



Office of the City Manager

PUBLIC HEARING
February 25, 2025

To: Honorable Mayor and Members of the City Council

From: Paul Buddenhagen, City Manager

Submitted by: Jordan Klein, Director, Planning and Development Department

Subject: Zoning Ordinance Amendments to Title 23 of the Berkeley Municipal Code for Consistency with State Law Related to Electric Vehicle Charging and Technical Edits

RECOMMENDATION

Conduct a public hearing and upon conclusion, adopt the first reading of an Ordinance amending the following sections of the Zoning Ordinance to align the Berkeley Municipal Code (BMC) with state law related to electric vehicle charging, as well as additional non-substantive edits and corrections:

- 23.106.020 Lot Coverage
- 23.106.080 Building Separation
- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.090 C-NS North Shattuck Commercial District
- 23.204.100 C-SA South Area Commercial District
- 23.204.130 C-DMU Downtown Mixed-Use District
- 23.204.140 C-W West Berkeley Commercial District
- 23.204.150 C-AC Adeline Corridor Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use-Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Uses (Manufacturing)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.306.010 Purpose (Accessory Dwelling Units)
- 23.306.030 Development Standards (Accessory Dwelling Units)

- 23.306.040 Permit Procedures (Accessory Dwelling Units)
- 23.310.020 General Requirements Excluding Incidental Beer and Wine
- 23.310.030 Alcohol Beverage Standards When Incidental to Food Service
- 23.322.030 Required Parking Spaces
- 23.322.080 Parking Layout and Design
- 23.334.030 Transportation Demand Management Program Requirements
- 23.502.020 Defined Terms (Glossary)

SUMMARY

The following is a summary of the proposed amendments to incorporate state law requirements and non-substantive technical edits.

State Law: Electric Vehicle Charging Stations (AB 1236 & AB 970)

AB 1236 (2015) and AB 970 (2021) require all cities to approve applications to install an electric vehicle charging station with a building permit or similar nondiscretionary permit. Any zoning review for electric vehicle charging stations is prohibited by state law. Therefore, the proposed zoning amendments remove the Electrical Vehicle Charging Station use from the Allowed Uses in the Commercial Districts Table and clarify that an Electric Vehicle Charging Station is considered an allowed use in all zoning districts in the Glossary. Electrical vehicle charging stations would still be required to obtain a Building Permit.

State Law: Accessory Dwelling Units (ADUs)

The proposed updates to the Berkeley Municipal Code (BMC) reflect changes in state law and ensure compliance with requirements from the California Department of Housing and Community Development (HCD). Senate Bill 477 (SB 477) reorganized and re-numbered sections of the Government Code related to Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs). To align with these changes, the proposed zoning amendments update references in the Zoning Code and adjust local regulations to meet state requirements.

The proposed amendments also revise the ADU application review process by removing the neighborhood notification requirement for an application to be deemed complete. While neighborhood notifications will continue to be provided as a courtesy, they are no longer required for application processing under state law. Additionally, the amendments update the JADU owner-occupancy requirements to include a codified exemption for governmental agencies, land trusts, or housing organizations.

These updates aim to streamline the approval process, enhance clarity, and ensure compliance with state and HCD standards.

Technical Edits

The proposed zoning amendments include non-substantive changes to correct mistakes and errors and to codify existing practice.

FISCAL IMPACTS OF RECOMMENDATION

Adoption of the recommended amendments would not result in any costs or revenues to the City.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance must comply with state laws, including those related to land use and zoning. The 2023 California Legislative Session saw the enactment of a number of significant new housing laws and extensions of existing laws.

While some state laws may require more extensive amendments or require changes to the City's internal permitting procedures to be consistent, the proposed zoning amendments constitute only minor technical amendments to maintain consistency.

The proposed Zoning Ordinance amendments are summarized below in Table 1:

Table 1 Policy Summary and Zoning Amendment Proposals

	Berkeley Municipal Code	Proposed Zoning Change	Ordinance Sections (Att. 1)
1.	Lot Coverage, Measurement and Projections	- Clarify that lot coverage includes pergolas, trellises, and similar horizontal features. - Clarify that the lot coverage calculation excludes the first 24 inches of eaves. - Correct transmittal error and clarify that the number of stories of a main building shall be used to determine lot coverage, where applicable.	1

	Berkeley Municipal Code	Proposed Zoning Change	Ordinance Sections (Att. 1)
		Clarify that building separation is measured from main or ADU buildings within the same lot.	2
2.	Residential Allowed Land Uses Table	- Correct the Allowable Land Uses in Residential Districts table to include Residential, Hotel use. - Correct an error that transposed the required permits for Alcohol Beverage Service in the R-SMU and R-BMU zoning districts.	3
3.	Commercial Allowed Land Uses Table	- Remove permitting requirements for Electric Vehicle Charging to be consistent with state law. - Correct an error in the Allowed Land Uses in the Commercial Districts table that incorrectly showed blank spaces instead of dashes for some uses in the C-NS district.	4
4.	C-NS Development Standards	Correct an error in the C-NS Development Standards Table to clarify that Maximum FAR should only apply to non-residential projects (not mixed-use residential projects).	5

	Berkeley Municipal Code	Proposed Zoning Change	Ordinance Sections (Att. 1)
5.	C-SA South Area Commercial District	Correct omission of a reference to 23.304.130 (Non-residential Districts Abutting a Residential District).	6
6.	C-DMU Setbacks	Correct an error in C-DMU Setbacks that unintentionally limited ZAB's ability to modify setback standards.	7
7	C-W Land Use Regulations	- Correct a transmittal error: the definition for automotive uses in C-W <i>does not</i> include vehicle parts store. - Replace "Lodging," which is not defined in the BMC, with "Tourist Hotel and Tourist Motel" in the list of C-W Ground Floor Uses - Revise the C-W Designated Node maps to clarify that they indicate entire parcels, not just frontages.	8 9 10 11
8	C-AC Development Standards	Update C-AC Subarea Development Standards footnote to include the 100% affordable housing use, consistent with state law.	12

	Berkeley Municipal Code	Proposed Zoning Change	Ordinance Sections (Att. 1)
9.	C-AC North and South Subareas Adeline Development Standards	- Correct formatting error related to Maximum Lot Coverage in C-AC North and South Adeline Subarea Development Standards table. - Update C-AC Subarea Development Standards table notes to include 100% affordable housing use, consistent with state law	13
10.	Alcoholic Beverage Service and Sales and Outdoor Seating	- Correct permitting threshold in R-SMU and R-BMU, which were inadvertently switched. - Correct a section reference under MU-R in Allowed Uses in Manufacturing Districts table. - Clarify that outdoor sales or food service is <i>permitted</i>, consistent with Berkeley Business amendments adopted in February, 2024. - Provide a more detailed definition of what constitutes an increase in alcoholic beverage sale or service. - Correct section and subsection titles to match Glossary terms.	3 14 15 27 28 29
11.	Manufacturing Allowed Use Table	Removal of unnecessary asterisks.	14
12.	Manufacturing District Protected Uses	Correct a transmittal error to clarify that permit findings are only applicable to projects that meet certain thresholds.	16 17

	Berkeley Municipal Code	Proposed Zoning Change	Ordinance Sections (Att. 1)
		- Correct a transmittal error related to conversions to non-protected industrial use across multiple buildings. The requirement is that <i>25% or more</i> of the floor area remain protected, not 25% or less. - Clarifying outdoor café seating is permitted in the MU-LI and MU-R zoning districts with an AUP.	18
13.	California Government Code Update	- Update sections of the BMC which reference missing or moved California Government Code sections. - Clarify ADU conversion is applicable to existing buildings or accessory structures, per state law.	19 20 24 26 30
14.	Accessory Dwelling Units	- Clarify that certain building elements may project two feet into <i>any setback</i>, not just a front or side setback. - Update language consistent with state law requirements for review of ADU applications. Remove neighborhood notice as a requirement for a completed application. (Note: neighborhood notice will still occur.) - Clarify that certain types of housing are exempt from ADU owner-	21 22 23 24 25

	Berkeley Municipal Code	Proposed Zoning Change	Ordinance Sections (Att. 1)
		occupancy requirements, per state law. Grammatical clarifications.	
15.	Parking Layout and Design and	Clarify that off-street parking for an ADU is permitted in any configuration regardless of parking requirements.	31
16.	Transportation Demand Management Update	Clarify that group living accommodation uses must still provide transit benefits.	32
17.	Glossary	- Clarify that there can be more than one main building on a lot. - Clarify that Electric Vehicle Charging is considered an allowed use in all zoning districts.	33 34

BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., a thorough revision of Title 23 of the Berkeley Municipal Code, to make the City's Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

The proposed zoning amendments are required for compliance with recently adopted state laws, and make other corrections and technical edits to ensure consistency throughout the Zoning Ordinance (**Attachment 1**).

ENVIRONMENTAL SUSTAINABILITY AND CLIMATE IMPACTS

The removal of zoning review for electric vehicle charging stations would streamline the approval process for charging stations, which could result in an increased number of charging stations in Berkeley. The increased availability of charging stations could

encourage the purchase and use of electric vehicles, which produce fewer greenhouse gas emissions per vehicle mile travelled than gas-powered vehicles.

The proposed ordinance includes revisions related to vehicle charging requirements as well as technical edits which correct or clarify language. The proposed zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

RATIONALE FOR RECOMMENDATION

The proposed Zoning Ordinance amendments are required to ensure compliance with all applicable state laws and maintains the integrity of the Zoning Ordinance. All recommended changes either reflect ordinances that have previously been specifically authorized by City Council, or that are required by state law.

ALTERNATIVE ACTIONS CONSIDERED

The Council could consider taking no action on the recommendations proposed by staff. In this scenario, Title 23 would remain unchanged, leaving the BMC inconsistent with state law. As a result, state law would take precedence, potentially leading to challenges in enforcement.

CONTACT PERSON

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Attachments:

- 1: Draft Ordinance
- 2: PC Staff Report 7-17-24
- 3: Public Hearing Notice

ORDINANCE NO. -N.S.

AMENDMENTS TO THE RULES OF MEASUREMENT CHAPTER (BMC 23.106), RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), USE-SPECIFIC REGULATIONS CHAPTER (BMC 23.302), ACCESSORY DWELLING UNITS CHAPTER (BMC 23.306), ALCOHOLIC BEVERAGE SALES AND SERVICE CHAPTER (BMC 23.310), PARKING AND LOADING CHAPTER (BMC 23.322), TRANSPORTATION DEMAND MANAGEMENT CHAPTER (BMC 23.334), AND GLOSSARY (BMC 23.502) FOR CONSISTENCY WITH STATE LAW, AND TECHNICAL EDITS

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

Section 1. That BMC Section 23.106.020 is amended to read as follows:

A. **Lot Coverage Defined.** Lot coverage means all the area of a lot, as projected on a horizontal plane, which is:

1. Enclosed by the exterior walls of buildings or enclosed accessory structures;
or

2. Covered by decks, porches, stairs and/or landings which cover an enclosed space or paved ground area.

2.3. Covered by a pergola, trellises or similar horizontal features.

B. **Exclusions.** The lot coverage calculation excludes:

1. Uncovered porches, landings and stairs;

2. Uncovered decks, except that a deck on the roof of a building or accessory structure or over an enclosed space or paved ground area is included in the lot coverage calculation; and

3. The area of the roof of a subterranean structure, when such a structure is not more than 3 feet above finished grade.

3.4. The first 24 inches of eaves extending from a building or structure.

4.5. The area of any existing or proposed accessory dwelling unit or junior accessory dwelling unit, up to 800 square feet per lot. See 23.306 Accessory Dwelling Units.

C. **Lot Coverage Standards.** Number of stories of main building(s) shall be used to determine the allowable lot coverage where applicable.

Section 2. That BMC Section 23.106.080(A) is amended to read as follows:

- A. **Measurement.** Building separation is measured as the distance between the surface of a main building or ADU's outer wall and the outer wall surface of the closest main building or ADU on the same lot.

Section 3. That the lines named “Alcoholic Beverage Service” is amended and the lines “Hotel, Residential” are hereby added, within Table 23.202-1 within BMC 23.202.020 to read as follows

Table 23.202-1: Allowed Land Uses in Residential Districts

ZC = Zoning Certificate AUP = ADMINISTRATIVE USE PERMIT UP(PH) = Use Permit NP = Not Permitted * Use-Specific Regulations Apply **Required permits for specific uses are set forth in the R-BMU Master Development Permit (MDP). See 23.202.150.A and 23.202.150.D	RESIDENTIAL DISTRICTS										USE-SPECIFIC REGULATIONS APPLIES TO USES WITH AN ASTERISK FOLLOWING THE PERMIT REQUIREMENT (E.G., ZC*)
	R-1	ES-R	R-2	R-2A	R-3	R-4	R-5	R-S	R- SMU	R- BMU**	
Residential Uses											
<u>Hotel, Residential</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>UP(PH)</u>	<u>UP(PH)</u>	<u>UP(PH)</u>	<u>UP(PH)</u>	<u>NP</u>	
Commercial Uses											
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	<u>ZC UP (PH)*</u>	<u>UP(PH) ZC*</u>	23.310—Alcoholic Beverage Sales and Service

Section 4. That the lines named “Electric Vehicle Charging Station”, “Vehicle Parts Store”, “Construction Products”, “Light Manufacturing”, “Pesticides/Herbicides/Fertilizers”, “Petroleum Refining and Products”, “Pharmaceuticals”, and “Warehouse-based Non-Store Retailer”, are amended in Table 23.204-1 within BMC 23.204.020 to read as follows:

Table 23.204-1. Allowed Uses in the Commercial Districts

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	
Vehicle Service and Sales Uses												
Electric Vehicle Charging Station	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP*	AUP	
Vehicle Parts Store	ZC	NP	ZC	ZC	ZC	ZC	ZC	ZC	NP	AUP [1] *	ZC	
Industrial and Heavy Commercial Uses												
Construction Products	-	-	-	-	=	-	-	-	-	UP(PH)	--	
Light Manufacturing	-	-	-	-	=	-	-	-	-	AUP [1]	--	
Pesticides/Herbicides/ Fertilizers	-	-	-	-	=	-	-	-	-	UP(PH)	--	
Petroleum Refining and Products	-	-	-	-	=	-	-	-	-	UP(PH)	--	
Pharmaceuticals	-	-	-	-	=	-	-	-	-	UP(PH)	--	
Warehouse-Based Non- Store Retailer	-	-	-	-	=	-	-	-	-	-	--	

Section 5. That Table 23.204-24 within BMC Chapter 23.204.090 is amended to read as follows:

TABLE 23.204--24: C-NS DEVELOPMENT STANDARDS

	Project Land Use		Supplemental Standards
	Non-Residential and Mixed Use	Residential Only	
Lot Area, Minimum			23.304.020
New Lots	4,000 sq. ft.	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	40 sq. ft. [2]	200 sq. ft.	
Per Group Living Accommodation Resident	No minimum	90 sq. ft.	
Floor Area Ratio, Maximum	1.0 [3]	No maximum	
Main Building Height [43]			
Minimum	2 stories	No minimum	
Maximum	35 ft. and 3 stories	28 ft. and 2 stories	
Lot Line Setbacks, Minimum			23.304.030
Abutting/Confronting a Non-residential District	No minimum	See Table 23.204-25	
Abutting/Confronting a Residential District	See 23.304.030.C.2		
Building Separation, Minimum	No minimum [54]	See Table 23.204-25	23.304.040
Lot Coverage, Maximum	100%	See Table 23.204-26	23.304.120

	Project Land Use		Supplemental Standards
	Non-Residential and Mixed Use	Residential Only	
Notes:			
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.			
[2] For mixed use projects, usable open space dimensions may be smaller than required in 23.304.090.B.3, but no dimension may be less than 6 feet.			
[2][3] <u>For mixed-use residential projects, no maximum floor area ratio.</u>			
[3][4] Basement levels devoted exclusively to parking are not counted as a story.			
[4][5] For mixed-use projects, minimum building separation shall be as required for residential-only projects. See Table 23.204-25			

Section 6. That BMC 23.204.100(D)(2) is hereby amended to read as follows:

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.

2.3. Modification for Mixed Use and Residential Projects. The ZAB may modify development standards in Table 23.204-27, Table 23.204-28, and Table 23.204-29, and Table 23.20430 – excluding FAR - for a mixed-use or residential-only project with a Use Permit upon making one of the following findings:

- a. The project encourages utilization of public transit and existing off-street parking facilities in the area of the proposed building;
- b. The modification allows consistency with the building setbacks existing in the immediate area where a residential building setback would not serve a useful purpose;
- c. The modification facilitates the construction of affordable housing as defined by the U.S. Department of Housing and Urban Development (HUD) Guidelines; or
- d. The modification provides consistency with the purposes of the district as listed in Section 23.204.100.A (District Purpose).

Section 7. That BMC 23.204.130(E)(3)(b) is amended to read as follows:

(b) **Modifications to Standards.** The ZAB may modify the all C-DMU district setback standards in Table 23.204-38 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.

Section 8. That BMC Section 23.204.140(B)(3)(a) is amended to read as follows:

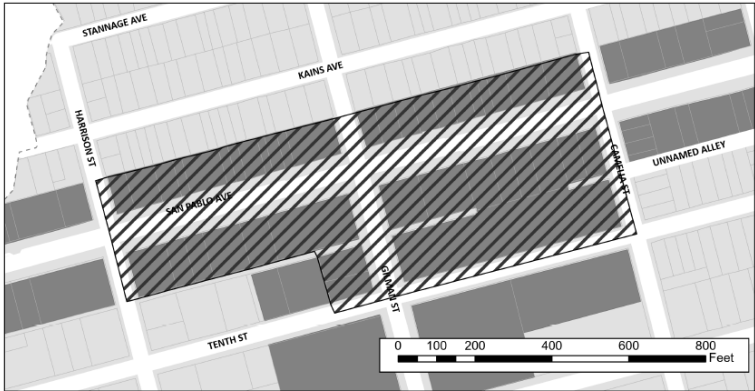
- (a) As used in this paragraph, “automotive use” means a use classified in Table 23.204-1 as a vehicle service and sales use, except for vehicle parts store. “Automotive site” means a site which was legally used or approved for use as an automotive use as of March 1, 1997.

Section 9. That BMC Section 23.204.140(D)(3) is amended to read as follows:

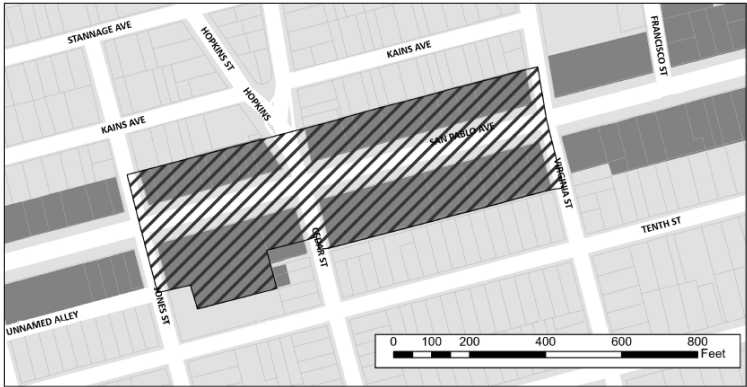
- 3. **Ground Floor Uses.** The ground floor of buildings in designated nodes may be used only for the following:
 - (b) Retail sales
 - (c) Personal and household services
 - (d) Retail financial services (banks)
 - (e) Food and alcohol service
 - (f) Lodging-Tourist Hotel and Tourist Motel
 - (g) Entertainment and assembly uses
 - (h) Gasoline/vehicle fuel stations
 - (i) Vehicle repair uses
 - (j) New car sales
 - (k) Used vehicles sales
 - (l) Required access to and lobbies serving upper-story uses

Section 10. That Figure 23.204-7 C-W Designated Nodes within BMC Chapter 23.204.140 is amended to read as follows:

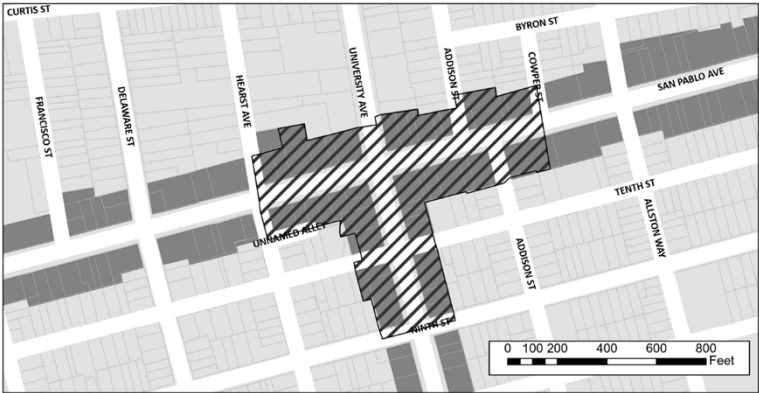
FIGURE 23.204-7: C-W DESIGNATED NODES



← N
West Berkeley Commercial (C-W)
Node 1: Gillman and San Pablo



← N
West Berkeley Commercial (C-W)
Node 2: Cedar and San Pablo



← N West Berkeley Commercial (C-W) Node 3: University and San Pablo



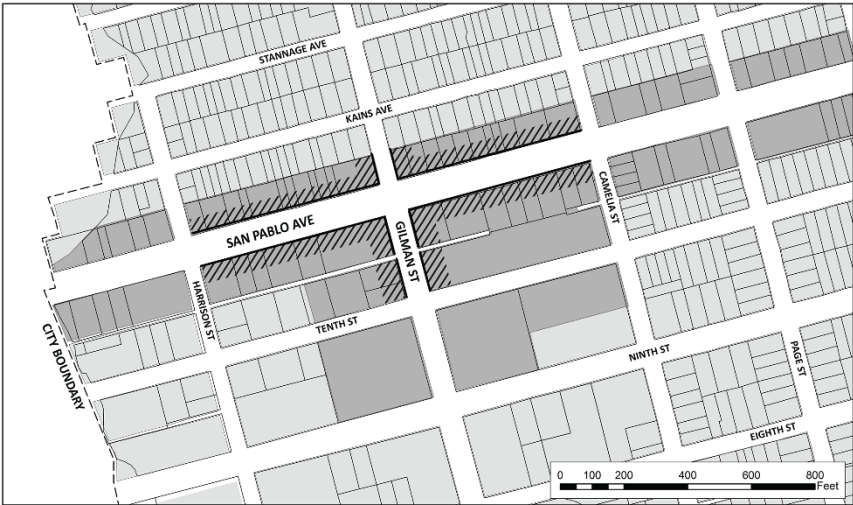
← N West Berkeley Commercial (C-W) Node 4: Dwight and San Pablo



← N West Berkeley Commercial (C-W) Node 5: Ashby and San Pablo



← N West Berkeley Commercial (C-W) Node 6: 4th Street and University



Parcel boundaries as of [adoption date]

West Berkeley Commercial (C-W)

Node 1: Gillman and San Pablo



Parcel boundaries as of [adoption date]

West Berkeley Commercial (C-W)

Node 2: Cedar and San Pablo



Parcel boundaries as of [adoption date]

West Berkeley Commercial (C-W)

Node 3: University and San Pablo

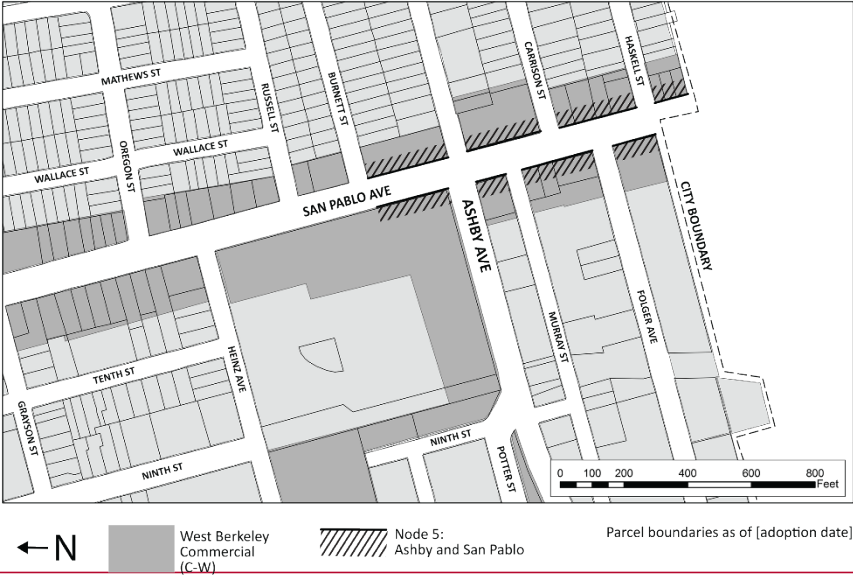


Parcel boundaries as of [adoption date]

West Berkeley Commercial (C-W)

Node 4: Dwight and San Pablo

Section 11. That Figure 23.204-8 within BMC Chapter 23.204.140 is removed:



Section 12. That the line “Notes,” in Table 23.204-43, C-AC South Shattuck Subarea Development Standards, within BMC Chapter 23.204.150, C-AC Adeline Corridor Commercial District, is amended to read as follows:

TABLE 23.204-43: C-AC SOUTH SHATTUCK SUBAREA DEVELOPMENT STANDARDS

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 and 100 percent affordable housing density is authorized as a local density bonus under Government Code section 65915(n).
- [3] An AUP may be granted to reduce usable 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

Section 13. That Table 23.204-44, C-AC North and South Adeline Subarea Development Standards, within BMC Chapter 23.204.150, C-AC Adeline Corridor Commercial District, is amended to read as follows:

TABLE 23.204-44: C-AC NORTH AND SOUTH ADELINE SUBAREA DEVELOPMENT STANDARDS

	Project Land Use [6]							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	Non-Residential	
Lot Area Minimum								23.304.020-Lot Requirements

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-Usable Open Space
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-Setbacks

Section 14. That the lines named “Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting,” “Construction Products,” and “Light Manufacturing,” in Table 23.206-1, within BMC 23.206.020 are amended to read as follows:

Table 23.206-1. Allowed Uses in Manufacturing Districts

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	MANUFACTURING DISTRICTS				Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	Use-Specific Regulation
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	NP	NP	NP	See 23.306 <u>23.310</u>	
Construction Products	ZC_*[9]	ZC_*[9]	UP(PH)	NP	
Light Manufacturing	ZC_*[7]	ZC_*[7]	ZC_*[1]	AUP*[3]	23.206.090(B)(5)

Section 15. That Berkeley Municipal Code 23.206.040(I)(3) be removed:

~~3. Outdoor sales or food service is not permitted.~~

Section 16. That Berkeley Municipal Code 23.206.050(A)(3) is amended to read as follows:

3. Permit Findings.

- (a) To approve a Use Permit ~~required by Table 23.206-6 for to~~ changes to any amount of ground-floor protected industrial use ~~in the MM and MU-LI districts to a non-protected use in the MM district, or to change more than 20,000 square feet or 25 percent or more of a protected use to a non-protected use in the MU-LI district,~~ the ~~review authority~~ Zoning Adjustments Board (ZAB) must find that replacement space is provided as required by Paragraph 4 (Replacement Space) below.
- (b) To approve a Use Permit ~~in the MU-LI district for a to~~ change 25 percent ~~or more~~ of the floor area ~~to from~~ a protected industrial use ~~to a non-protected use in the MU-LI district,~~ the ~~ZAB must~~ Zoning Adjustments Board (ZAB) must also find that either:

(1) The City has approved necessary Use Permits to provide comparable quality replacement space in Berkeley at a comparable rent that will be available before the demolition or change of use of the space; or

(2) Both of the following:

1. As a result of lawful business and building activities, there are exceptional physical circumstances (exclusive of the presence of hazardous materials in the building(s), soil or groundwater) found at the building not generally found in industrial buildings in the MU-LI district which make it financially infeasible to reuse the building for any of protected industrial uses permitted in the district. The analysis of the financial feasibility effects (which shall be verified by the City) of these physical circumstances shall consider those costs necessary to make the building meet current minimum standards for manufacturing, wholesale trade or warehouse buildings.
2. Appropriate mitigation has been made for loss of the protected industrial use space in excess of 25 percent of that space through providing such space elsewhere in the City, payment into the West Berkeley Building Acquisition Fund, or by other appropriate means.

Section 17. That Berkeley Municipal Code 23.206.050(A)(7)(d)(ii) is amended to read as follows:

- ii. 25 percent or ~~less~~ more of the total gross floor area in all buildings on the lot(s) remains as a protected industrial use.

Section 18. That Berkeley Municipal Code 23.302.070(E)(1) is amended to read as follows:

1. Outdoor Cafe Seating.

(a) Outdoor cafe seating on private property outside of the public right-of-way is allowed in the commercial districts with the following permits:

(1) Zoning Certificate when seating does not abut a residential district.

(3) AUP when seating abuts a residential district.

(b) Outdoor cafe seating on private property outside of the public right of-way is allowed in the MU-LI and MU-R districts with an AUP.

~~(b)~~(c) Sidewalk cafe seating within the public right-of-way is subject to 23.302.060 (Sidewalk Cafe Seating).

Section 19. That Berkeley Municipal Code 23.306.010(A) is amended to read as follows:

- A. Implement California Government Code Title 7, Division 1, Chapter 13. Accessory Dwelling Units Sections 65852.1, 65852.2 and 65852.22.

Section 20. That Berkeley Municipal Code 23.306.030(A)(1) is amended to read as follow:

1. *Existing Building or Accessory Structure Conversion.* An ADU created entirely through conversion with no modifications to the existing building or accessory structure envelope that exceeds the development standards for maximum gross floor area in Table 23.306-2, ADU Development Standards, is allowed a physical addition of no more than 150 square feet. The addition must comply with maximum height and setback requirements.

Section 21. That Berkeley Municipal Code 23.306.030(A)(2) is amended to read as follow:

2. *Duplex or Multi-Family Dwelling Conversion.* Interior ADU(s) must be created entirely through non-habitable residential portions of ~~the~~ an existing main building that are not within the living space of a dwelling unit (e.g. basement, attic, garages, storage room).

Section 22. That Berkeley Municipal Code 23.306.030(A)(8) is amended to read as follows:

8. *Attached ADU, New Construction Height.* Attached ADUs with maximum building height up to 25 ~~ft.~~ feet allowed with a Zoning Certificate.

Section 23. That Berkeley Municipal Code 23.306.030(C)(1) is amended to read as follows:

1. *Outside of the Hillside Overlay.* Chimneys, water heater enclosures, flues, heating and cooling equipment, eaves, cornices, canopies, awnings, bay windows, and balconies may project two feet into the required ~~front and side~~ setbacks, so long as there remains at least a two-foot setback from property lines. Bay windows and balconies may not project into a required rear ADU setback.

Section 24. That Berkeley Municipal Code 23.306.040(A) is amended to read as follows:

A. Zoning Certificate. An application for an ADU or Junior ADU shall be allowed with a Zoning Certificate. Review must be completed within 60 days of submission of a completed application. A completed application must include evidence of compliance with this Chapter, including development standards and, deed restrictions , and neighborhood noticing.

1. If an application to create an ADU or Junior ADU is submitted as part of a project that requires discretionary review, a Zoning Certificate for a building permit shall not be issued for the ADU or Junior ADU until the discretionary approval(s) has/have been granted and any applicable appeal periods have expired. See 23.404.060(A) Post-Decision Provisions (Effective Dates).

2. Issuance of a Zoning Certificate shall not be denied for the construction or conversion of an ADU or Junior ADU that complies with the requirements of Government Code Section 66314-65852.2(e)(1).

3. Issuance of a Zoning Certificate for the construction or conversion of an ADU or Junior ADU shall not be denied based on the failure of an applicant to correct a nonconforming zoning condition.

Section 25. That Berkeley Municipal Code 23.306.040(C)(4) is amended to read as follows:

4. If the property includes a Junior ADU, the Junior ADU or the Single Family Dwelling in which the Junior ADU is located shall be owner-occupied. Owner-occupancy shall not be required if the owner is another governmental agency, land trust, or housing organization.

Section 26. That Berkeley Municipal Code 23.306.040(D) is amended to read as follows:

D. ADUs Developed by a Qualified Nonprofit Developer. An ADU built or developed by a “qualified nonprofit corporation” may be sold or conveyed separately from the main building to a “qualified buyer,” as such terms are defined in subdivision (b) of Section 6634165852.26 of the California Government Code. The ADU must be held pursuant to a recorded tenancy in common agreement recorded on or after December 31, 2021 that includes the following elements:

1. Delineation of all areas of the property that are for the exclusive use of a cotenant;

2. Delineation of each cotenant’s responsibility for the costs of taxes, insurance, utilities, general maintenance and repair, and improvements associated with the property;

3. Procedures for dispute resolution among cotenants before resorting to legal action;
4. Allocates to each qualified buyer an undivided, unequal interest in the property based on the size of the dwelling each qualified buyer occupies;
5. A repurchase option that requires the qualified buyer to first offer the qualified nonprofit corporation to buy the ADU or primary dwelling if the buyer desires to sell or convey the property;
6. A requirement that the qualified buyer occupy the ADU or primary dwelling as the buyer's principal residence; and
7. Affordability restrictions on the sale and conveyance of the ADU or primary dwelling that ensure the ADU and primary dwelling will be preserved for low-income housing for 45 years for owner-occupied housing units and will be sold or resold to a qualified buyer.
8. If requested by a utility providing service to the primary residence, the ADU shall have a separate water, sewer, or electrical connection to that utility.

Section 27. That the title of BMC Section 23.310.020 is amended to read as follows:

23.310.020 General Requirements Excluding When Incidental to Food-Beer and Wine= Service

Section 28. That BMC 23.310.020(B) is amended to read as follows:

B. Permit Required.

1. An Administrative Use Permit is required to begin service of alcoholic beverages, except as provided in 23.310.030 (Alcoholic Beverage Service When Incidental to Food Service).
2. To increase sales and service of alcoholic beverages, an existing Administrative Use Permit or Use Permit may be modified with an AUP regardless of the original review authority. An increase in alcoholic beverage sales or service includes, but is not limited to:
 - (a) Adding the sales or service of distilled spirits to any existing sales or service of beer and/or wine; or
 - (b) Adding to the capacity, floor area, or shelf space devoted to alcoholic beverages of any establishment that sells or serves any alcoholic beverages.

Section 29. That Berkeley Municipal Code 23.310.030(B) is amended to read as follows:

B. Incidental ~~Beer and Wine~~ Alcoholic Beverage Standards. The following standards apply to ~~beer and wine~~alcoholic beverage service incidental to a food service establishment.

1. Licensing.

- (a) The food service establishment shall comply with all applicable regulations of the California Department of Alcoholic Beverage Control.
- (b) An operator of the licensed establishment may not have a prior licensed establishment that was the subject of verified complaints or violations regarding alcohol, public safety, or nuisance statutes or regulations before issuance or transfer of a business license at this location.

2. Service.

- (a) ~~Beer and wine~~ Alcoholic beverage service shall be incidental to the primary food service use.
- (b) ~~Beer and wine~~ Alcoholic beverage service incidental to seated food service shall only be allowed at a bona fide eating place making actual and substantial sales of meals as determined and required by the California Department of Alcoholic Beverage Control.
- (c) The sale of ~~beer and wine~~ alcoholic beverages for off-site consumption is not permitted.
- (d) Hours of operation are subject to review and amendment by the review authority as necessary to avoid detriment to the neighborhood or to achieve conformance with revised City of Berkeley standards or policies.

3. Operation.

- (a) The food service establishment must operate at least five days a week.
- (b) The service of ~~beer and wine~~ alcoholic beverage shall be limited to normal meal hours (per California Department of Alcoholic Beverage Control) during the food service establishment's hours of operation.
- (c) During the food service establishment's hours of operation, all customer accessible areas shall be available for meal service and the food service establishment must possess the necessary utensils, and condiment dispensers with which to serve meals to the public.
- (d) The owner or operator of the establishment shall take reasonable measures to prevent disturbances by patrons in the immediate vicinity. Such measures shall include:

- i. Signs reminding patrons of nearby residences and requests not to congregate or loiter near such residences nor operate vehicles in a noisy manner on residential streets; and
 - ii. Surveillance to public areas near the establishment, keeping public areas free of trash and litter, providing lighting, and otherwise preventing conduct that might disturb the peace and quiet of residences in the vicinity.
- (e) The operator shall assume reasonable responsibility for ensuring that patrons do not block the entrance or interfere with pedestrian activity on the adjacent public sidewalk.
- (f) The applicant shall establish cash handling procedures to reduce the likelihood of robberies and theft.
- 4. Advertising.
 - (a) Establishments shall comply with Municipal Code Chapter 20.67 (Alcohol Product Advertising)
- 5. Training.
 - (a) The operator shall finish a Crime Prevention through Environmental Design (CPTED) survey before beginning alcohol service.
 - (b) All employees selling and/or serving alcoholic beverages ~~beer and wine~~, or directly supervising such sales and/or service, shall comply with Municipal Code Section 9.84.030 (Responsible Beverage Service Training) and finish the Licensee Education on Alcohol and Drugs (LEAD) program, or another equivalent program offered or certified by the California Department of Alcoholic Beverage Control within 90 days of employment at the establishment. Employees who have finished the course within the last 12 months are exempt from this requirement.

Section 30. That the lines named “Accessory Dwelling Unit” Table 23.322-1, within BMC 23.322.030 is amended to read as follows:

Land Use	Number of Required Off-street Parking Spaces
Residential Uses	
Accessory Dwelling Unit	<u>Junior ADU:</u> None required <u>ADU outside of Hillside Overlay:</u> None required <u>ADU within Hillside Overlay:</u> 1 per ADU unless the parcel satisfies the criteria in subdivision (ad) of Government Code Section 66322 65852.2 , using the definition of public transit as

Land Use	Number of Required Off-street Parking Spaces
	established in subdivision (lj)(11) of Government Code <u>66313</u> <u>65852.2</u>

Section 31. That Berkeley Municipal Code 23.322.080(G) is amended to read as follows:

G. Placement—ADU.

1. On a lot with an existing or proposed ADU, replacement of ~~required~~ off-street parking for ~~the~~ a main building, or ~~required~~ off-street parking for an ADU, is allowed in any configuration on the lot, including within the front setback; or
2. Within the Hillside Overlay on a lot with an existing or proposed ADU, where no legal off-street parking exists for the main building, required parking provided for the main building is allowed in any configuration on the lot, including within the front ~~yard~~ setback.

Section 32. That Berkeley Municipal Code 23.334.030(B) is hereby amended to read as follows:

B. Transit Benefit.

1. At least one of the following transit benefits shall be offered, at no cost, to project residents for a period of ten years after the issuance of a Certificate of Occupancy.
 - (a) A monthly pass for unlimited local bus transit service; or
 - (b) A functionally equivalent transit benefit in an amount at least equal to the price of a non-discounted unlimited monthly local bus pass. Any benefit proposed as a functionally equivalent transportation benefit shall be approved by the Zoning Officer in consultation with the Transportation Division Manager.
2. For projects that include 99 dwelling units or fewer, the project shall provide one transit benefit per bedroom, up to a maximum of two benefits per dwelling unit. For projects of 100 dwelling units or more, the project shall provide one transit benefit for every bedroom in each dwelling unit.
3. ~~3.~~ For projects that include Group Living Accommodations, the project shall provide one transit pass per Group Living Accommodation bedroom.
- 3.4. A notice describing these transportation benefits shall be posted in a location or locations visible to residents.

Section 33. That Berkeley Municipal Code 23.502.020(B)(11)(b) is hereby amended to read as follows:

- b) *Main Building.* A building which is designed for, or in which is conducted, the primary use of the lot on which it is situated. In any residential district any dwelling, except an accessory dwelling unit, is ~~the~~ a main building on the lot.

Section 34. That Berkeley Municipal Code 23.502.020(E)(2) is hereby amended to read as follows:

2. **Electrical Vehicle Charging Station.** A facility that supplies electric energy for the recharging of plug-in electric vehicles. An electric vehicle charging station is considered an allowed use in all zoning districts.

Section 35. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 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.



Planning Department
Division

STAFF REPORT

DATE: July 17, 2024

TO: Members of the Planning Commission

FROM: Robert Rivera, Senior Planner

SUBJECT: Amendments to Title 23 for Consistency with State Law Related Electric Vehicle Charging and Technical Edits

RECOMMENDATION

Conduct a public hearing, receive public comment, and upon conclusion make a recommendation to City Council on proposed amendments to Title 23 (**Attachment 1**) to align the Berkeley Municipal Code (BMC) with state law related to electric vehicle charging, as well as additional non-substantive edits and corrections. The proposed changes apply to the sections of the Berkeley Municipal Code listed below:

- 23.106.020 Lot Coverage
- 23.106.080 Building Separation
- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.090 C-NS North Shattuck Commercial District
- 23.204.100 C-SA South Area Commercial District
- 23.204.130 C-DMU Downtown Mixed-Use District
- 23.204.140 C-W West Berkeley Commercial District
- 23.204.150 C-AC Adeline Corridor Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use-Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Uses (Manufacturing)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.306.010 Purpose (Accessory Dwelling Units)

- 23.306.030 Development Standards (Accessory Dwelling Units)
- 23.306.040 Permit Procedures (Accessory Dwelling Units)
- 23.310.020 General Requirements Excluding Incidental Beer and Wine
- 23.310.030 Alcohol Beverage Standards When Incidental to Food Service
- 23.322.030 Required Parking Spaces
- 23.322.080 Parking Layout and Design
- 23.334.030 Transportation Demand Management Program Requirements
- 23.502.020 Defined Terms (Glossary)

SUMMARY

In response to recent changes in state laws, staff has prepared Zoning Ordinance amendments to align land use standards with state law requirements for electrical vehicle charging. Furthermore, staff has incorporated technical, non-substantive amendments to maintain consistency and accuracy throughout the Zoning Ordinance.

CURRENT SITUATION AND ITS EFFECTS

The Zoning Ordinance must comply with state laws, including those related to land use and zoning. The 2023 California Legislative Session saw the enactment of a number of significant new housing laws and extensions of existing laws.

While some state laws may require more extensive amendments or require changes to the City's internal permitting procedures to be consistent, the proposed zoning amendments constitute only minor technical amendments to maintain consistency.

BACKGROUND

On October 12, 2021, the City Council passed Ordinance No. 7,787-N.S., which replaced Title 23 of the Berkeley Municipal Code and adopted a new Title 23 to make the City's Zoning Ordinance easier to understand and administer. The City Council gave staff direction to make minor changes to comply with state law or codify prior zoning interpretations. Staff was directed to regularly return to the Planning Commission and City Council with amendments necessary to maintain the integrity of the new Zoning Ordinance.

The proposed zoning amendments are required for compliance with recently adopted state laws and include corrections and technical edits to ensure consistency throughout the Zoning Ordinance. (**Attachment 1**)

DISCUSSION

The following is a summary of state law requirements and also non-substantive technical edits. Each section provides a brief summary of the relevant law and the proposed zoning amendment. A summary table is below in Table 1.

Electric Vehicle Charging Stations (AB 1236 & AB 970)

AB 1236 (2015) and AB 970 (2021) require all cities to approve applications to install an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit. All zoning review for electric vehicle charging stations are prohibited by state law. Therefore, the proposed zoning amendments remove the electrical vehicle charging station use from the allowable land use table and clarify as such in the glossary definition.

Technical Edits

The proposed zoning amendments include non-substantive changes to correct mistakes and errors and to codify existing practice. The following technical edits are proposed:

Table 1 Policy Summary and Zoning Amendment Proposals

	Policy	Proposed Zoning Change	Ordinance Sections (Attachment 1)
1.	Lot Coverage, Measurement and Projections	- Clarify that lot coverage includes pergolas, trellises, and similar horizontal features. - Clarify that the lot coverage calculation excludes the first 24 inches of eaves. - Correct transmittal error and clarify that the number of stories of a main building shall be used to determine lot coverage, where applicable. - Clarify building separation is measured from main or ADU buildings within the same lot.	1 2
2.	Residential Allowed Land Uses Table	- Correct the Allowable Use Table to include missing Residential, Hotel use. - Correct an error that transposed the required permits for Alcohol Beverage Service in the R-SMU and R-BMU zoning districts.	3
3.	Commercial Allowed Land Uses Table	- Correct an error in the Allowed Uses table that incorrectly shows blank spaces instead of dashes for some uses in the C-NS district. - Remove permitting requirements for Electric Vehicle Charging to be consistent with state law.	4
4.	C-NS Development Standards	Correct an error in the C-NS Development Standards Table to clarify that Maximum FAR should only apply to non-residential projects (not mixed-use residential projects).	5

	Policy	Proposed Zoning Change	Ordinance Sections (Attachment 1)
5.	C-SA South Area Commercial District	Correct omission of a reference to 23.304.130 (Non-residential Districts Abutting a Residential District).	6
6.	C-DMU Setbacks	Correct an error in C-DMU Setbacks that unintentionally limited ZABs ability to modify setback standards.	7
7	C-W Land Use Regulations	- Correct a transmittal error: the definition for automotive uses in C-W <i>does not</i> include vehicle parts store. - Replace C-W Ground Floor Use called "Lodging," which is not defined in the BMC, with "Tourist Hotel and Tourist Motel" which are. - Clarify that C-W Designated Node figures so they indicate entire parcels, not just frontages.	8 9 10 11
8	C-AC Development Standards	Update C-AC Subarea Development Standards to include 100% affordable housing density, consistent with state law.	12
9.	C-AC North and South Subareas Adeline Development Standards	- Correct formatting error related to Maximum Lot Coverage in C-AC North and South Adeline Subarea Development Standards table. - Update C-AC Subarea Development Standards to include 100% affordable housing density, consistent with state law	13
10.	Alcohol Beverage and Sales and Outdoor Seating	- Correct permitting threshold in R-SMU and R-BMU which were incorrectly switched. - Correct section reference under MU-R in allowed use table. - Clarify that outdoor sales or food service is <i>permitted</i>, consistent with Berkeley Business amendments. - Provide more detailed definition of an increase in alcoholic beverage sale or service. - Correct section title to match glossary terms.	3 14 15 27 28 29

	Policy	Proposed Zoning Change	Ordinance Sections (Attachment 1)
11.	Manufacturing Allowed Use Table	Removal of unnecessary asterisks.	14
12.	Manufacturing District Protected Uses	- Correct transmittal error to clarify that permit findings are only applicable to projects that meet certain thresholds. - Correct transmittal error related to conversions to non-protected industrial use across multiple buildings. The requirement is that 25% <i>or more</i> of the floor area remain protected, not 25% or less. - Clarifying outdoor café seating is permitted in the MU-LI and MU-R districts with an AUP.	16 17 18
13.	California Government Code Update	- Update sections of the BMC which reference missing or moved California Government Code sections. - Clarify ADU conversion is applicable to existing buildings or accessory structures, per State law.	19 20 24 26 30
14.	Accessory Dwelling Units	- Clarify that certain building elements may project two feet into <i>any setback</i>, not just a front or side setback. - Update language consistent with state law requirements for review of ADU applications. Remove neighborhood notice as a requirement for a completed application. (Note: neighborhood notice will still occur.) - Clarify that certain types of housing are exempt from ADU owner-occupancy requirements, per State law. - Grammatical clarifications.	21 22 23 24 25
15.	Parking Layout and Design and	Clarifying that off-street parking for an ADU is permitted in any configuration regardless of parking requirements.	31
16.	Transportation Demand Management Update	Clarifying group living accommodation must still provide transit benefits.	32
17.	Glossary	Clarify that there can be more than one main building on a lot.	33 34

	Policy	Proposed Zoning Change	Ordinance Sections (Attachment 1)
		Clarify that Electric Vehicle Charging is considered an allowed use in all zoning districts.	

ENVIRONMENTAL REVIEW

The proposed ordinance includes revisions related to vehicle charging requirements as well as technical edits which correct or clarify language. The proposed zoning ordinance amendments do not include any allowances for additional development capacity or other new physical changes to the environment that are not already permitted and previously evaluated under CEQA. Adoption of the proposed amendments would in no way have a significant effect on the environment, and therefore is not subject to CEQA (CEQA Guidelines Section 15061(b)(3), Common Sense Exemption).

NEXT STEPS

Upon a recommendation from the Planning Commission, the City Council will conduct a public hearing on the proposed ordinance. The proposed zoning amendments would be effective 30 days after the second reading of the ordinance by the City Council.

CONTACT PERSON

Robert Rivera, Senior Planner, Planning and Development Department, 510-981-7480

ATTACHMENTS

1. Draft Ordinance – Zoning Ordinance Amendments
2. Public Hearing Notice

**NOTICE OF PUBLIC HEARING
BERKELEY CITY COUNCIL
AMENDMENTS TO BMC TITLE 23 ZONING**

The public may participate in this hearing by remote video or in-person.

The Planning and Development Department is proposing amendments to the following sections of the City's Zoning Ordinance (Title 23) to align the Berkeley Municipal Code (BMC) to State laws and technical edits and corrections which do not include any substantive policy changes.

- 23.106.020 Lot Coverage
- 23.106.080 Building Separation
- 23.202.020 Allowed Land Uses (Residential Districts)
- 23.204.020 Allowed Land Uses (Commercial Districts)
- 23.204.090 C-NS North Shattuck Commercial District
- 23.204.100 C-SA South Area Commercial District
- 23.204.130 C-DMU Downtown Mixed-Use District
- 23.204.140 C-W West Berkeley Commercial District
- 23.204.150 C-AC Adeline Corridor Commercial District
- 23.206.020 Allowed Land Uses and Permit Requirements (Manufacturing Districts)
- 23.206.040 Use-Specific Regulations (Manufacturing Districts)
- 23.206.050 Protected Uses (Manufacturing)
- 23.302.070 Use-Specific Regulations (Supplemental Use Regulations)
- 23.306.010 Purpose (Accessory Dwelling Units)
- 23.306.030 Development Standards (Accessory Dwelling Units)
- 23.306.040 Permit Procedures (Accessory Dwelling Units)
- 23.310.020 General Requirements Excluding Incidental Beer and Wine
- 23.310.030 Alcohol Beverage Standards When Incidental to Food Service
- 23.322.030 Required Parking Spaces
- 23.322.080 Parking Layout and Design
- 23.334.030 Transportation Demand Management Program Requirements
- 23.502.020 Defined Terms (Glossary)

The hearing will be held on, **February 25, 2025** at 6:00 p.m. in the School District Board Room, located at 1231 Addison Street, Berkeley CA 94702.

A copy of the agenda material for this hearing will be available on the City's website at <https://berkeleyca.gov/> as of February 13, 2025. **Once posted, the agenda for this meeting will include a link for public participation using Zoom video technology, as well as any health and safety requirements for in-person attendance.**

For further information, please contact Robert Rivera at (510) 981-7480.

Written comments should be mailed or delivered directly to the City Clerk, 2180 Milvia Street, Berkeley, CA 94704, or e-mailed to council@berkeleyca.gov in order to ensure delivery to all Councilmembers and inclusion in the agenda packet.

Communications to the Berkeley City Council are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to the City Council, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the City Clerk. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the City Clerk at (510) 981-6900 or clerk@berkeleyca.gov for further information.

Published: February 14, 2025 – The Berkeley Voice

Public Hearing required by BMC 23.412.050 and Govt Code 65853; notice provided according to Govt Code 65090 and BMC 23.404.040.

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I hereby certify that the Notice for this Public Hearing of the Berkeley City Council was posted at the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way, as well as on the City's website, on February 13, 2025.

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Mark Numainville, City Clerk