

Item 9: Public Hearing: General Plan Redesignation, Rezoning and Expansion of the Adeline Corridor Specific Plan Boundaries

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1. Background
2. Consent Changes Matrix
3. Responses to Planning Commission Questions
4. Public Outreach
5. Next Steps



1. Background

- The BZO is Phase 1 of the Zoning Ordinance Revision Project (ZORP), pursuant to a 2016 City Council referral.
- Project objectives:
 - The average person can understand the Zoning Ordinance
 - Users can easily find what they are looking for
 - It is clear which rules apply to a project or property
 - Important rules are prominent and not hidden in unexpected places
 - Users are unlikely to overlook something important
 - The Zoning Ordinance can be easily maintained over time and maintain its coherence
 - The Zoning Ordinance can easily accommodate future substantive revisions
- Changes include: clearer writing style, reorganization, and more maps. Consent changes.

2. Consent Changes Matrix

- Minor substantive changes to include legal requirements, codify current practice and clarify ambiguous terms.
- Consent Changes Matrix now includes:
 - “Rationale” column to briefly describe justification for change
 - Any new language added; not just amendments to existing language

3. Responses to Planning Commission Questions



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23.102.070 – CONFLICTING PROVISIONS

A. *Conflict with State or Federal Regulations.* Where the Zoning Ordinance conflicts with state or federal laws, higher law applies unless local variation is permitted.

B. *Conflict with Other City Regulations.* Where the Zoning Ordinance conflicts with other ordinances, resolutions, or regulations of the City of Berkeley, the more restrictive regulation is applied.

C. *Conflict with Private Agreements.* It is not the intent of the Zoning Ordinance to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the Zoning Ordinance imposes a greater restriction than imposed by a private agreement, the Zoning Ordinance controls. Private agreements may impose greater restrictions than the Zoning but the City is not responsible for monitoring or enforcing private agreements.

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23.404.070 – Permit Modifications

C. Review Authority. A permit shall be modified by the review authority which originally approved the permit.

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23.104.020 – Authority

The Zoning Officer is responsible for interpreting the meaning and applicability of all provisions in the Zoning Ordinance.

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Zoning Officer Interpretations are subject to review and modification by the ZAB and City Council.

4. Summary of Public Outreach

- 1. ZORP Website**
- 2. Targeted outreach to frequent project applicants**
- 3. Internal outreach to Current Planning project staff**
- 4. “Office Hours” Zoom sessions**
- 5. Berkeley Considers Survey**

5. Next Steps

- **Planning Commission to conduct a public hearing and make a recommendation to the City Council regarding adoption of the BZO.**
- **City Council will take-up the BZO once it has considered Zoning Ordinance Amendments related to Home Occupations and Parking Reform. Est. March/April 2021.**