

ORDINANCE NO. 7,978-N.S.

MIDDLE HOUSING ZONING AMENDMENTS; AMENDING TITLE 23 OF THE BERKELEY MUNICIPAL CODE

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

Section 1. That Table 23.108-1 Zoning Districts within BMC Chapter 23.108.020 is amended to read as follows:

TABLE 23.108-1: ZONING DISTRICTS

DISTRICT SYMBOL	NAME OF DISTRICT
Residential Districts	
R-1	Residential Multi-Unit 1
ES-R	Environmental Safety Residential
R-2	Residential Multi-Unit 2
R-2A	Residential Multi-Unit 2A
R-3	Multiple-family Residential
R-4	Multi-family Residential
R-5	High Density Residential
R-S	Residential Southside
R-SMU	Residential Southside Mixed Use
R-BMU	Residential BART Mixed Use
Commercial Districts	
C-C	Corridor Commercial
C-U	University Avenue Commercial
C-N	Neighborhood Commercial

DISTRICT SYMBOL	NAME OF DISTRICT
C-E	Elmwood Commercial
C-NS	North Shattuck Commercial
C-SA	South Area Commercial
C-T	Telegraph Avenue Commercial
C-SO	Solano Avenue Commercial
C-DMU	Downtown Mixed-Use
C-W	West Berkeley Commercial
C-AC	Adeline Corridor Commercial
Manufacturing Districts	
M	Manufacturing
MM	Mixed Manufacturing
MU-LI	Mixed Use-Light Industrial
MU-R	Mixed Use-Residential
Special Districts	
S	Specific Plan
U	Unclassified

Section 2. That Table 23.202-1 Allowed Land Uses in Residential Districts within BMC Section 23.202.020 is amended 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												
Accessory Dwelling Unit	See 23.306—Accessory Dwelling Units	NP	See 23.306—Accessory Dwelling Units									
Single-Family Residential	ZC* UP(PH) Hillside Overlay	UP(PH)	ZC* UP(PH) Hillside Overlay	ZC* UP(PH) Hillside Overlay	UP(PH)*	UP(PH)	UP(PH)	UP(PH)*	UP(PH)*	NP	23.202.040(C) and (D) 23.302.070(H)	
Multi-Family Residential	ZC* NP Hillside Overlay	NP	ZC* NP Hillside Overlay	ZC* UP(PH) Hillside Overlay	UP(PH)*	UP(PH)	UP(PH)	UP(PH)*	UP(PH)*	UP(PH)	23.202.040(D) 23.302.070(H)	
Group Living Accommodation	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)	
Senior Congregate Housing	NP	NP	NP	See 23.302.070.H– Use-Specific Regulations								
Mixed-Use Residential	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)	
Public and Quasi-Public Uses												
Child Care Center	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)	
Club/Lodge	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.302.070(H)	
Columbaria	AUP*	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	NP	23.302.070.C– Use-Specific Regulations	
Community Care Facility	See 23.202.040.A– Use-Specific Regulations											

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*	
Community Center	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Emergency Shelter, 15 beds or fewer	NP	NP	NP	NP	NP	ZC	ZC	ZC	ZC	ZC	23.308-Emergency Shelters
Emergency Shelter, more than 15 beds	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	23.308-Emergency Shelters
Hospital	C	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	NP	
Library	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Low Barrier Navigation Center	ZC	NP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Nursing Home	NP	NP	-	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Park/Playground	ZC	UP	ZC	ZC	ZC	ZC	ZC	ZC	ZC	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)	
Public Utility Substation/Tank	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Religious Assembly	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Supportive Housing	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070.I- Supportive Housing
Commercial Uses											
Alcoholic Beverage Service	NP	NP	NP	NP	NP	NP	NP	NP	ZC	UP(PH)	23.310—Alcoholic Beverage Sales and Service
Food Products Store	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)	23.202.140.B.3– R-SMU Residential Southside Mixed Use District

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*	
Food Service Establishment, Under 3,000 sq. ft.	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.302.070.(E) – Use-Specific Regulations
Food Service Establishment, 3,000 sq. ft. or larger	NP	NP	NP	NP	NP	NP	NP	NP	AUP*	AUP*	23.302.070.(E) – Use-Specific Regulations
Group Instruction	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150(C) – R-BMU Residential BART Mixed Use District
Health and Fitness Facility	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	23.202.150 (C) – R-BMU Residential BART Mixed Use District
Hotel, Tourist	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	
Laundromat and Cleaner	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Office	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	23.202.150.C – R-BMU Residential BART Mixed Use District
Parking Lot/Structure	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)	23.302.070.G– Unenclosed Accessory Structures in Residential Districts 23.322.100– On-site Loading Spaces
Personal and Household Service, General	NP	NP	NP	NP	NP	NP	NP	NP	ZC*	ZC*	23.202.140.B.2– R-SMU Residential Southside Mixed Use District
Retail, General	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)	23.202.040.B– Use-Specific Regulations
Veterinary Clinic	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	
Video Tape/Disk Rental	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	

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*	
Incidental Uses											
Live Entertainment Unamplified	NP	NP	NP	NP	NP	NP	NP	NP	ZC	NP	
Live Entertainment Amplified	NP	NP	NP	NP	NP	NP	NP	NP	AUP	NP	
Industrial and Heavy Commercial Uses											
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Other Uses											
Accessory Uses	See 23.302.020.A– General Use Regulations										
Art/Craft Studio	NP	NP	NP	NP	NP	NP	NP	NP	NP	ZC	
ATM: Exterior and Attached to Bank or Interior or Exterior and Not With Bank	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Home Occupations	See 23.302.040– Home Occupations										
Live/Work	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	23.312—Live/Work
Public Market, Open Air	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Public Market, Enclosed	NP	NP	NP	NP	NP	NP	NP	NP	NP	AUP	
Short-Term Rental	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.314—Short-Term Rentals
Temporary Uses	See 23.302.030– Temporary Uses and Structures										
Urban Agriculture, Low-Impact	ZC*	NP	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.318—Urban Agriculture
Urban Agriculture, High-Impact	AUP*	NP	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.318—Urban Agriculture
Wireless Telecommunication Facility	See 23.332—Wireless Communication Facilities										

Section 3. That BMC Section 23.202.030(A) is amended to read as follows:

A. **Residential Additions.** See Section 23.502.020(A) (“A” Terms) for residential addition definitions.

1. **Permits Required.**

(a) 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.

(b) In the R-1H, R-1AH, R-2H, and R-2AH, and the R-3 district outside the Southside Plan boundaries, and in the R-4, R-5 and R-BMU districts, 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 (all other residential additions): AUP.

Section 4. That BMC Section 23.202.030(B)(1) is amended to read as follows:

1. In the R-1 H, R-2 H, R-2AH, R-3, and R3-H 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.

(d) No permit is required to add up to two bedrooms in an existing dwelling unit through the reconfiguration of existing habitable space, regardless of the number of bedrooms on the existing lot.

Section 5. That BMC Section 23.202.040(C) and (D) be added to read as follows:

C. *One Single-Family Residential Use on a Single Lot in the R-1, R-2 and R-2A districts.*

(1) This section applies on lots with one existing or proposed single-family residential dwelling on a single lot, for new construction or residential additions.

(a) The residential gross floor area of a single-family residential dwelling may be no larger than 50 percent of the lot area, or 2,500 square feet, whichever is greater.

(b) A single-family residential dwelling may exceed the size limitations in this section with an AUP.

(c) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

D. Noticing for New Dwelling Uses in the R-1, R-2, and R-2A Zoning Districts

(1) This section applies to proposed new dwelling units, other than ADUs, located in the R-1, R-2 and R-2A zoning districts and are eligible for approval with a Zoning Certificate, as indicated in Table 23-202-1 Allowed Land Uses in Residential Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

(d) This subsection shall not apply to parcels located in the Hillside Overlay Zone.

Section 6. That BMC Section 23.202.050(A) is amended to read as follows:

A. **District Purpose.** The purpose of the Residential Multi-Unit 1_(R-1) district is to:

1. Implement the General Plan by facilitating the development of residential areas consistent with a pattern of housing types ranging from single-family to small apartment structures;
2. Make housing available for persons who desire detached and multi-unit housing with usable open space;
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air; and
4. Permit community facilities such as religious assembly uses, schools, parks, and libraries which serve the local population and are not detrimental to the immediate neighborhood.

Section 7. That the title of BMC Section 23.202.050 is amended to read as follows:

23.202.050 – R-1 Residential Multi-Unit 1 District

Section 8. That BMC Chapter 23.202.050(D)(1) R-1 Development Standards is amended to read as follows:

D. Development Standards.

1. Basic Standards. See Table 23.202-2: R-1 Development Standards and Table 23.202-3: R-1H Development Standards.

Section 9. That Table 23.202-2 R-1 Development Standards within BMC Chapter 23.202.050 is amended to read as follows:

Table 23.202-2 R-1 Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements
Usable Open Space 1,000 sq. ft. of Gross Residential Floor Area, Minimum	150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Maximum		23.304.050 – Building Height
New Buildings and Additions	35 ft. or 3 stories [1]	
Within 15 ft. of Rear Property Line	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	70	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	5 ft. [2]	
Rear	5 ft. [2]	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage

BASIC STANDARDS	SUPPLEMENTAL STANDARDS
<p>Notes:</p> <p>[1] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories.</p> <p>[2] Front and rear setbacks must add up to at least 20 feet.</p>	

Table 23.202-3 R-1H Development Standards

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements
Usable Open Space per Dwelling Unit, Minimum	400 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Building Height		23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
New Buildings or Non-Residential Additions, Average	28 ft. and 3 stories [1]	
New Buildings or Non-Residential Additions, Maximum	35 ft.	
Residential Additions		
Average	14 ft. or highest existing portion of roof, whichever is lower [2]	
Maximum	20 ft [3]	
Lot Line Setbacks, Minimum		23.210.020 – Hillside Overlay Zone 23.304.030 – Setbacks
Front	20 ft.	
Rear	20 ft.	
Interior Side	4 ft.	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Street Side	4 ft.	
Building Separation, Minimum	No minimum	
Lot Coverage, Maximum	40%	23.304.120 – Lot Coverage
<p>Notes: [1] Average Building Height 35 ft. with an AUP. [2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP. [3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).</p>		

Section 10. That BMC Chapter 23.202.060 is amended to read as follows:

23.202.060 Reserved

Section 11. That the title of BMC Section 23.202.080 is amended to read as follows:

23.202.080- R-2 Residential Multi-Unit 2 District

Section 12. That BMC Section 23.202.080(A) is amended to read as follows:

A. **District Purpose.** The purpose of the Residential Multi-Unit 2 (R-2) district is to:

1. Implement the General Plan by encouraging the development of residential areas with a range of housing types
2. Make available housing for persons who desire a range of housing choice with useable open space; and
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air.

Section 13 That BMC Section 23.202.080(D) is amended to read as follows:

D. Development Standards.

1. **Basic Standards.** See Table 23.202-5: R-2 Development Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-7: R-2H Setback and Building Separation Standards, and Table 23.202-8: R-2H Lot Coverage Standards for development standards in the R-2 district.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2 district are noted in Table 23.202-5: R-2 Development Standards, Table 23.202-6: R-2H Development Standards, Table 23.202-7: R-2H Setback and Building Separation Standards and Table 23.202-8: R-2H Lot Coverage Standards.

TABLE 23.202-5: R-2 DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	
Usable Open Space, Per 1,000 sq. ft. of gross residential floor area, Minimum		23.304.090 – Usable Open Space
Floor Area Ratio, Maximum		No maximum
Main Building Height		23.304.050 – Building Height
New Buildings and Additions, Maximum	35 ft. or 3 stories [1]	
Within 15 feet of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	70	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	5 ft. [2]	
Rear	5 ft. [2]	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum		5 ft.
Lot Coverage, Maximum		60% 23.304.120 – Lot Coverage
<p>Notes:</p> <p>[1] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories.</p> <p>[2] Front and rear setbacks must add up to at least 20 feet.</p>		

TABLE 23.202-6: R-2H DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	
Usable Open Space, Per Dwelling Unit, Minimum		23.304.090 – Usable Open Space
Floor Area Ratio, Maximum		No maximum
Main Building Height, Average		23.210.020 – Hillside Overlay

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
New Buildings and Non-Residential Additions	28 ft. and 3 stories [1]	Zone 23.304.050 – Building Height
New Buildings and Non-Residential Additions, Maximum	35 ft.	
Residential Addition, Height		
Average	14 ft. or highest existing portion of roof, whichever is lower [2]	
Maximum	20 ft. [3]	
Lot Coverage, Maximum	See Table 23.202-8	23.304.120 – Lot Coverage
<p>Notes:</p> <p>[1] Average Building Height 35 ft. with an AUP.</p> <p>[2] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.</p> <p>[3] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).</p>		

TABLE 23.202-7: R-2H SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1 ST	2 ND	3 RD	
Lot Line Setbacks, Minimum				23.304.030– Setbacks
Front	20 ft.	20 ft.	20 ft.	

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

TABLE 23.202-8: R-2H 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%	40%	35%	
Corner Lot	50%	45%	40%	

Section 14. That the title BMC Section 23.202.090 is amended to read as follows:

23.202.090 R-2A Residential Multi-Unit 2A District

Section 15. That BMC Section 23.202.090(A) is amended to read as follows:

A. **District Purpose.** The purpose of the Residential Multi-Unit 2A (R-2A) district is to:

1. Implement the General Plan by facilitating the development of residential areas characterized by a range of housing types;
2. Make available housing for persons who desire apartment-type accommodations with open space; and
3. Provide objective standards to protect adjacent properties from unreasonable obstruction of light and air; and

Section 16. That BMC Section 23.202.090(D) is amended to read as follows:

D. Development Standards.

1. **Basic Standards.** See Table 23.202-9: R-2A Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-11: R-2AH Setback and Building Separation Standards, and Table 23.202-12: R-2AH Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-2A district are noted in Table 23.202-9: R-2A Development Standards, Table 23.202-10 R-2AH Development Standards, Table 23.202-11: R-2AH Setback and Building Separation Standards, and Table 23.202-12: R-2AH Lot Coverage Standards.

TABLE 23.202-9: R-2A DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements
Usable Open Space, per 1,000 sq. ft. gross residential floor area Minimum	150 sq. ft	23.304.090 – Usable Open Space
Main Building Height		23.304.050 – Building Height
New Buildings and Additions, Maximum [1]	35 ft. or 3 stories	

Within 15 ft. of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	70	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [2]	5 ft.	
Rear [2]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
<p>Notes:</p> <p>[1] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building’s stories.</p> <p>[2] Front and rear setbacks must add up to at least 20 feet.</p>		

TABLE 23.202-10: R-2AH DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements
Per Dwelling Unit	1,650 sq. ft. [1]	

Usable Open Space, per Dwelling Unit, Minimum	400 sq. ft	23.304.090 – Usable Open Space
Main Building Height, Average		
New Buildings and Non-Residential Additions	28 ft. and 3 stories [2]	23.210.020 – Hillside Overlay Zone 23.304.050 – Building Height
Residential Additions, Height		
Average	14 ft. or highest existing portion of roof, whichever is lower. [3]	
Maximum	20 ft. [4]	
<p>Notes:</p> <p>[1] One additional dwelling unit is allowed for a remaining lot area between 1,300 and 1,650 square feet.</p> <p>[2] Average Building Height 35 ft. with an AUP.</p> <p>[3] Average Building Height greater than 14 ft. up to 28 ft. allowed with an AUP. Average building height greater than 28 ft up to 35 ft allowed with an additional AUP.</p> <p>[4] Maximum building height greater than 20 ft. allowed with an AUP pursuant to BMC 23.210.020(C)(2).</p>		

TABLE 23.202-11: R-2AH SETBACK AND BUILDING SEPARATION STANDARDS

	STANDARDS BY BUILDING STORY			SUPPLEMENTAL STANDARDS
	1 ST	2 ND	3 RD	
Lot Line Setbacks, Minimum				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.	23.304.040– Building Separation in Residential Districts
Street Side	6 ft.	8 ft.	10 ft.	
Building Separation, Minimum	8 ft.	12 ft.	16 ft.	

TABLE 23.202-12: R-2AH LOT COVERAGE STANDARDS

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

Section 17. That BMC Section 23.202.100(E)(2) is amended to read as follows:

2. **Supplemental Standards.** Supplemental development standards that apply in the R-3 district are noted in Table 23.202-13: R-3 Development Standards.

Section 18. That the title of Table 23.202-11: R-3 Development Standards within BMC Section 23.202.100 is amended to read as follows:

TABLE 23.202-13: R-3 DEVELOPMENT STANDARDS

Section 19. That the BMC Sections 23.202.110(E)(1) and (2) are amended to read as follows:

E. Development Standards.

1. **Basic Standards.** See Table 23.202-14: R-4 Lot and Height Standards, Table 23.202-15: R-4 Setback and Building Separation Standards, and Table 23.202-16: R-4 Lot Coverage Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-4 district are noted in Table 23.202-14: R-4 Lot and Height Standards, Table 23.202-15: R-4 Setback and Building Separation Standards, and Table 23.202-16: R-4 Lot Coverage Standards.

Section 20. That the title of Table 23.202-12: R-4 Lot and Height Standards within BMC Section 23.202.110 is amended to read as follows:

TABLE 23.202-14: R-4 LOT AND HEIGHT STANDARDS

Section 21. That the title of Table 23.202-13: R-4 Setback and Building Separation Standards within BMC Section 23.202.110 is amended to read as follows:

TABLE 23.202-15: R-4 SETBACK AND BUILDING SEPARATION STANDARDS

Section 22. That the title of Table 23.202-14: R-4 Lot Coverage Standards within BMC Section 23.202.110 is amended to read as follows:

TABLE 23.202-16: R-4 LOT COVERAGE STANDARDS

Section 23. That BMC Section 23.202.120(D)(1) and (2) be amended to read as follows:

D. Development Standards.

1. **Basic Standards.** See Table 23.202-17: R-5 Lot and Height Standards, Table 23.202-18: R-5 Setback and Building Separation Standards, and Table 23.202-19: R-5 Lot Coverage Standards.

2. **Supplemental Standards.** Supplemental development standards that apply in the R-5 district are noted in Table 23.202-17: R-5 Lot and Height Standards, Table 23.202-18: R-5 Setback and Building Separation Standards, and Table 23.202-19: R-5 Lot Coverage Standards.

Section 24. That the title of Table 23.202-15: R-5 Lot and Height Standards within BMC Section 23.202.120 is amended to read as follows:

TABLE 23.202-17: R-5 LOT AND HEIGHT STANDARDS

Section 25. That the title of Table 23.202-16: R-5 Setback and Building Separation Standards within BMC Section 23.202.120 is amended to read as follows:

TABLE 23.202-18: R-5 SETBACK AND BUILDING SEPARATION STANDARDS

Section 26. That the title of Table 23.202-17: R-5 Lot Coverage Standards within BMC Section 23.202.120 is amended to read as follows:

TABLE 23.202-19: R-5 LOT COVERAGE STANDARDS

Section 27. That BMC Section 23.202.130(E)(1) and (2) are amended to read as follows:

E. Development Standards.

1. **Basic Standards.** See Table 23.202-20: R-S Development Standards.
2. **Supplemental Standards.** Supplemental development standards that apply in the R-S district are noted in Table 23.202-20: R-S Development Standards.

Section 28. That the title of Table 23.202-18: R-S Development Standards within BMC Section 23.202.130 is amended to read as follows:

TABLE 23.202-20: R-S DEVELOPMENT STANDARDS

Section 29. That BMC Section 23.202.140(E)(1) is amended to read as follows:

1. **Basic Standards.** See Table 23.202-21: R-SMU Development Standards.

Section 30. That the title of Table 23.202-19: R-SMU Development Standards within BMC Section 23.202.140 is amended to read as follows:

TABLE 23.202-21: R-SMU DEVELOPMENT STANDARDS

Section 31. That BMC Section 23.202.150(D) is amended to read as follows:

- D. **Ground-floor Uses.** See Table 23.202-22: Permitted Street-Facing Ground Floor Uses.

Section 32. That the title of Table 23.202-20: Permitted Street-Facing Ground Floor Uses within BMC Section 23.202.150 is amended to read as follows:

TABLE 23.202-22: PERMITTED STREET-FACING GROUND FLOOR USES

Section 33. That BMC Section 23.202.150(F)(1) and (2) are amended to read as follows:

1. **Basic Standards.** See Table 23.202-23.
2. **Supplemental Standards.** Supplemental standards that apply in the R- BMU district are noted in Table 23.202-23.

Section 34. That the title of Table 23.202-21 within BMC Section 23.202.150 is amended to read:

TABLE 23.202-23: R-BMU DEVELOPMENT STANDARDS

Section 35. That the lines “Single-Family,” “Two Family,” and “Multi-Family” in Table 23.204-1: Allowed Land Uses in Commercial Districts within BMC Section 23.204.020 are amended to read as follows:

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												
Single-Family Residential	UP(H)	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; 23.302.070.H
Multi- Unit Residential	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; 23.302.070.H

Section 36. That the lines “Single Family,” “Two Family,” “Multi-Unit Family” and “Mixed Use Residential” in Table 23.206-1: Allowed Land Uses in Manufacturing Districts within BMC Section 23.206.020 are amended to read as follows:

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	
Residential Uses					
Single-Family Residential	NP	NP	NP	AUP	
Multi-Unit Residential	NP	NP	NP	ZC*	23.206.090(B) (8)
Mixed-Use Residential	NP	NP	NP	<u>UP(PH)</u> *	23.206.090(B)(7)

Section 37. That BMC Section 23.206.090(B)(7) to (9) are amended to read as follows:

7. Mixed-Use Residential. To approve an AUP or Use Permit to establish or expand of a mixed-use residential building in the MU-R district, the review authority must find that the specific combination of proposed residential and non-residential uses will not be hazardous or detrimental to persons living and/or working on the site or within the project vicinity.

8. Noticing for New Dwelling Units. This section applies to proposed new dwelling units that are eligible for approval with a Zoning Certificate, as indicated in Table 23.206-1 Allowed Land Uses in Manufacturing Districts.

(a) Scope and Timing of Notice. The City shall mail a courtesy notice to tenants of the subject property, and owners and tenants of the adjacent, confronting, and abutting properties, within ten working days of submission of the application to the City.

(b) Content of Notice. Notice shall provide the address of the project, allowable hours of construction and information for tenants of the subject property on how to contact a Rent Board Housing Counselor by e-mail or phone and any other resource information deemed relevant.

(c) Mailing Fees. The applicant shall be responsible for the cost of materials, postage, and staff time necessary to process and mail notices.

Section 38. That Table 23.206-14- MU-R Development Standards within Section 23.206.090 is amended to read as follows:

TABLE 23.206-14: MU-R DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lot	No minimum	
Per Live/Work Unit	1,250 sq. ft.	
Lot Width, Minimum	40 ft.	
Usable Open Space, Minimum		23.304.090 – Usable Open Space
Per 1,000 sq. ft. of gross residential floor area	150 sq. ft.	
Per Live/Work Unit	40 sq. ft.	
Floor Area Ratio, Maximum, Non-Residential	1.5 [1]	23.106.050 - Floor Area Ratio
Residential Density (DU/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	70	
Main Building Height, Maximum		23.304.050 - Building Height
Live/work	28 ft. and 3 stories [2]	
Residential or mixed-use [3]	35 ft. or 3 stories	
Within 15 ft. of rear property line	22 ft.	
All other uses	35 ft. and 2 stories [4]	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front	5 ft.	
Rear	No minimum [5]	
Interior Side	No minimum	
Street Side	5 ft.	

Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	No maximum.	
<p>Notes:</p> <p>[1] Maximum 1.5 for buildings with 50 percent or more live/work floor area</p> <p>[2] Maximum 35 ft. with a Use Permit.</p> <p>[3] A project that includes a pitched roof is permitted a 35 foot maximum eave height and a maximum roof height of 38 feet. A project with a 35 foot flat roof is permitted an additional 5 feet height allowance for a stair, elevator or other rooftop access feature. Such a feature shall not exceed 15% of the average floor area of all of the building's stories. Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.</p> <p>[4] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.</p> <p>[5] Minimum 5 ft. if rear of lot abuts a street.</p>		

Section 39. That Table 23.210-1: H Overlay Zone Maximum Allowed Height within Section 23.210.020 is amended to read as follows:

TABLE 23.210-1: H OVERLAY ZONE MAXIMUM ALLOWED HEIGHT

UNDERLYING BASE DISTRICT	ALLOWED HEIGHT		MAXIMUM STORIES
	AVERAGE	MAXIMUM	
New Buildings			
R-1, R-2, R-2A	28 ft.	35 ft.	3 stories
R-3, R-4, R-5, R-S, C-N, C-NS	35 ft.	35 ft.	3 stories
Residential Additions	As required by the base district or the highest existing portion of the roof, whichever is lower	20 ft.	N/A

Section 40. That BMC Section 23.304.030(B)(1) is amended to read as follows:

1. **Corner Lots with a Rear Lot Line Abutting a Key Lot.** For corner lots in the R-1, R-2 and R-2A districts with a rear lot line abutting a key lot, the minimum street side setback is either:
 - (a) One-half the front setback required or existing on the key lot, whichever is less; or
 - (b) Four feet if the corner lot maintains 50 feet or more rear setback.

Section 41: That Table 23.304-1 Allowed Setback Reductions in Residential District within BMC Section 23.304.030 is amended to read:

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				
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.
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	On a lot less than 100 ft. deep	20% of lot depth [4]	ZC	None

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]	On a lot with two or more main buildings with dwelling units	No minimum	AUP	No additional findings
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-2, R-2A	Lot width less than 40 ft.	10% of lot width or 3 ft., whichever is greater	ZC	None
R-2H, R-2AH	Lot width less than 40 ft.	First and second stories: 10% of lot width or 3 ft., whichever is greater; Third story: 4 ft.	ZC	None
<p>Notes:</p> <p>[1] Findings are in addition to any AUP or Use Permit findings required in 23.406-Specific Permit Requirements.</p> <p>[2] Fire Department must review and approve reduced setbacks in respect to fire safety.</p> <p>[3] For lots less than 5,000 square feet, reductions are not allowed for property lines abutting a property under different ownership.</p> <p>[4] The resulting rear setback becomes the total setback required for the front and rear to add up to. Front and rear setbacks may not be less than 5 ft.</p> <p>[5] Parcels located within the R-3 district within the Southside Plan boundaries are exempt from this section.</p>				

Section 42. That the line “R-1A” in Table 23.304-4: Permits Required for Building

Separation in Residential Districts within BMC Section 23.304.040 is removed.

Section 43. That BMC Section 23.322.100(C)(1) is amended to read as follows:

1. General. The following requirements apply to required on-site loading spaces in all districts except for the R-1, R-2, R-2A districts.

(a) *Dimensions.* A required loading space must be at least 12 feet wide and 25 feet long with a minimum vertical clearance of 14 feet.

(b) *Location.* A required loading spaces must be located on the same lot as the structure or use the space is designed to serve.

(c) *Parking Spaces.* A required parking space may not be used to satisfy the requirements for an off-street loading space.

(d) *Access and Paving.* A required loading space must have adequate means of access from a street or alley. Both the space and access driveway must be paved with a durable, dustless material that is usable under all weather conditions.

Section 44. That BMC Section 23.324.050(D)(3)(a) is amended to read as follows:

(a) A Use Permit is required for an addition to and/or enlargement of a structure or building that exceeds the maximum allowed lot coverage, or maximum floor area ratio, or is nonconforming to minimum or maximum residential density.

Section 45. That BMC Section 23.326.030(B)(1)(c) is amended to read as follows:

(c) The demolition is necessary to permit construction approved pursuant to this Chapter of at least the same number of Residential Units.

Section 46. That BMC Section 23.326.030(B)(2) is amended to read as follows:

2. A Single-Family Dwelling without sitting tenants may be demolished with a Zoning Certificate, if the demolition is part of a development project that would result in a net increase in residential density.

Section 47. That BMC Section 23.406.020(E) is amended to read as follows:

E. Review and Action

1. The Zoning Officer shall review a Zoning Certificate application to verify compliance with the Zoning Ordinance. If the project complies with all applicable requirements, the Zoning Officer shall approve the application.

2. The Zoning Officer may attach to the Zoning Certificate project plans and other information as needed to document project compliance with the Zoning Ordinance.
3. The Zoning Officer may attach to the Zoning Certificate any applicable uniformly applied Standard Conditions of Approval.

Section 48. That BMC Section 23.502.020(M)(17) and (18) are amended to read as follows:

17. **Multi-Family Dwelling.** A building, group of buildings, or portion of a building used or designed as two_or more dwelling units.
18. **Multi-Family Residential.** A residential use that includes two or more units, excluding ADUs and Junior ADUs, on a single lot.
19. **Municipal Animal Shelter.** A City-owned facility providing services for humane animal care with programs and services focused on maximizing opportunities for animal adoption. Supporting facilities may include medical care (including spay/neuter), kennels, exercise areas and adoption centers.

Section 49. That BMC Section 23.502.020(R) is amended to read as follows:

R. "R" Terms.

1. *Receiving Lot.* See Lot, Receiving.
2. *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.
3. *Recycling Redemption Center.* A facility, use, or structure for the collection of recyclable goods, including beverage containers and newspapers.
4. *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.
5. *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.

6. *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.

7. *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.

8. *Resident.* A person whose primary residence is in Berkeley.

9. *Residential Care Facility.* See Community Care Facility.

10. *Residential Hotel.* See Hotel, Residential.

11. *Residential Addition.* See Addition, Residential.

12. *Residential Districts.* The districts listed under the Residential Districts heading in Table 23.108-1: Zoning Districts.

13. *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.

14. *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.

15. *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.

16. *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.

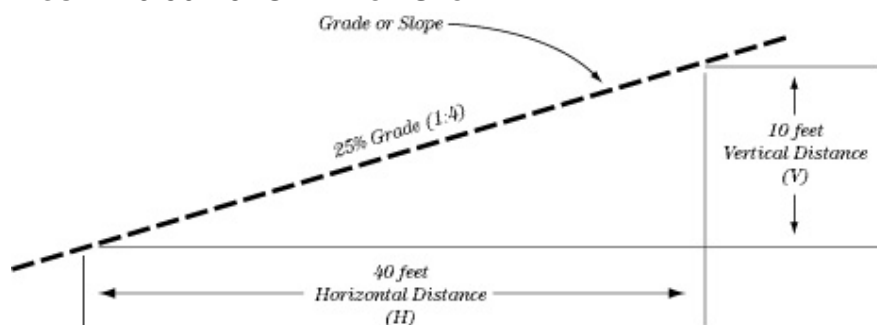
17. *Review Authority*. The City official or body responsible for approving or denying a permit application or other form of requested approval under the Zoning Ordinance.

18. *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.

Section 50. That BMC Section 23.502.020(S)(21) through 23.502.020(S)(36) is amended to read as follows:

- 21. **Single-Family Residential**. A residential use that includes only one single-family dwelling, excluding ADUs and Junior ADUs, on a single lot.
- 22. **Single Residential Occupancy (SRO) Room**. A room for residential or sleeping purposes in a residential hotel which is designed for occupancy of one person only.
- 23. **Skateboard Ramp**. A ramp, platform, course or facility used for skateboard riding and made of wood or other solid material.
- 24. **Slope**. The steepness of a site, measured as the ratio of the vertical distance to the horizontal distance between the highest and lowest points of the site. See Figure 23.502-5: Grade or Slope.

FIGURE 23.502-5: GRADE OR SLOPE



- 25. **Small Vehicle Sales and Service**. An establishment which sells or leases long-term new, used, or pre-owned motorized vehicles other than passenger automobiles and trucks which are characterized by fewer than four wheels or

a minimal frame. Types of vehicles sold or leased by this use include motorcycles, scooters, three-wheel motorcycles, electric carts, electric scooters, and such vehicles designed or refurbished for alternative fuels/power sources (alternative to conventional gasoline).

26. **Smoke Shop.** An establishment engaged primarily in the sale of tobacco and/or tobacco-related products.

27. **Solar Energy Device/Equipment.** Any solar collector or other solar energy device or any structural design feature of a building of which the primary purpose is to provide for the collection, storage or distribution of solar energy for space heating or cooling, water heating or the generation of electricity.

28. **Sorority House.** A building used for group living accommodations by an organization recognized by the UC Berkeley, or other institution of higher learning.

29. **Source Lot.** See Lot, Source.

30. **Story.** See Section 23.106.060 (Story)

31. **Street.** A public or private thoroughfare which provides principal means of access to abutting lots, including but not limited to, avenue, place, way, manor, drive, circle, lane, court, boulevard, highway, road and any other thoroughfare except an alley or a path as defined in this chapter.

32. **Street Line.** The boundary between a lot and an adjacent street.

33. **Structural Alteration.** Any physical change to or removal of the supporting members of a building, foundation or bearing walls, columns, beams or girders or creation or enlargement of a window or door, change of a roofline or roof shape, including creating, enlarging or extending a dormer.

34. **Structural Alteration, Public Safety.** Any structural alteration or physical change to a building that provides greater safety to the public or occupants by strengthening the building against seismic activity, which does not result in new floor area except that created by necessary structural improvements or physical changes as required under Municipal Code Chapter 19.38 and 19.39.

35. **Structure.** Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is a structure for the purposes of this chapter.

- (a) **Accessory Structure.** A detached structure, other than an accessory building, in which non-habitable uses or activities other than the principal use of the property are conducted. Residential accessory structures include, but are not limited to, enclosed structures such as garages, carports, garden or tool sheds, and non-enclosed structures such as, but not limited to, fences, gazebos, ground-mounted satellite dishes, skateboard ramps and

wheelchair ramps. Non-residential accessory structures include, but are not limited to, storage buildings, garages, sheds and other outbuildings.

- (b) **Subterranean Structure.** A roofed structure constructed underground, with no building stories aboveground, of which the roof does not exceed 3 feet above the pre-existing grade. Such structures are either separated from a building or connected to a building only by a passageway or hallway with no openings to finished grade except for a doorway.
- (c) **Temporary Structure.** A tent, tent-house, trailer, mobile office, mobile home or other movable structure or other temporary structure whose construction does not require a building permit.

36. **Studio.** See Art/Craft Studio.

37. **Supportive Housing.** As defined in Health and Safety Code 50675.14(b)(2), housing with no limit on length of stay that is occupied by the target population as defined in Health and Safety Code 50675.14(b)(3) and is linked to on- or off-site services that assist the supportive housing residents in retaining the housing, improving their health status, and maximizing their ability to live and, when possible, work in the community.

Section 51. That BMC Section 23.502.020(T)(14) is removed.

Section 52. The effective date of this Ordinance shall be November 1, 2025.

Section 53: The Zoning Map, as referenced in BMC Section 23.108.030, shall be amended to rezone all parcels currently zoned R-1A to R-2, as shown in Attachment A of this Ordinance.

Section 54: 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.

Attachment A: Zoning Map Changes

At a special meeting of the Council of the City of Berkeley held on June 26, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

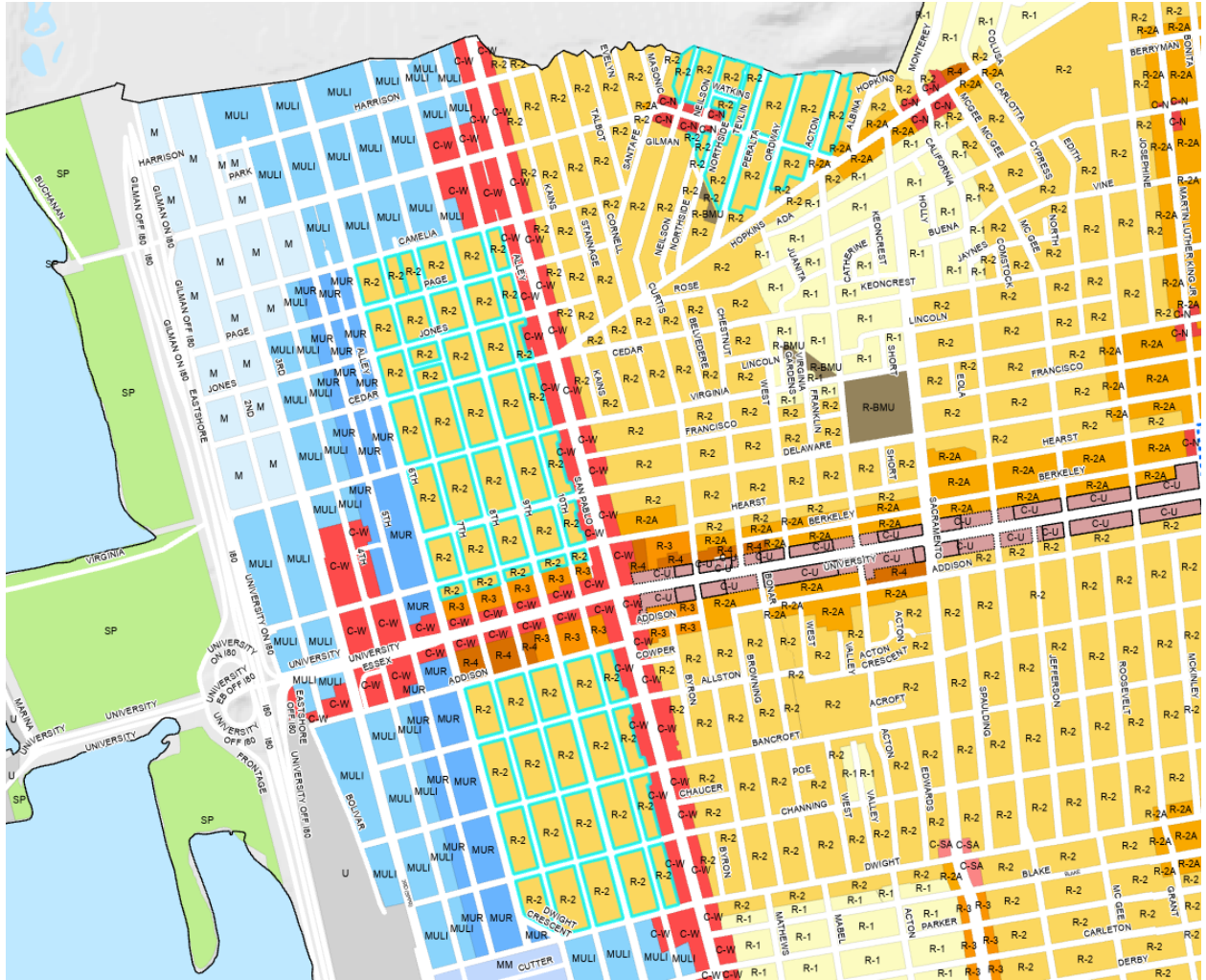
Ayes: Bartlett, Blackaby, Humbert, Kesarwani, Lunaparra, O'Keefe, Taplin, Tregub, and Ishii.

Noes: None.

Absent: None.

Attachment A Zoning Map Changes

The zoning map below reflects the elimination of the R-1A zoning district and the redesignation of R-1A parcels as R-2 parcels. All affected parcels are outlined in light blue.



1831812.1

