

ORDINANCE NO. 7,561–N.S.

TECHNICAL CORRECTIONS TO THE ZONING ORDINANCE, BMC SECTIONS 23D.20.030, 23D.28.030, 23D.32.030, 23D.32.070.B, 23D.36.030, 23E.56.060.B, 23E.80.030.A

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the “Uses Permitted” portion of Table 23D.20.030 in Berkeley Municipal Code Section 23D.20.030 is amended to read as follows:

Table 23D.20.030 R-1A Limited Two-Family Residential District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Uses Permitted		
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Care Facilities/Homes		
Changes of Use New Construction	ZC UP(PH)	Subject to parking requirements. See Section 23D.20.080.A
Community Centers	UP(PH)	
Dwelling Units, Single-family or Duplex, subject to R-1A Standards	UP(PH)	
Residential Additions (up to 15% of lot area or 600 square feet, whichever is more restrictive)	ZC	See Section 23D.20.070 for restrictions.
Major Residential Additions	AUP	See definition in Sub-title F. Denial subject to Section 23D.20.090.B .
Libraries	UP(PH)	Subject to parking requirements. See Section 23D.20.080.A
Parks and Playgrounds	ZC	
Parking Lots	UP(PH)	Subject to Section 23D.12.090
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Addition of bedrooms to parcels	AUP UP(PH)	Subject to Section 23D.20.050

Section 2. That the “Uses Permitted” portion of Table 23D.28.030 in Berkeley Municipal Code Section 23D.28.030 is amended to read as follows:

Table 23D.28.030 R-2 Restricted Two-Family Residential District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Uses Permitted		
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Care Facilities/Homes Changes of Use New Construction	ZC UP(PH)	Subject to parking requirements under Section 23D.28.080.A
Community Centers	UP(PH)	
Dwelling Units, Single-family, Duplex, or Multi-family, subject to R-2 Standards	UP(PH)	No Multiple Dwelling Use is allowed in the (H) overlay
Residential Additions (up to 15% of lot area or 600 square feet, whichever is more restrictive)	ZC	See Section 23D.28.070 for restrictions.
Major Residential Additions	AUP	See definition in Sub-title F. Denial subject to Section 23D.28.090.B .
Libraries	UP(PH)	Subject to parking requirements under Section 23D.28.080.A
Parks and Playgrounds	ZC	
Parking Lots	UP(PH)	Subject to requirements of Section 23D.12.090
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Addition of bedrooms to parcels	AUP UP(PH)	Subject to Section 23D.28.050

Section 3. That the “Uses Permitted” portion of Table 23D.32.030 in Berkeley Municipal Code Section 23D.32.030 is amended to read as follows:

Table 23D.32.030 R-2A Restricted Multiple-Family Residential District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Uses Permitted		
Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Care Facilities/Homes Changes of Use New Construction	ZC UP(PH)	Subject to parking requirements under 23D.32.080.A

Community Centers	UP(PH)	
Dwelling Units, Single Family, Duplex or Multi-family, subject to R-2A stds	UP(PH)	
Residential Additions (up to 15% of lot area or 600 square feet, whichever is more restrictive)	ZC	See Section 23D.32.070 for restrictions.
Major Residential Additions	AUP	See definition in Sub-title F. Denial subject to Section 23D.32.090.B .
Libraries	UP(PH)	Subject to parking requirements under Section 23D.32.080.A
Nursing Homes	UP(PH)	Subject to parking requirements under Section 23D.32.080.A
Parking Lots	UP(PH)	Subject to requirements of Section 23D.12.090
Parks and Playgrounds	ZC	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing Six or fewer persons Seven or more persons New Construction	ZC AUP UP(PH)	Changes of use from an existing dwelling unit
Addition of bedrooms to parcels	AUP UP(PH)	Subject to Section 23D.32.050

Section 4. That Berkeley Municipal Code Section 23D.32.070.B is amended to read as follows:

23D.32.070.B R-2A Restricted Multiple-Family Residential District Provisions: Development Standards

B. No more than one Dwelling Unit shall be allowed for each 1,650 square feet of lot area. One additional Dwelling Unit may also be allowed for any remaining lot area which may be less than 1,650 square feet, but not less than 1,300 square feet in area.

Section 5. That the “Uses Permitted” portion of Table 23D.36.030 in Berkeley Municipal Code Section 23D.36.030 is amended to read as follows:

Table 23D.36.030 R-3 Multiple-Family Residential District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Uses Permitted		

Child Care Centers	UP(PH)	
Clubs, Lodges	UP(PH)	
Community Care Facilities/Homes		
Changes of Use New Construction	ZC UP(PH)	Subject to parking requirements. See Section 23D.36.080.A
Community Centers	UP(PH)	
Dwelling Units, Single-family, Duplex, or Multi-family, subject to R-3 standards	UP(PH)	
Residential Additions (up to 15% of lot area or 600 square feet, whichever is more restrictive)	ZC	See Section 23D.36.070 for restrictions.
Major Residential Additions	AUP	See definition in Sub-title F. Denial subject to Section 23D.36.090.B .
Group Living Accommodations, subject to R-3 standards	UP(PH)	
Hospitals	UP(PH)	Subject to parking requirements. See Section 23D.36.080.A
Libraries	UP(PH)	Subject to parking requirements. See Section 23D.36.080.A
Nursing Homes	UP(PH)	Subject to parking requirements. See Section 23D.36.080.A
Parks and Playgrounds	ZC	
Parking Lots		Subject to Section 23D.12.090
When located in R-3 District within the Southside Plan boundaries	Prohibited	
When located in any other R-3 District	UP(PH)	
Public Safety and Emergency Services	UP(PH)	
Religious Assembly Uses	UP(PH)	
Schools, Public or Private	UP(PH)	
Senior Congregate Housing		
Six or fewer persons Seven or more persons New Construction	ZC AUP UP(PH)	Changes of use from an existing dwelling unit
Addition of bedrooms to parcels	AUP UP(PH)	Subject to Section 23D.36.060

Section 6. That the “Uses Permitted” portion of Table 23E.36.030 in Berkeley Municipal Code Section 23E.36.030 is amended to read as follows:

Table 23E.36.030 C-1 General Commercial District Provisions: Uses Permitted

Use	Classification	Special Requirements (if any)
Combination Commercial/Residential Uses		

Live/Work Units Not requiring a UP under Chapter 23E.20 Requiring a UP under Chapter 23E.20	ZC UP(PH)	
Mixed Use Developments (Residential/Commercial)	UP(PH)	Subject to Sections 23E.36.070.D and 23E.36.080.E . Within the University Avenue Strategic Plan Overlay areas, the following uses are not allowed on the ground floor of a Mixed Use building unless a Use Permit is issued pursuant to Sections 23E.36.090.A and B: residential units and uses (other than parking) which serve the residential uses, e.g., leasing and management of the building

Section 7. That Berkeley Municipal Code Section 23E.56.060.B is amended to read as follows:

23E.56.060.B C-T Telegraph Avenue Commercial District Provisions: Use Limitations

B. An establishment that sells alcohol for off-site consumption may stay open past midnight if its ABC license does not require sales of alcohol for off-site consumption to cease by midnight; provided that the ZAB approves a Use Permit and makes the findings in Section [23E.56.090.C](#).

Section 8. That the “Uses Permitted” portion of Table 23E.80.030.A in Berkeley Municipal Code Section 23E.80.030.A is amended to read as follows:

Table 23E.80.030.A MU-LI Mixed Use-Light Industrial District Provisions: Uses Permitted

Uses	Permits Required to Establish, Expand, or Change use by Floor Area (sq. ft.)			Special Requirements (if any)
	Under 20,000	20,000 – 30,000	More than 30,000	
Parking, Outdoor and Exterior Service Window Uses				
Activities or Storage outside of a building	ZC	AUP	AUP	Use lot area, not floor area; not permitted abutting R-District
Automatic Teller Machines	AUP			Exterior and when not part of a Retail Financial Service
Drive-in Uses	Prohibited			Which provide service to customers in their cars
Open Air Markets	UP(PH)	UP(PH)	UP(PH)	AUP up to 5,000 sq. ft. of lot area
Parking Lots				
Exclusively for uses located in the District	ZC for 10 or fewer spaces AUP for 11+ spaces			
Not exclusively for uses located in the District	UP(PH)			

Section 9. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Council Chambers, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on June 27, 2017, this Ordinance was passed to print and ordered published by posting by the following vote:

Ayes: Bartlett, Davila, Droste, Hahn, Harrison, Maio, Wengraf, Worthington and Arreguin.

Noes: None.

Absent: None.