations; or 2) any building north of Durant Avenue	No minimum	AUP	The reduction is appropriate given the setbacks and architectural design of surrounding buildings
Side Setback Reductions				
ES-R [3]	Any lot	No minimum	UP(PH) [2]	The reduced setback is: 1) necessary to allow economic use of property due to the size, shape of the lot or the topography of the site; and 2) consistent with the ES-R district purpose.
R-1, R-1A	Lot width less than 40 ft. [54]	10% of lot width or 3 ft., whichever is greater	ZC	None
R-2, R-2A	Lot width less than 40 ft.	First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: 5 ft.	ZC	None

DISTRICT WHERE ALLOWED	WHEN ALLOWED	MINIMUM SETBACK WITH REDUCTION	REQUIRED PERMIT	REQUIRED ADDITIONAL FINDINGS [1]
R-SMU	For either: 1) a main building with dwelling units or group living accommodations; or 2) any building north of Durant Avenue	No minimum	AUP	The reduced setback is appropriate given the setbacks and architectural design of surrounding buildings

Notes:

[1] Findings are in addition to any AUP or Use Permit findings required in 23.406-Specific Permit Requirements.

[2] Fire Department must review and approve reduced setbacks in respect to fire safety.

[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.

[4] Not applicable to parcels located within the Southside Plan boundaries.

[5] Not permitted for rear main buildings in the R-1A district.

XXXII. BMC Section 23.304.030 Table 23.304-3:

TABLE 23.304-3: SETBACKS ADJACENT TO RESIDENTIAL DISTRICTS

District	Minimum Lot Line Setback when Lot Line Abuts or Confronts a Lot in a Residential District			
	Front	Rear	Interior Side	Street Side
All Commercial Districts C-C, C-U, C-N, C-E, C-NS, C-SA, C-SO, C-DMU, C-W, C-AC, MU-LI	Same as required in adjacent Residential District [1]	10 feet or 10% of the lot depth, whichever is less	5 ft.	Same as required in adjacent Residential District [1]
C-T	No minimum		5 ft.	Same as required in adjacent Residential District
MU-R	10 ft. [1]	10 feet or 10% of the lot width, whichever is less [2]		

Notes:

[1] In the MU-LI and MU-R districts, setback may be reduced to the smaller of front setbacks on abutting lot with an AUP.

[2] This applies to lots that abut or confront a lot either in a Residential District or containing one or more dwelling units.

XXXIII. BMC Section 23.304.040 Table 23.304-4:

TABLE 23.304-4: PERMITS REQUIRED FOR BUILDING SEPARATION REDUCTIONS IN RESIDENTIAL DISTRICTS

DISTRICT WHERE ALLOWED	WHEN ALLOWED	PERMIT REQUIRED	FINDINGS [1]
R-1A	On a lot with two or more main buildings with a dwelling unit	AUP	The unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.
R-2, R-2A, R-3 [2], R-4, R-5, R-S, R-SMU	On a lot with two or more main buildings with a dwelling unit	AUP	No additional findings
ES-R [32]	Any lot	UP(PH)	1) The reduced building separation is necessary to allow economic use of property for residential purposes; 2) the development complies with all other applicable setback, coverage, and floor requirements; and 3) the reduced building separation is consistent with the ES-R district purpose.

Notes:

[1] Findings in addition to AUP or Use Permit findings required in ~~in~~ Chapter 23.406.

[2] Not applicable to parcels located within the Southside Plan boundaries.

[3] Fire Department must review and approve reduced setbacks in respect to fire safety.

XXXIV. BMC Section 23.304.140:

~~A. **Downtown Area Plan.** Projects in the Downtown Area Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Downtown Area Plan Final EIR.~~

~~B. Southside Plan.~~

- ~~1. Mitigation Measures. Projects in the Southside Plan boundaries are subject to the applicable mitigation measures in the adopted Mitigation Monitoring Program the Southside Plan Final EIR.~~
- ~~2. Permit Findings. To approve an AUP or Use Permit for a project in the Southside Plan boundaries, the review authority must find that the project complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP).~~

~~C. West Berkeley Plan. Projects in the West Berkeley Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the West Berkeley Plan Final EIR.~~

~~D. Adeline Corridor Plan. Projects in the Adeline Corridor Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Adeline Corridor Plan Final EIR.~~

~~E. Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project. Projects in the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project boundaries are required to implement all the applicable mitigation measures in the adopted Mitigation Monitoring Program of the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project EIR.~~

XXXV. **BMC Section 23.404.060(B)(3):**

3. **Periodic Review and Reporting.**

a. The City may require periodic review of an approved project to verify compliance with permit requirements and conditions of approval.

b. Conditions of approval include all applicable mitigation measure(s) in the adopted Mitigation Monitoring Program (MMP) of any General, Master, Specific, or Area Plan that applies to a project based on its location and characteristics.

b.c. The permit holder or property owner is responsible for complying with any periodic reporting, monitoring, or assessments requirement.

XXXVI. **BMC Section 23.502.020(D):**

D. **"D" Terms.**

1. **Dance/Exercise/Martial Arts/Music Studio.** An establishment in which customers assemble for group exercises, dancing, self-defense training, aerobics, choral or musical instrument instruction, other movement drills for learning, rehearsal or non-audience performances.

2. **Deck.** An unenclosed structure, usually made of wood, built to provide a solid continuous surface for outdoor use and/or access to a door, which is accessible from the ground level, directly or from a connecting stairway and is separated from the ground by an air space.
3. **Demolition.** A building or enclosed structure shall be considered demolished for the purposes of this chapter when, within any continuous 12-month period, such building or enclosed structure is destroyed in whole or in part or is relocated from one lot to another. For purposes of this definition, destroyed in part means when 50 percent or more of the enclosing exterior walls and 50 percent or more of the roof are removed. Removal of facades or portions of facades requires Design Review.

4. **Density.** See 23.106.100-Residential Density.

4-5. **Density Bonus.** See 23.332.020 (Definitions).

5-6. **Department.** The Planning and Development Department of the City of Berkeley or its successor administrative unit.

6-7. **Department Store.** A retail store selling several kinds of merchandise, which are usually grouped into separate sections, including but not limited to, apparel, housewares, household hardware, household appliances, household electronics and gifts.

7-8. **Dormer.** A projection built out from a sloping roof, usually housing a vertical window or ventilating louver. See also 23.304.110 (Dormers).

8-9. **Dormitory.** A building providing group living accommodations, occupied by individuals not sharing a common household, characterized by separate sleeping rooms without individual kitchen facilities and containing congregate bath and/or dining facilities or rooms.

9-10. **Drive-in Uses.** A use where a customer is permitted or encouraged, either by the design of physical facilities or by the service and/or packaging procedures offered, to be served while remaining seated within an automobile. This use includes drive-through food service establishments, financial services (banks), and automatic carwashes.

10-11. **Driveway.** A paved, vehicular accessway connecting an off-street parking space or parking lot with a public or private street.

11-12. **Drug Paraphernalia.** As defined in California Health and Safety Code Section 11364.5(d).

12-13. **Drugstore.** A retail establishment where the profession of pharmacy is practiced and/or where licensed prescription drugs and general merchandise are offered for sale. A food products store with a pharmacy is not a drugstore.

~~13-14.~~ **Dry Cleaning and Laundry Plants.** A place where clothes are dry cleaned, dyed and/or laundered as part of a commercial business, whether or not such clothes were deposited by a customer at that location, or transported from another location, as part of a service. This use includes all establishments subject to Section 19233 of the State of California Business and Professions Code, regulating Dry Cleaning Plants, but excludes laundromats and cleaners as defined in this chapter.

~~14-15.~~ **Duplex.** A building or use of a lot designed for, or occupied exclusively by, two households.

~~15-16.~~ **Dwelling Unit.** A building or portion of a building designed for, or occupied exclusively by, persons living as one household.

XXXVII. **BMC Section 23.502.020(H)(10):**

10. **Household.** One or more persons ~~_, whether or not related by blood, marriage or adoption, with common access and use of all living, kitchen, and eating areas within a dwelling unit~~ sharing a dwelling unit in a living arrangement usually characterized by sharing living expenses, such as rent or mortgage payments, food costs and utilities, as well as maintaining a single lease or rental agreement for all members of the household and other similar characteristics indicative of a single household.

XXXVIII. **BMC Section 23.502.020(R)(13):**

1. **Rear Main Building.** A main building situated behind another main building existing or proposed on a parcel located in the R-1A district.
2. **Receiving Lot.** See Lot, Receiving.
3. **Recycled Materials Processing.** A facility that receives and processes recyclable materials. Processing means preparation of material for efficient shipment, or to an end-user's specifications, by such means as baling, briquetting, compacting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and remanufacturing.
4. **Recycling Redemption Center.** A facility, use, or structure for the collection of recyclable goods, including beverage containers and newspapers.
5. **Related Equipment.** All equipment necessary for or related to the provision of personal wireless services. Such equipment may include, but is not limited to, cable, conduit and connectors, equipment pads, equipment shelters, cabinets, buildings and access ladders.
6. **Religious Assembly.** A building or space primarily used for an assembly of persons to conduct worship or other religious ceremonies, including, but not limited to, churches, synagogues, temples, mosques or shrines.

7. **Repair Service, Non-Vehicle.** An establishment that provides repair and maintenance services for household appliance, home electronics, office equipment, furniture and other similar items. Excludes vehicle repair.
8. **Research and Development.** An establishment engaged in the following activities: 1) industrial, biological or scientific research; and/or 2) product or process design, development, prototyping, or testing. This may include labs, offices, warehousing, and light manufacturing functions as part of the overall Research and Development use.
9. **Resident.** A person whose primary residence is in Berkeley.
10. **Residential Care Facility.** See Community Care Facility.
11. **Residential Hotel.** See Hotel, Residential.
12. **Residential Addition.** See Addition, Residential.
- 12-13. **Residential Density.** See 23.106.100 (Residential Density).
- 13-14. **Residential Districts.** The districts listed under the Residential Districts heading in Table 23.108-1: Zoning Districts.
- 14-15. **Residential Hotel Room.** A room which is:
 - a. Used, designed, or intended to be used for sleeping for a period of 14 consecutive days or more;
 - b. Not a complete dwelling unit, as defined in this chapter; and
 - c. Not a Tourist Hotel Room, as defined in this chapter.
- 15-16. **Residential Use.** Any legal use of a property as a place of residence, including but not limited to dwelling units, group living accommodations, and residential hotels.
- 16-17. **Retail, General.** A retail establishment engaged in the sales of personal, consumer, or household items to the customers who will use such items. This use includes antique stores, art galleries, arts and crafts supply stores, bicycle shops, building materials and garden supplies stores, clothing stores, computer stores, cosmetic/personal care items, department stores, drug paraphernalia stores, drug stores, fabric, textile and sewing supply shops, flower and plant stores, food product stores, furniture stores, garden supply stores, nurseries, gift/novelty shops, household hardware and housewares stores, household electronics/electrical stores, jewelry/watch shops, linen shops includes bedding, musical instruments and materials stores, office supply stores, paint stores, photography equipment supply stores, secondhand stores, sporting goods stores, stationery, cards and paper goods stores toy stores and variety stores. This use excludes video rental stores, service of vehicle parts, and firearm/munition sales.

~~17-18.~~ **Retaining Wall.** A wall designed to contain and resist the lateral displacement of soil and of which such soil is at a higher elevation on one side of the wall.

~~18-19.~~ **Review Authority.** The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Ordinance.

~~19-20.~~ **Rooming House.** A building used for residential purposes, other than a hotel, where lodging for 5 or more persons, who are not living as a single household, is provided for compensation, whether direct or indirect. In determining the number of persons lodging in a rooming house, all residents shall be counted, including those acting as manager, landlord, landlady or building superintendent. See also Boarding House.

XXXIX. BMC Section 23.304.160:

23.304.160- Residential Amenities

A. Purpose. The purpose of this section is to provide an alternative method for multi-family dwelling and mixed-use residential developments within the Southside Plan boundaries to meet the residential usable open space requirement.

B. Applicability. Multi-family dwelling and mixed-use residential developments on lots within the Southside Plan boundaries.

C. Amenities. Multi-family and mixed-use residential buildings may satisfy the residential usable open space requirement by providing any combination of usable open space meeting the standards of Section 23.304.090-Usable Open Space and/or the following residential amenities:

1. Conference room.
2. Shared laundry room.
3. Fitness center.
4. Swimming pool.
5. Tenant activity area, such as joint eating and cooking area, clubhouse, play area, screening room, or other activity area.
6. On-site child care center
7. Pet washing facility or relief area.
8. Playground or outdoor active recreation facility.
9. Storage rooms for use by individual residents.
10. Study room and/or library.

XL. BMC Section 23.106.100:

23.106.100-Residential Density

- A. Residential Density Defined.** The ratio of the number of dwelling units on a lot to the lot area in acres, rounded to the nearest whole number.
- B. Measurement.** Dwelling units per acre shall be calculated by dividing the total number of dwelling units proposed in a development project by the total project site area.

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ATTACHMENT 9. Southside Zoning Ordinance Amendments Matrix

Section	Title	Action	Description/Rationale of Changes
23.202.030 Residential Districts – Additional Permit Requirements			
23.202.030(A)(1)	Residential Additions - Permits Required	Amend	Exempt parcels in the southside from requirement to obtain an AUP for a residential addition more than 15 percent of the lot area or 600 square feet, whichever is less.
23.202.030(B)	Residential Additions - Adding Bedrooms	Amend	Exempt parcels in the southside from requirement to obtain a permit to add the fifth or more bedroom to an existing lot.
23.202.100 R-3 Multiple-Family Residential District			
23.202.100(C)	Additional Permit Requirements	Amend	Fix typo
23.202.100(E)	Development Standards	Amend	Consolidate development standards into one table, update standards consistent with proposal.
23.202.110 R-4 Multi-Family Residential District			
23.202.110(E)	Development Standards	Amend	Revise table numbers.
23.202.120 R-5 High-Density Residential District			
23.202.120(D)	Development Standards	Amend	Revise table numbers.
23.202.130 R-S Residential Southside District			
23.202.130(E)	Development Standards	Amend	Consolidate development standards into one table, update standards consistent with proposal.
23.202.140 R-SMU Residential Southside District			
23.202.140(E)	Development Standards	Amend	Consolidate development standards into one table, update standards consistent with proposal.
23.202.150 R-BMU Residential BART Mixed Use District			
23.202.150(D)	Ground-Floor Uses	Amend	Revise table number.
23.202.150(F)(1)	Development Standards	Amend	Revise table numbers.
23.204.020 Allowed Land Use Commercial Districts			
23.204.020 Table 23.204-1	Allowed Uses in Commercial Districts	Amend	Add reference to 23.204.110(B)(5) for mixed-use residential projects in the C-T district; update table number reference in the C-W district.
23.204.110 C-T Telegraph Avenue Commercial District			
23.204.110(B)(5)	Residential Only Buildings	Amend	Allow residential uses on the ground floor of buildings in the C-T district if a commercial use occupies the first

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ATTACHMENT 9. Southside Zoning Ordinance Amendments Matrix

			30 feet of depth of the ground floor, measured from the street frontage.
23.204.110(D)	Development Standards	Amend	Consolidate development standards into one table, update standards consistent with proposal.
23.204.110(E)	Permit Findings	Amend	Remove requirement to comply with Southside Plan MMRP (refer to new sub-section 23.404.060(B)(3)).
23.204.120 C-SO Solano Avenue Commercial District			
23.204.120(D)	Development Standards	Amend	Revise table numbers.
23.204.120(D)(3)	Modification to Standards – Mixed Use and Residential-Only Projects	Amend	Revise table number references.
23.204.130 C-DMU Downtown Mixed-Use District			
23.204.130(E)(1)	Height	Amend	Revise table number references.
23.204.130(E)(2)(a)	Table 23.204-38	Amend	Revise table number reference.
23.204.130(E)(3)	Setbacks	Amend	Revise table number reference.
23.204.130(E)(3)(b)	Modifications to Standards	Amend	Revise table number reference.
23.204.130(E)(4)	Usable Open Space	Amend	Revise table number reference.
23.204.140 C-W West Berkeley Commercial District			
23.204.140(B)(2)	Mixed-Use Residential	Amend	Revise table number reference.
23.204.140(E)(1)	Development Standards	Amend	Revise table number reference.
23.204.150 C-AC Adeline Corridor Commercial District			
23.204.150(B)(3)(a)	Permitted Ground Floor Uses	Amend	Revise table number reference.
23.204.150(E)(1)	Basic Standards	Amend	Revise table number references.
23.204.150(E)(5)	Table 23.204-45	Amend	Revise table number.
23.204.150(F)(2)(b)	Active Commercial Areas	Amend	Revise table number reference.
23.204.150(F)(2)(c)	Commercial Use Areas	Amend	Revise table number reference.
23.210.020 Hillside Overlay Zone			
23.210.020(C)(2)(a)	Development Standards – Main Building Height	Amend	Exempt parcels within the Southside from maximum height allowed in H overlay zone.
23.304 General Development Standards			
23.304.030	Setbacks - Table 23.304-1	Amend	Exempt parcels within the Southside from minimum setback reductions.
23.304.030	Setbacks - Table 23.304-3	Amend	Add new minimum setbacks in the C-T district for lot lines abutting or

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ATTACHMENT 9. Southside Zoning Ordinance Amendments Matrix

			confronting lots in a residential district.
23.304.040	Building Separation in Residential Districts - Table 23.304-4	Amend	Exempt parcels within the Southside from building separation reductions.
23.304.140	Area Plans	Repeal existing section	Clarify that compliance with applicable mitigation measures in a certified EIR occurs as part of post-decision provisions (see new subsection 23.404.060(B)(3)(b)).
23.404 - Common Permit Requirements			
23.404.060(B)(3)	Post-Decision Provisions, Periodic Review and Reporting	Add new section	Clarify that compliance with applicable mitigation measures in a certified EIR occurs as part of post-decision provisions.

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Parks, Recreation, and Waterfront Department

Date: April 19, 2023
To: Honorable Chair and Members of the Planning Commission
From: Scott Ferris, Director, Parks Recreation and Waterfront
Subject: Berkeley Waterfront Specific Plan (WSP) Update

The Waterfront Specific Plan (WSP) project, covering the City's public tidelands, will provide a path for achieving a financially self-sustainable, publicly-owned marina that preserves and enhances infrastructure to support current and future community needs, while adapting to climate change and promoting environmental stewardship. The WSP will designate existing commercial areas for redevelopment and additional recreation opportunities, and will provide design guidelines for future projects.

The WSP is a collaborative effort between staff in the Parks Recreation and Waterfront (PRW) and Planning Departments, the City Attorney's office, and our consultant team led by Hargreaves-Jones.

On March 20, 2023, City Council received a comprehensive worksession update on the project and was asked for feedback relating to: (1) hotel, food and beverage uses, (2) new and enhanced recreational amenities, and (3) funding alternatives. The purpose of this memo is to share the materials from that Council worksession that are now available on the Waterfront Specific Plan project website:

<https://www.cityofberkeley.info/BMASP>:

1. **Update on The Waterfront Specific Plan for the City of Berkeley Public Tidelands Area** (worksession report):
https://berkeleyca.gov/sites/default/files/documents/2023-03-20%20WS%20Item%2001%20Update%20on%20the%20Waterfront%20Specific%20Plan_0.pdf
2. **Waterfront Specific Plan** – (worksession presentation):
<https://berkeleyca.gov/sites/default/files/documents/BWP%20City%20Council%20Worksession%202023-03-20%20Final.pdf>

Council feedback from the March 20, 2023 worksession can be summarized here:

- a) Councilmembers supported the idea that the existing commercial areas would be appropriate for potential re-development;

April 19, 2023

- b) Councilmembers supported the idea of enhanced and expanded recreational opportunities along the shoreline and existing recreational areas (Cesar Chavez Park is excluded from this discussion).

In terms of public process, over the past two years, we have held three public meetings, 24 focus groups, and conducted two on-line community questionnaires. Several Planning Commissioners participated in recent focus groups and we look forward to continued engagement with the Commission moving forward.

Next Steps

Upcoming project actions include:

- May 1 and May 3, 2023: Community workshops to receive feedback on design guidelines associated with nature, recreation, commercial redevelopment, and parking opportunities;
- May 10: Discussion at the Parks, Recreation, and Waterfront Commission;
- June 7, 2023: Discussion at the Planning Commission to seek feedback on the draft design guidelines in the draft Waterfront Specific Plan;
- June 14: Discussion at the Parks, Recreation, and Waterfront Commission;
- July 18, 2023: Council worksession to receive feedback on the draft Waterfront Specific Plan and to finalize a project description to initiate the programmatic environmental review;
- In early 2024, a fourth community scoping meeting to launch the Environmental Impact Report (EIR) phase;
- In late 2024, the EIR and final draft of the Waterfront Specific Plan will be brought to Council for approval and adoption.

Communications

From: pbokovoy@aol.com <pbokovoy@aol.com>
Sent: Friday, April 7, 2023 3:56 AM
To: zcovello@cityofberkeley.info; James, Ashley <AJames@cityofberkeley.info>
Cc: dshiver@bae1.com; pksarchitect@mac.com; Klein, Jordan <JKlein@cityofberkeley.info>; Humbert, Mark <MHumbert@cityofberkeley.info>
Subject: Fwd: Southside Rezoning Public Hearing questions

WARNING: This is not a City of Berkeley email. Do not click links or attachments unless you trust the sender and know the content is safe.

Sorry, resending due to typo in email address.

-----Original Message-----

From: pbokovoy@aol.com
To: ajames@cityofberkeley.info <ajames@cityofberkeley.info>; zcovello@cityofberkeley.info <zcovello@cityofberkeley.info>
Cc: dshiver@bae1.com <dshiver@bae1.com>; pksarchitect@mac.com <pksarchitect@mac.com>; jklein@cityofberkeley.info <jklein@cityofberkeley.info>
Sent: Fri, Apr 7, 2023 3:50 am
Subject: Southside Rezoning Public Hearing questions

Dear Zoe Covello and Ashley James,

We are in receipt of the attached Public Notice for the Southside Zoning Modification Plan to be held on 19 April. We have the following questions:

1. The notice does not include a link to the proposed changes, however the notice says that for written comments to be included in the packet, comments must be received by 11 April. How is it possible to submit comments on a proposal that is not available to review?
2. The notice says at the top that the hearing will be at the South Berkeley Senior Center, but further down in the document says that it will be a virtual hearing. Which is it? Or is it hybrid?

We are concerned by the very short notice to review and comment on a plan that is quite complex and that has undergone many iterations. It seems unfair to expect members of the community and community organizations to make thorough and thoughtful comments without having sufficient time to review the changes. Perhaps you could consider giving more time for comments, and put this item on the agenda for the following month's meeting? That would only necessitate a two week delay.

Thanks for your consideration and response.

Phil Bokovoy
Vice President, Claremont Elmwood Neighborhood Association
Co-Convener, Southside Neighborhood Consortium