

ORDINANCE NO. 8,008-N.S.

ADOPT PROPOSED AMENDMENTS TO THE ZONING MAP TO REZONE 1646 AND
1650 5th STREET TO MIXED USE-RESIDENTIAL (MU-R)

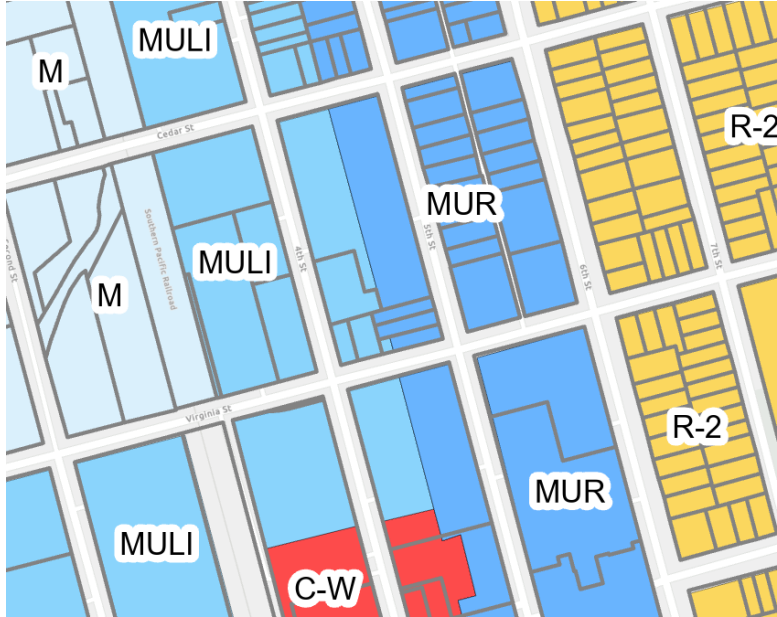
BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. Pursuant to Berkeley Municipal Code Section 23.412.060, the City Council makes the following findings to support the zoning map amendments:

1. The proposed amendments are consistent with the General Plan and any applicable specific plan or area plan. The zoning map amendments would be consistent and compatible with the General Plan, as the proposed rezoning involves two existing zoning districts and does not propose any modifications to the intents, allowed uses, or development standards of either district.
2. The proposed amendments are consistent with state law. The zoning map amendments are consistent with state law because they do not reduce the intensity of residential use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1).
3. The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare. The zoning map amendments are to unify the zoning district designations for two properties and would not create any new uses that would have detrimental impacts to the public interest, health, safety, convenience, and welfare of the City or its inhabitants. Additionally, the amendments would not create or exacerbate any nonconforming uses or conditions through the modification of the zoning district designations.
4. The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance. The proposed amendments would rectify two instances of split-zoning and would not include uses inconsistent with the intent of the MU-R zoning district.
5. The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the Zoning Ordinance and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large. The zoning map amendments do not change the physical or legal boundaries or characteristics of the two lots. The amendments will also align the zoning district designation with the existing land use of the properties and will ensure any future development on the lot will align with the purpose and intent of the MU-R zoning district.
6. The Mixed Use-Light Industrial (MU-LI) district's purpose is to "encourage the development of a mixed-use light industrial area" and "provide for the continued availability of manufacturing and industrial buildings for manufacturing uses." The proposed Zoning Map amendments would reduce the intensity of permitted manufacturing uses on the subject parcels, and place the parcels under a single zoning designation for the anticipated development of residential uses. As a result,

the proposed amendments are exempt from CEQA pursuant to CEQA Guidelines 14 Cal. Code. Regs Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the amendments may have a significant effect on the environment.

Section 2. The City of Berkeley Zoning Map is amended to read as follows:



Section 3. 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 April 28, 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.