ORDINANCE NO. 7,593–N.S.

ZONING ORDINANCE AMENDMENT TO TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO MODIFY DEVELOPMENT STANDARDS FOR DEVELOPING A SECOND DWELLING UNIT IN A DETACHED MAIN BUILDING IN THE REAR YARD OF A PARCEL IN THE LIMITED TWO-FAMILY RESIDENTIAL (R-1A) DISTRICT

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

Section 1. That Berkeley Municipal Code Section 23D.20.070 is amended to read as follows:

Section 23D.20.070 Development Standards

A. No lot of less than 5,000 square feet may be created.

B. No more than two Dwelling Units shall be allowed. In order to establish two Dwelling Units a lot must contain at least 4,500 square feet of area.

C. Each Main Building shall be limited in height as follows:

<table>
<thead>
<tr>
<th></th>
<th>Average Height limit (ft.)</th>
<th>Maximum Stories limit (number)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Main Building</td>
<td>28*</td>
<td>3</td>
</tr>
<tr>
<td>Rear Main Building</td>
<td>22</td>
<td>2</td>
</tr>
<tr>
<td>All Residential Additions</td>
<td>14**</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

* The Zoning Officer may issue an Administrative Use Permit to allow a Main Building to exceed 28 feet in average height, up to 35 feet in average height.

** The Zoning Officer may issue an Administrative Use Permit to allow residential additions to a Main Building to exceed 14 feet in average height, up to the district limit, and a Rear Main Building up to 22 feet in average height.

D. A Main Building shall be setback from the respective lot lines as follows:

<table>
<thead>
<tr>
<th></th>
<th>Yard location</th>
<th>Building separation between Main Buildings***</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Stories (number)</td>
<td>Front</td>
</tr>
<tr>
<td>Main Building</td>
<td>1-3</td>
<td>20 ft.</td>
</tr>
<tr>
<td>Rear Main Building</td>
<td>1-2</td>
<td>N/A</td>
</tr>
</tbody>
</table>

* See Sections 23D.20.070.D.1. and D.4

** See Sections 23D.20.070.D.2, and D.3

*** See Section 23D.20.070.D.5
1. When the depth of any lot is less than 100 feet, the Rear Yard may be reduced to 20% of the lot depth.

2. When the width of any lot is less than 40 feet, the width of each Side Yard for a Main Building may be reduced to 10% of the lot width, but in no case to less than three feet. No Side Yard setback reductions are permitted for Rear Main Buildings.

3. The Side Yards on a Corner Lot shall be as follows:
   a. On a Corner Lot, where there is a Key Lot to the rear thereof, the street Side Yard of the Corner Lot shall be not less than one-half the Front Yard required or existent on the Key Lot, whichever is smaller. This regulation shall not be applied so as to reduce the buildable area of the lot to a width of less than 20 feet, or to require the Side Yard to be in excess of ten feet.
   b. Where a Rear Yard of not less than 50 feet in depth is maintained on a Corner Lot, adjacent to a Key Lot, the Side Yard may be reduced to the Side yard standards as defined in Section 23D.20.070.D.

4. The required Rear Yard may be reduced to no less than 12 feet to construct a second Dwelling Unit, subject to obtaining an Administrative Use Permit.

5. For two Main Buildings which contain Dwelling Units, the required building separation may be reduced subject to obtaining an Administrative Use Permit.

E. Maximum coverage may not exceed the following percentages:

   1. 40% of the lot area for an Interior or Through Lot.
   2. 45% of the lot area for a Corner Lot.

F. Each lot shall contain the following minimum usable open space area for each Dwelling Unit: 400 square feet.

Section 2. That Berkeley Municipal Code Section 23D.20.090 is amended to read as follows:

Section 23D.20.090 Findings

A. In order to approve any Permit under this chapter, the Zoning Officer or Board must make the finding required by Section 23B.32.040. The Zoning Officer or Board must also make the findings required by the following paragraphs of this section to the extent applicable:

B. To deny a Use Permit for a major residential addition or residential addition subject to 23D.20.070 the Zoning Officer or Board must find that although the proposed residential addition satisfies all other standards of this Ordinance, the addition would unreasonably obstruct sunlight, air or views.
C. To approve an application for reduction of a required Rear Yard, or a reduction in building separation, the Zoning Officer or the Board must find that the unit would not cause a detrimental impact on emergency access; or on light, air or privacy for neighboring properties.

Section 3. That a definition of “Rear Main Building” is added to the Berkeley Municipal Code Section 23F.04.010 to read as follows:

Rear Main Building: A Main Building situated behind another Main Building existing or proposed on a parcel located in the R-1A District.

Section 4. Pursuant to Berkeley Municipal Code Section 23A.20.070.A, this ordinance will become effective immediately, and will apply to all projects that do not currently have a Use Permit.

Section 5. 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 March 27, 2018, Sections 1, 2, and 3 of this Ordinance were passed to print and ordered published by posting by the following vote:

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

Noes: Worthington.

Absent: None.

At a regular meeting of the Council of the City of Berkeley held on March 27, 2018, Section 4 of this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: Droste and Worthington.

Absent: None.