

ORDINANCE NO. 8,003-N.S.

AMENDMENTS TO THE CONFORMING AND NONCONFORMING STRUCTURES AND BUILDINGS CHAPTER (BMC 23.324.050) TO UPDATE THE REGULATION OF NONCONFORMING LOT COVERAGE, FLOOR AREA RATIO (FAR) AND DENSITY FOR RESIDENTIAL USES IN THE RESIDENTIAL MULTI-UNIT 1 (R-1), RESIDENTIAL MULTI-UNIT 2 (R-2), RESIDENTIAL MULTI-UNIT 2A (R-2A), AND MIXED USE-RESIDENTIAL (MU-R) ZONING DISTRICTS

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

Section 1. That Berkeley Municipal Code Section 23.324.050(D)(3) is amended to read as follows:

23.324.050 Conforming and Nonconforming Structures and Buildings.

D. Expansion and Alteration

3. *Nonconforming Coverage, FAR, and Density.*

(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.

(b) The ZAB may approve the Use Permit only if the project does not:

- i. Increase or exacerbate the nonconformity; or
- ii. Exceed the height limit.

(c) The provisions of this section do not apply to Residential Uses in the R-1, R-2, R-2A or MU-R Zoning Districts.

Section 2. 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.

At a regular meeting of the Council of the City of Berkeley held on March 10, 2026, 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.