

ORDINANCE NO. 8,034-N.S.

AMENDMENTS TO THE ZONING DISTRICTS AND MAP CHAPTER (BMC 23.108), COMMERCIAL DISTRICT CHAPTER (BMC 23.204), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), SUPPLEMENTAL USE REGULATIONS CHAPTER (23.302), GENERAL DEVELOPMENT STANDARDS CHAPTER (23.304), LIVE/WORK CHAPTER (23.312), PARKING AND LOADING CHAPTER (23.322), ADMINISTRATIVE RESPONSIBILITY CHAPTER (23.402), AND SPECIFIC PERMIT REQUIREMENTS CHAPTER (23.406) TO ENACT THE SAN PABLO AVENUE SPECIFIC PLAN AND RETIRE THE WEST BERKELEY PLAN

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

Section 1. Table 23.108-1 Zoning Districts within BMC Section 23.108.020(A) 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
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
C-SP	San Pablo Commercial

Manufacturing Districts

M	Manufacturing
MM	Mixed Manufacturing
MU-LI	Mixed Use-Light Industrial
MU-R	Mixed Use-Residential
M-RD	Manufacturing, Research and Development

Special Districts

S	Specific Plan
U	Unclassified

Section 2. That Table 23.204-1 Allowed Uses in the Commercial Districts within BMC Chapter 23.204.020 is amended to read as follows:

Table 23.204-1: Allowed Uses in 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	C-SP	
Residential Uses													
Accessory Dwelling Unit	See 23.306—Accessory Dwelling Units												
Dwellings													
Single-Family Residential	UP(PH)	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); 23.204.160(D)(3)(a)
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)	UP(PH)	23.204.060(B)(3); 23.302.070(H); 23.302.070(M)
Group Living Accommodation	UP(PH)	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); 23.204.160(D)(3)(a)
Hotel, Residential	UP(PH)	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)
Mixed-Use Residential	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	UP(PH)	UP(PH)	UP(PH)	See Table 23.204-41	UP(PH)	UP(PH)*	23.204.060(B)(3);23.302.070(H); 23.302.070(M)
Senior Congregate	See 23.302.070.I												

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Housing													
Public and Quasi-Public Uses													
Child Care Center	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP	
Cemetery/Crema tory/Mausoleum	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Club/Lodge	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	AUP	
Columbaria	See 23.302.070.C												
Community Care Facility	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	ZC	AUP	ZC	
Community Center	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	ZC	
Emergency Shelter, 25 beds or fewer	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	23.308-Emergency Shelters
Emergency Shelter, 26 to 60 beds	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	ZC	UP(PH)	UP(PH)	UP(PH)	
Emergency Shelter, more than 60 beds	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Hospital	UP(PH)	UP(PH)	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	
Library	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Low Barrier Navigation Center	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Mortuaries and Crematories	UP(PH)	UP(PH)	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	UP(PH)	
Municipal Animal Shelter	–	–	–	–	–	–	–	–	–	–	--	-*	23.204.160(D)(3)(a)
Nursing Home	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Park/Playground	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	AUP	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)	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)	UP(PH)	UP(PH)*	23.204.160(D)(3)(a)
Religious Assembly	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP	UP(PH)	AUP	
School	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
School,	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	UP(PH)	AUP	AUP	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Vocational													
Supportive Housing	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070.I-Supportive Housing
Retail Uses													
Alcoholic Beverage Retail Sale	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	23.310
Cannabis Retailer	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.320; 12.21; and 12.22
Cannabis Retailer, Delivery Only	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	--	ZC*	23.320; 12.21; and 12.22
Firearm/Munitions Business	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	NP	UP(PH)	UP(PH)*	UP(PH)*	23.302.070(D)
Industrial and Mining Products	—	—	—	—	—	—	—	—	—	—	--	--	
Pawn Shop/Auction House	UP(PH)	—	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	
Pet Store	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	ZC	AUP	ZC	
Retail, General	ZC	ZC	ZC*	ZC*	ZC*	ZC	ZC	ZC*	ZC	ZC*	ZC*	ZC*	23.204.040(C) 23.204.040(D)

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Smoke Shop	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	UP(PH)*	NP	UP(PH)*	UP(PH)*	UP(PH)*	23.302.070.I
Personal and Household Service Uses													
Personal and Household Services, General	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Kennels and Pet Boarding	NP	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	NP	UP(PH)*	23.204.160(D)(3)(a)
Laundromats and Cleaners	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	AUP	AUP	UP(PH)	UP(PH)	AUP	AUP	AUP	
Veterinary Clinic	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Video Tape/Disk Rental	ZC	ZC	ZC	AUP	ZC	-	ZC	ZC	ZC	ZC	NP	ZC	
Office Uses													
Business Support Services	ZC	ZC	ZC	ZC	ZC	ZC	ZC*	ZC	ZC	ZC	ZC	ZC*	23.204.110(B)(4); 23.204.160(D)(3)(a)
Banks and Financial Services, Retail	AUP	AUP	UP(PH)	UP(PH)	UP(PH)	ZC	AUP*	UP(PH)	ZC*	AUP	ZC	ZC*	23.204.110 (B)(4); 23.204.130(B)(3); 23.204.130(D)(3); 23.204.160(D)(3)(a)
Insurance	ZC	ZC	ZC*	ZC*	ZC*	ZC	ZC*	ZC*	ZC*	ZC	ZC	ZC*	23.204.040.D;23.204.110B.

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Agents, Title Companies, Real Estate Agents, Travel Agents													4; 23.204.130.D.3; 23.204.160(D)(3)(a)
Medical Practitioners	ZC	ZC	AUP	NP	UP(PH)	ZC	AUP*	UP(PH)	ZC*	ZC	ZC	ZC	23.204.040(B); 23.204.110(B)(4); 23.204.130(D)(3)
Non-Chartered Financial Institutions	UP(PH)*	UP(PH)*	NP	NP	NP	UP(PH)*	UP(PH)*)	NP	NP	UP(PH)*	UP(PH)	NP	23.302.070(F) 23.204.110(B)(4)
Office, Business and Professional	ZC	ZC	AUP*	AUP*	ZC*	ZC	ZC*	AUP*	ZC*	ZC	ZC	ZC	23.204.040(B); 23.204.110(B)(4); 23.204.130(D)(3)
Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses													
Adult-oriented Business	UP(PH)*	UP(PH)*	NP	NP	NP	NP	NP	NP	UP(PH)*	UP(PH)*	NP	UP(PH)	23.302.070.A
Amusement Device Arcade	See 23.204.040.A												23.302.070.B
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	23.310
Commercial Recreation Center	See 23.204.040.A												

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Entertainment Establishment	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP*	23.204.160(D)(3)(b)
Food Service Establishment, Under 3,000 Sq. Ft.	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.302.070(E)
Food Service Establishment, 3,000 Sq. Ft. or larger	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	23.302.070(E)
Group Instruction, under 3,000 sq. ft.	ZC	ZC	ZC	ZC	ZC	ZC	ZC*	ZC	ZC*	ZC	ZC	ZC	
Group Instruction 3,000 sq. ft. or larger	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	ZC	
Health and Fitness Facility Under 7,500 sq. ft.	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Health and Fitness Facility 7,500 sq. ft. or	ZC	ZC	AUP	AUP	ZC	ZC	ZC	AUP	ZC	ZC	ZC	ZC	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
larger													
Hotels, Tourist	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Motels, Tourist	UP(PH)	UP(PH)	NP	NP	NP	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	
Theater	UP(PH)	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP	AUP	UP(PH)	UP(PH)	AUP	
Vehicle Service and Sales Uses													
Alternative Fuel Station	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	AUP*	UP(PH)	AUP*	23.204.110(B)(2); 23.204.140(B)(3); 23.204.160(B)(3)
Gasoline Fuel Stations	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	NP*	UP(PH)	NP	UP(PH)*	UP(PH)	UP(PH)*	23.204.140(B)(3); 23.204.160(B)(3)
Large Vehicle Sales and Rental	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP* [1]	NP	AUP* [1]	23.204.140(B)(3); 23.204.160(B)(3); 23.204.160(D)(3)(a)
Small Vehicle Sales and Service	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	UP(PH)*	NP	UP(PH)*	23.204.100(B)(3); 23.204.140(B)(3); 23.204.160(B)(3); 23.204.160(D)(3)(a)
Tire Sales and Service	UP(PH)	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	NP	UP(PH)*	23.204.140(B)(3);

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
													23.204.160(B)(3); 23.204.160(D)(3)(a)
Vehicle Parts Store	ZC	NP	ZC	ZC	ZC	ZC	ZC	ZC	NP	AUP*[1]	ZC	AUP*[1]	
Vehicle Rentals	AUP	NP	NP	NP	NP	NP	NP	NP	UP(PH)	AUP*[1]	NP	AUP* [1]	23.204.140(B)(3) 23.204.160(B)(3); 23.204.160(D)(3)(a)
Vehicle Repair and Service	AUP	NP	NP	NP	NP	NP	NP	NP	NP	AUP*[1]	NP	AUP* [1]	23.204.160(D)(3)(a)
Vehicle Sales, New	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	AUP*[1]	NP	AUP* [1]	23.204.140(B)(3) 23.204.160(B)(3); 23.204.160(D)(3)(a)
Vehicle Sales, Used	AUP	NP	NP	NP	NP	UP(PH)*	NP	NP	UP(PH)	UP(PH)*	NP	UP(PH)*	23.204.100(B)(3); 23.204.140(B)(3); 23.204.140(D)(4) 23.204.160(B)(3); 23.204.160(D)(3)(a)
Vehicle Wash	UP(PH)	NP	NP	NP	NP	NP	NP	NP	NP	UP(PH)*	NP	UP(PH)*	23.204.140(B)(3) 23.204.160(B)(3); 23.204.160(D)(3)(a)

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Vehicle Wrecking	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	
Industrial and Heavy Commercial Uses													
Bus/Cab/Truck/Public Utility Depot	–	–	–	–	–	–	–	–	–	–	–	–*	23.204.160(D)(3)(a)
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	–	NP	UP(PH)	NP	
Contractors Yard	–	–	–	–	–	–	–	–	–	AUP	--	NP	
Dry Cleaning and Laundry Plant	UP(PH)	UP(PH)	NP	–	UP(PH)	NP	NP	NP	UP(PH)	NP	NP	NP	
Laboratory													
Research and Development Under 20,000 sq. ft.	ZC	ZC	--	--	ZC	--	ZC	--	ZC	ZC	--	ZC	23.204.040(E)
Research and Development, 20,000 sq. ft. or larger	AUP	AUP	--	--	AUP	--	AUP	--	AUP	AUP	--	AUP	23.204.040(E)

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Commercial, Physical or Biological Testing	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	NP	NP	AUP	23.204.040(E)
Cannabis Testing	AUP	AUP	NP	NP	NP	NP	NP	NP	AUP	AUP [2]	NP	AUP [2]	
Manufacturing													
Construction Products	-	-	-	-		-	-	-	-	UP(PH)		NP	
Light Manufacturing	-	-	-	-		-	-	-	-	AUP [1]	--	AUP* [1]	23.204.160(B)(4) 23.204.160(D)(3)(a)
Pesticides/Herbicides/Fertilizers	-	-	-	-		-	-	-	-	UP(PH)	--	NP	
Petroleum Refining and Products	-	-	-	-		-	-	-	-	UP(PH)	--	NP	
Pharmaceuticals	-	-	-	-		-	-	-	-	UP(PH)	--	UP(PH)*	23.204.160(D)(3)(a)
Primary Production	-	-	-	-	NP	-	-	-	-	UP(PH)	--	NP	

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	C-C	C-U	C-N	C-E	C-NS	C-SA	C-T	C-SO	C-DMU	C-W	C-AC	C-SP	
Manufacturing													
Semiconductors	–	–	–	–	NP	–	–	–	–	UP(PH)	--	UP(PH)*	23.204.160(D)(3)(a)
Material Recovery Enterprise	–	–	–	–	–	–	–	–	–	–	--	--*	23.204.160(D)(3)(a)
Media Production	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)*	AUP	UP(PH)	AUP	23.204.130(B)(4)
Mini-storage	UP(PH)	NP	NP	NP	NP	NP	NP	–	UP(PH)	NP	NP	NP	
Recycled Materials Processing	–	–	–	–	–	–	–	–	–	–	--	--*	23.204.160(D)(3)(a)
Recycling Redemption Center	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP*	23.204.160(D)(3)(a)
Repair Service, Non-Vehicle	–	–	–	–	–	–	–	–	–	AUP	--	AUP*	23.204.160(D)(3)(a)
Research and Development	–	–	–	–	–	–	–	–	–	--	--	--*	23.204.160(D)(3)(a)
Services to Buildings and Dwellings	–	–	–	–	–	–	–	–	–	AUP	--	AUP*	23.204.160(D)(3)(a)

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	C-SP	
Warehouse	UP(PH)	NP	NP	NP	NP	NP	NP	–	UP(PH)	NP	NP	NP	
Warehouse-Based Non-Store Retailer	–	–	–	–	--	–	–	–	–	–	--	--*	23.204.160(D)(3)(a)
Wholesale Trade	–	–	–	–	--	–	–	–	–	AUP	--	AUP*	23.204.160(D)(3)(a)
Incidental Uses													
Amusement Devices	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	UP(PH)	AUP*	23.302.070(B)
Alcoholic Beverage Service	See 23.310												
Cafeteria, On Site	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	AUP	UP(PH)	AUP	
Columbaria	See 23.302.070(C)												
Food and Beverage for Immediate Consumption	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Food Service Establishment, Under 3,000 sq. ft.	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	23.310.030

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	C-SP	
Food Service Establishment, 3,000 sq. ft. or larger	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	ZC*	23.310.030
Live Entertainment Unamplified	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	
Live Entertainment Amplified	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	
Manufacturing	AUP	AUP	UP(PH)	UP(PH)	NP	UP(PH)	AUP	AUP	AUP	AUP	AUP	AUP*	23.204.160(B)(4)
Retail Sale of Goods Manufactured On-Site	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	AUP	ZC	ZC	
Storage of Goods (>25% gross floor area)	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	AUP*	23.302.020(C)
Wholesale Activities	AUP*	AUP*	UP(PH)*	UP(PH)*	NP	AUP*	AUP*	AUP*	AUP*	AUP	AUP	AUP	23.204.080(B)(3)
Other Miscellaneous Uses													
Art/Craft Studio	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	ZC	

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	C-SP	
ATM, Exterior and Attached to Bank	AUP	AUP	AUP	UP(PH)	AUP	AUP	AUP	AUP*	AUP	AUP	AUP	AUP*	23.204.120(B)(2) 23.204.160(D)(3)(a)
ATM, Interior or Exterior and Not With Bank	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)	UP(PH)	UP(PH)	NP	UP(PH)*	AUP	UP(PH)	AUP*	23.204.130(B)(2) 23.204.160(D)(3)(a)
Circus/Carnival	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	UP(PH)	
Drive-in Uses	UP(PH)	NP	NP	NP	UP(PH)	UP(PH)	NP	UP(PH)	NP	NP	UP(PH)	NP	
Home Occupations	See 23.302.040												
Live/Work	See 23.312												
Parking Lot/Structure	See 23.302.070(G)												
Public Market, Open Air	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	UP(PH)	AUP	AUP	
Public Market, Enclosed	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP	AUP [2]	AUP	ZC	
Short-Term Rental	See 23.314		NP	NP	See 23.314			NP	See 23.314		NP	See 23.314	

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	C-SP	
Urban Agriculture, Low-Impact	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC*	ZC	ZC	<u>ZC</u>	
Urban Agriculture, High-Impact	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP*	AUP	AUP	<u>AUP</u>	23.318
Wireless Telecommunication Facility	See 23.332—Wireless Communication Facilities												
Notes: [1] Requires a Use Permit if either 5,000 sq. ft. or more of floor area or 10,000 square feet or more of lot area. [2] Requires a Use Permit if more than 10,000 sq. ft.													

Section 3. That Table 23.204-2 New Floor Area Permit Requirements within BMC Chapter 23.204.030 is amended to read as follows:

Table 23.204 2: New Floor Area Permit Requirements

DISTRICT/NEW GROSS FLOOR AREA	PERMIT REQUIRED FOR NEW FLOOR AREA
C-C, C-U, C-SP	
Less than 5,000 sq. ft.	ZC
5,000 sq. ft. or more	UP(PH)
C-N, C-E, C-SO (any amount of new floor area)	UP(PH)
C-NS	
Less than 2,000 sq. ft.	ZC
2,000 sq. ft. or more	UP(PH)
C-SA	
Less than 3,000 sq. ft.	ZC
3,000 sq. ft. or more	UP(PH)
C-T	-
Less than 1,500 sq. ft.	AUP
1,500 sq. ft. or more	UP(PH)
C-DMU	
Less than 10,000 sq. ft.	ZC
10,000 sq. ft. or more	UP(PH)
C-W	
5,000 sq. ft. or more except when an AUP is required below	UP(PH)
7,500 sq. ft. or less in a building containing only retail uses	AUP
20,000 sq. ft. or less in a building with residential and retail space that is more than 15% and less than 33% of the floor area being created	AUP
C-AC	
New Main Building or New Dwelling Unit	UP(PH)
Addition of 5,000 sq ft or more	UP(PH)

Section 4. That Table 23.204-3 Tenant Space Reconfiguration Permit Requirements within BCM Chapter 23.204.030 is amended to read as follows:

TABLE 23.204 3: Tenant Space Reconfiguration Permit Requirements

District	Permit Required for Tenant Space Reconfiguration Project
C-C, C-U	
Less than 5,000 sq. ft.	ZC
5,000 sq. ft. or greater	AUP
C-N, C-E, C-NS, C-SO (All reconfiguration projects)	AUP
C-SA, C-DMU, C-AC	No additional permit required
C-T	
Increasing the number of individual tenant spaces	ZC
5,000 sq. ft. or greater	AUP
Creating a tenant space less than 1,000 sq. ft.	AUP
C-W, C-SP	
Less than 5,000 sq. ft	ZC
In existing buildings in a designated node affecting 5,000 sq. ft. or greater	AUP

Section 5. That Table 23.204-4 Commercial Recreation Center Permit Requirements within BMC Chapter 23.204.040 is amended to read as follows:

Table 23.204-4: Commercial Recreation Center Permit Requirements

DISTRICT/USE SIZE	PERMIT REQUIRED
C-C, C-U, C-T, C-DMU, C-W	
Under 5,000 sq. ft indoor use	ZC
5,000 to 10,000 sq. ft. indoor use	AUP
Over 10,000 sq. ft. indoor use or outdoor use of any size	UP(PH)
C-N, C-E, C-NS, C-SA, C-SO, C-AC	
Under 3,000 sq. ft indoor use	AUP
Over 3,000 sq. ft. indoor use or outdoor use of any size	UP(PH)
C-SP	
Under 10,000 sq. ft. indoor use	ZC
Over 10,000 sq. ft. indoor use or outdoor use of any size	AUP

Section 6. That Section 23.204.140(A) is amended to read as follows:

A. **District Purpose.** The purpose of the West Berkeley Commercial (C-W) district is to:

1. Implement the Avenue Commercial Land Use designation;
2. Provide locations for commercial services which primarily serve area residents and/or businesses;
3. Support the retention and attraction of a balance of both smaller and larger stores and restaurants;
4. Provide appropriate locations for commercial services which serve a citywide or broader clientele;
5. Provide a relatively compact, clearly bounded set of commercial areas in West Berkeley, so as to both improve the quality of West Berkeley shopping environments and to prevent commercial overspill into industrial areas;
6. Encourage the intensification of commercial activity at designated nodes to help develop more pedestrian-oriented environments at those locations;
7. Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts;
8. Encourage appropriately intense development in underutilized portions of commercial streets;
9. Promote development compatible with adjacent commercial, residential and industrial areas;
10. Provide a location for cultural and performing arts activities; and
11. promote environmental protection for the residents and workers both within and adjacent to the district from such detriments as noise, fumes, and other detrimental environmental effects.

Section 7. That Sections 23.204.140(B) is amended to read as follows

B. *Land Use Regulations*

1. *General.* See Table 23.204-1: Allowed Land Uses in the Commercial Districts.
2. *Mixed-Use Residential.*
 - (a) See Table 23.204-40 for mixed-use residential permit requirements I the C-W district.

Table 23.204-40. C-W Mixed Use Residential Permit Requirements

Total Floor Area	Permit Required
Projects with both residential and retail uses where the retail space comprises 15% to 33% of total gross floor area	
Less than 20,000 square feet	ZC
20,000 square feet or more	UP(PH)
All other mixed-use residential projects	
Less than 5,000 square feet	ZC
5,000 to 9,000 square feet	AUP
More than 9,000 square feet	UP(PH)

(b) All new retail uses in an existing mixed-use development are subject to the permit requirements for mixed use development as shown in Table 23.204-40.

3. *Langendorf Building*. See Section 23.206.030.D– Additional Permit Requirements (Langendorf Building).

Section 8. That Section 23.204.140(D) is amended to read as follows

D. Designated Node.

1. **Purpose.** The purposes of the designated nodes in the C-W district are to:
 - (a) Intensify retail, commercial, and mixed-use activity around major intersections;
 - (b) Reflect and reinforce the major existing and developing concentrations of pedestrian-oriented uses;
 - (c) Encourage intensified development around transit transfer points;
2. **Location.** Properties designated as nodes in the C-W district are shown in Figure 23.204-7: C-W Designated Node.
3. **Ground Floor Uses.** The ground floor of buildings in the designated node may be used only for the following:
 - (a) Retail sales
 - (b) Personal and household services

- (c) Retail financial services (banks)
- (d) Food and alcohol service
- (e) Tourist Hotel and Tourist Motel
- (f) Entertainment and assembly uses
- (g) Gasoline/vehicle fuel stations
- (h) Vehicle repair uses
- (i) New car sales
- (j) Used vehicles sales
- (k) Required access to and lobbies serving upper-story uses

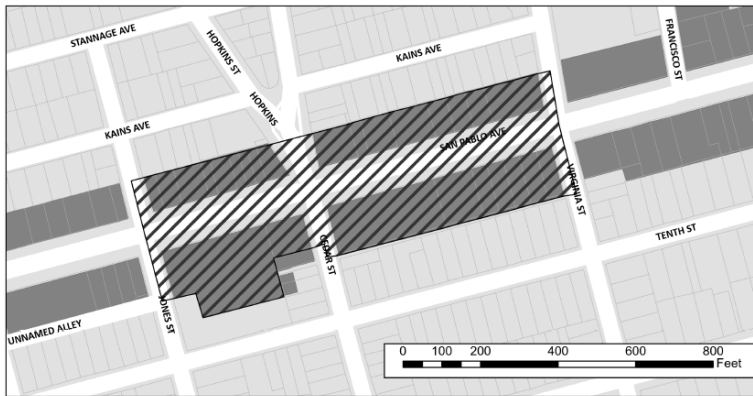
4. Prohibited Uses. The following uses are not permitted in the designated node:

- (a) Vehicle rentals
- (b) Used vehicle sales when not principally in buildings
- (c) Vehicle washes
- (d) Tire sales and service
- (e) Open air markets
- (f) Circus/carnivals
- (g) Public utility substation buildings, tanks

5. Findings. To approve a Use Permit or AUP for a project in the designated node, the review authority must find that the project supports the development of a strong retail commercial and pedestrian-oriented environment at the node. Factors the review authority should consider when making this finding include:

- (a) The placement of store entrances relative to the street and parking lots; and
- (b) The size and prominence of display windows and areas facing the sidewalk.

Figure 23.204-7: C-W Designated Node



West Berkeley
Commercial
(C-W)

Node 2:
Cedar and San Pablo

Section 9. That BMC Section 23.204.160 be added to read as follows:

- A. District Purpose. The purpose of the San Pablo Avenue Commercial (C-SP) district is to:
 1. Implement the General Plan's designation for Avenue Commercial, as well as the policies of the San Pablo Avenue Specific Plan;
 2. Encourage the intensification of commercial activity at designated nodes to help develop more pedestrian-oriented environments at those locations;
 3. Increase the opportunities for development of housing in commercial areas to support local retailing and use of transit lines and opportunities for mixed use projects combining pedestrian-oriented neighborhood-serving uses with mixed income housing in locations abutting residential districts; and
 4. Promote development compatible with adjacent commercial, residential and industrial areas.
- B. Allowed Land Uses.
 1. General. See Table 23.204-1.
 2. Mixed Use Buildings. In all mixed-use buildings, all stories above the second story shall be used for residential uses.
 3. Automotive Uses.
 - 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.

- b) On lots in the C-SP district with frontage on San Pablo Avenue:
 - i. An automotive use may be established only on an automotive site; and
 - ii. If an automotive use on an automotive site is discontinued for a period of two years or more, it may not be re-established.
- 4. Light Manufacturing Use. Light manufacturing is permitted with a Zoning Certificate subject to conformance with the following conditions to minimize potential negative impacts on surrounding properties:
 - a) Production methods shall be limited to the use of hand tools or small-scale, light mechanical equipment occurring solely within an enclosed building where such production requires no outdoor operations or storage, and do not produce noise, vibration, or air pollution that will endanger neighboring properties.
 - b) On-site sales of goods produced on site, as well as incidental sales, are permitted.
- 5. Temporary Uses. The following temporary uses are permitted with a Zoning Certificate as specified below:
 - a) Public Market, Enclosed. A temporary public market is allowed within either a vacant commercial space or a space occupied by a legally established commercial use, for a period not to exceed three years.
 - b) Food Service Establishment. A temporary food service establishment is allowed within either a vacant commercial space or a space occupied by a legally established commercial use, for a period not to exceed three years.
- 6. Outdoor Temporary Uses on Private Property. A temporary outdoor use may be conducted as follows:
 - a) The following businesses are not covered by this subsection:
 - i. Delivery-Only (Cannabis) Retailers.
 - ii. Liquor Stores/Wine Shops.

- iii. Adult-Oriented Businesses.
- iv. Smoke Shops.
- v. Firearm/Munitions Businesses
- b) Zoning Certificate.
 - i. A business may conduct business outdoors on a temporary basis subject to approval of a Zoning Certificate and compliance with 23.204.160(B)(5)(d)(iv) operating standards.
 - ii. An application for a Zoning Certificate must be accompanied by a site plan, business description and operational plan that certifies compliance with 23.204.160(B)(5)(d)(vii) operating standards.
 - iii. The operator of the temporary use must have the written permission of the property owner.
- c) Time Period. An outdoor temporary use allowed in this subsection shall not exceed one year. A time extension is not allowed unless approved by the Zoning Officer.
- d) Operating Standards.
 - i. A 10-foot setback is required from any property in a residential district.
 - ii. Operating Hours are limited to 9 a.m. to 9 p.m. Operating Hours include the time that the business is open for customer access to the departure of the last patron.
 - iii. Temporary outdoor lighting fixtures must be oriented in a manner to direct light away from adjacent parcels.
- e) Existing Parking and Loading. Non-residential parking and loading requirements on private property are temporarily suspended if the outdoor use displaces areas designated for these purposes.
- f) Temporary Fixtures and Structures. Movable fixtures such as tables and chairs, umbrellas, heaters, generators, trucks or trailers must be stored in a secure place on private property when not in use.
- g) Safety.

- i. If the Temporary Outdoor Use is located within an active parking lot, a business must provide temporary barriers to separate vehicle traffic from pedestrians and commercial activity.
 - ii. If the Temporary Outdoor Use fully occupies a parking lot, a business must provide temporary barriers to prevent vehicle traffic from entering the parking lot.
- h) Remedies. A Zoning Certificate for a Temporary Outdoor Use may be revoked for non-compliance with any conditions in this subsection.

C. Additional Permit Requirements. See BMC Section 23.204.030- Additional Permit Requirements

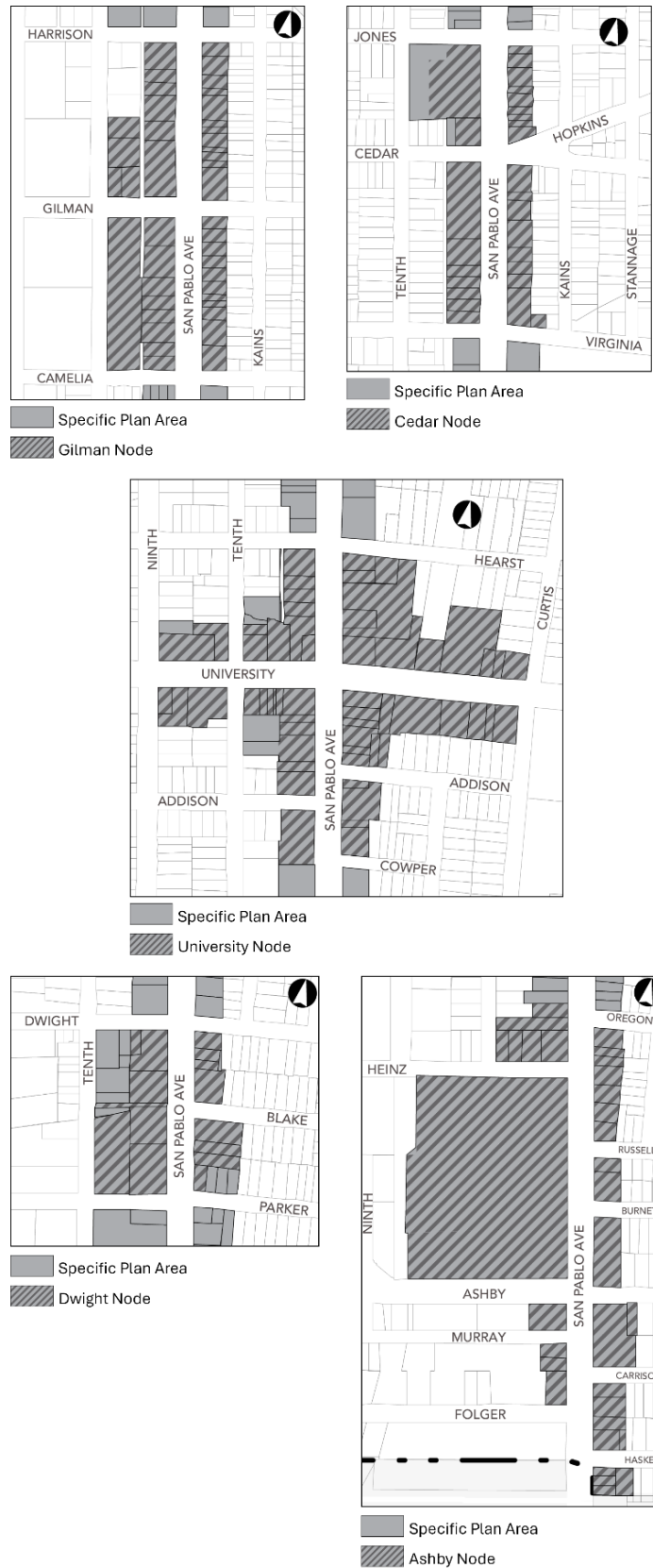
D. San Pablo Avenue Designated Nodes.

- 1. Purpose. The purposes of the designated nodes in the C-SP district are to:
 - a) Intensify commercial activity around major intersections;
 - b) Reflect and reinforce the major existing and developing concentrations of pedestrian-oriented uses;
 - c) Help define the urban form of San Pablo Avenue by developing identifiable areas of concentrated commercial activity.
 - d) Encourage commercial uses that promote social interaction and collaboration.
- 2. Location. Properties designated as nodes in the C-SP district are shown in Figure 23.204-8: C-SP Designated Nodes.
- 3. Ground Floor Uses.
 - a) Prohibited Uses. The following uses are prohibited on the Ground Floor in designated nodes:
 - i. ATM, Exterior and Attached to Bank.
 - ii. ATM, Interior or Exterior and Not with Bank.
 - iii. Banks and Financial Services, Retail.
 - iv. Bus/Cab/Truck/Public Utility Depot.
 - v. Business Support Services.
 - vi. Group Living Accommodation.

- vii. Insurance Agents, Title Companies, Real Estate Agents, Travel Agents.
 - viii. Kennels and Pet Boarding.
 - ix. Large Vehicle Sales and Rental.
 - x. Live/Work units.
 - xi. Manufacturing.
 - xii. Material Recovery Enterprise.
 - xiii. Multi-Unit Residential
 - xiv. Municipal Animal Shelter.
 - xv. Parking Lot/Structure.
 - xvi. Public Utility Substation Buildings, Tanks.
 - xvii. Recycled Materials Processing.
 - xviii. Recycling Redemption Center.
 - xix. Repair Service, Non-Vehicle.
 - xx. Research and Development.
 - xxi. Services to Buildings and Dwellings.
 - xxii. Single-Family Residential.
 - xxiii. Small Vehicle Sales and Service.
 - xxiv. Tire Sales and Service.
 - xxv. Used vehicle sales when not principally in buildings.
 - xxvi. Vehicle Repair and Service.
 - xxvii. Vehicle Rentals.
 - xxviii. Vehicle Sales, new.
 - xxix. Vehicle Wash.
 - xxx. Warehouse-Based Non-Store Retailer.
 - xxxi. Wholesale Trade.
- b) Zoning Certificate Exceptions. Entertainment establishments are permitted in designated nodes with a Zoning Certificate.

- c) Residential Uses, Ground Floor. Residential uses are permitted on the ground floor where located behind a non-prohibited use. The residential use must meet the following standards.
 - i. Occupy a minimum of 50-foot depth of the ground floor street frontage; and
 - ii. Occupy the full extent of the building frontage, excluding required utilities, driveways, pedestrian access and residential lobby.
- 4. Findings. To approve a Use Permit or AUP for a project in a designated node, the review authority must find that the project supports the purposes in Section 23.204.160(D)(1).

Figure 23.204-8. C-SP Designated Nodes



D. Development Standards.

1. Basic Standards. See Table 23.204-45.

TABLE 23.204-45: C-SP DEVELOPMENT STANDARDS

BASIC STANDARDS	PROJECT LAND USE		SUPPLEMENTAL STANDARDS
	NON-RESIDENTIAL	RESIDENTIAL ONLY OR MIXED-USE	
Lot Area Minimum			23.304.020– Lot Requirements
New Lots	No minimum	No minimum	
Per Group Living Accommodation Resident			
Residential Density			23.106.100 – Residential Density
Minimum (du/acre)	No minimum	100	
Maximum (du/acre)	No maximum	No maximum	
Private Open Space, Minimum			23.204.160(E)(3) – Private Open Space
Per Dwelling Unit or Live/Work Unit	No minimum	40 sq. ft.	
Per Group Living Accommodation Resident		No minimum	
Floor Area Ratio, Maximum	3.0	4.25	
Main Building Height, Minimum	No minimum	No minimum	23.304.050– Building Height
Main Building Height, Maximum	75 ft. and 5 stories	75 ft. and 7 stories	
Lot Line Setbacks, Minimum	See Table 23.204-46	See Table 23.204-46	23.304.030– Setbacks
			23.304.131 – Non-Residential Districts Abutting a Residential District

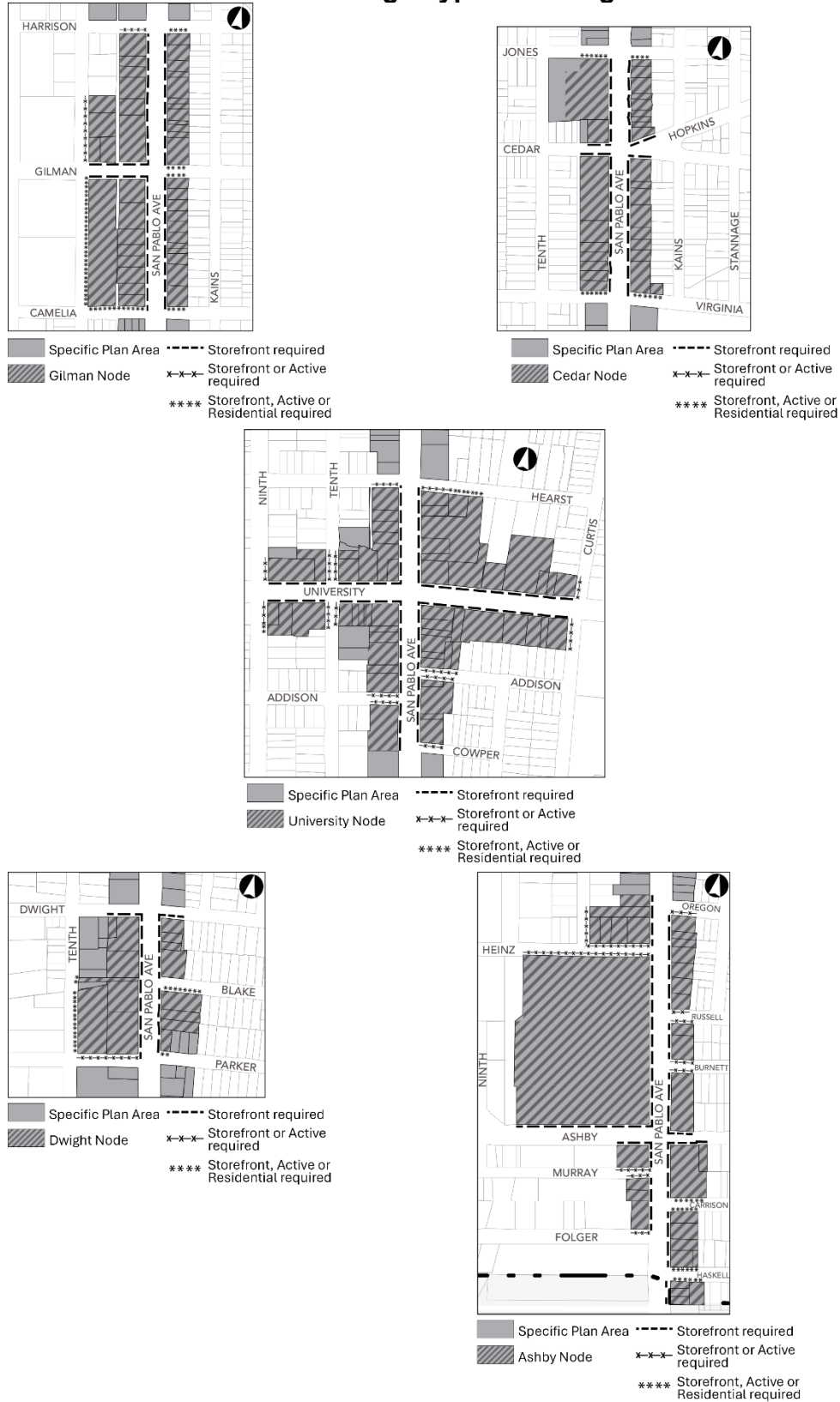
Building Separation, Minimum	No minimum	No minimum	23.304.040 – Building Separation in Residential Districts
Lot Coverage, Maximum	100%	100%	23.304.120– Lot Coverage

2. Minimum Setbacks. Minimum setbacks apply to the ground floor only and are based on the ground floor frontage type either required or allowed. Figure 23.204-9: Ground-Floor Frontage Types in Designated Nodes shows the locations where certain ground-floor frontage types are required within Designated Nodes. Outside of Designated Nodes, any ground floor frontage type is allowed. Table 23.204-46: C-SP Ground Floor Setback Standards shows the required ground-floor lot line setbacks in the C-SP district. Required frontage types are described in the San Pablo Avenue Specific Plan Design Standards document.
3. Parapet Walls. For roofs with parapet walls, building height is measured to the top of the roof. Parapets may exceed the height limit by up to 5 feet as of right.

TABLE 23.204-46: C-SP GROUND-FLOOR SETBACK STANDARDS

LOT LINE & PROJECT GROUND FLOOR FRONTAGE TYPE	REQUIRED SETBACK
Front [1]	
Storefront and Active	No minimum
Residential and Live/Work [2]	Minimum 5 ft. Maximum 8 ft.
Rear	No minimum
Interior Side [3]	No minimum
Street Side	No minimum
Notes: [1] Applies to parcels fronting a public street or a privately-owned public open space. [2] Applies also to the second floor when the ground-floor clear ceiling height is less than 12 feet, measured from sidewalk grade. [3] Applies also to frontage along an abutting mid-block public access easement.	

Figure 23.304-9: Ground Floor Frontage Types in Designated Nodes



4. Private Open Space Requirements. The following standards apply to the C-SP district only and supersede requirements in Section 23.304.090 – Usable Open Space.
 - (a) Purpose. These requirements are intended to provide high quality private open spaces for active and passive recreation. They establish minimum standards for the size and location of such spaces, as well as provisions for privacy.
 - (b) Applicability. Private open space required in Table 23.204-45 may be satisfied by providing common private open space and/or personal private open space.
 - (c) Definitions.
 - a. For the purposes of this section, Common Private Open Spaces are courtyards, sport courts, outdoor dining areas, community rooms, recreational amenities, rooftop amenities, play areas, and gardens for communal use within a development.
 - b. For the purposes of this section, Personal Private Open Space is an individual yard, terrace, balcony, porch, or deck that is directly accessible from the associated residential unit.
 - (d) General Standards. Private Open Space may not contain areas designated for off-street parking and loading, service areas, driveways, required walkways or other features used for access to dwelling units.
 - (e) Design Standards. Common and Personal Private Open Space design shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards.
5. Public Open Space Incentives. To encourage the creation of high-quality, publicly accessible open space within private development in the C-SP district, a development project may provide up to 70 percent of the total private open space required in Table 23.204-45 through one or more of the following types of public open space.
 - (a) Sidewalk Expansion. For the purposes of this section, a sidewalk expansion is an additional ground-floor setback beyond the minimum or maximum required in Table 23.204-46.
 - i. Location. Applies only to parcels fronting San Pablo Avenue, Gilman Street, Cedar Street, Hopkins Street, University Avenue, Dwight Way, and Ashby Avenue.

- ii. Design. Sidewalk design shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards. The final design shall be approved by the Public Works Department.
- iii. Incentive. Each square foot of sidewalk space provided beyond the required ground-floor setback is counted as 1.5 square feet of Private Open Space as required in this section.

(b) Privately Owned Public Open Space (POPOS). For the purposes of this section, POPOS are courtyards, plazas, parks, walkways and gardens for use by the public on privately owned land.

- i. Location. POPOS must be located within a designated node, as shown in Figure 23.204-8.
- ii. Design. POPOS design shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards.
- iii. Maintenance. Maintenance of the POPOS shall be the responsibility of the property owner.
- iv. Incentive. A POPOS is allowed the following incentives, subject to meeting all of the requirements in this section:
 - a. Each square foot of POPOS is counted as 2 square feet of private open space as required in this section; and
 - b. Waiver of any plan review fees levied by the City related only to the POPOS.

c) Side Street Plaza. For the purposes of this section, a Side Street Plaza is a conversion of a minor street that intersects with San Pablo Avenue into a plaza through either limiting or removing vehicle access.

- i. Location. The applicant shall propose a location consistent with Policy PR-P.14 Side-Street Plazas in the San Pablo Avenue Specific Plan. The final location shall be approved by the Public Works Department.
- ii. Design. Side Street Plazas shall comply with the standards listed in the San Pablo Avenue Specific Plan

Design Standards. The final design shall be approved by the Public Works Department.

- iii. Ownership and Maintenance. The ownership and maintenance of the Side Street Plaza shall be defined through an ordinance and a Memorandum of Understanding between the property owner and the City.
- iv. Incentive. A Side Street Plaza is allowed the following incentives, subject to meeting all of the requirements in this section:
 - a. 1 square foot of Side Street Plaza credited in lieu of 2 square feet of required Private Open Space.
 - b. Waiver of any plan review fees levied by the City related only to the Side Street Plaza.
 - c. Waiver of any additional City regulations and/or fees, at the discretion of the City.

(d) Mid-Block Passages. For the purposes of this section, a mid-block passage is a privately-owned, publicly accessible path within a development project that provides a mid-block connection to enhance pedestrian and multimodal circulation.

- i. Location. Mid-block passages are permitted on lots that: (1) exceed 170 linear feet of site frontage along either San Pablo Avenue or University Avenue; and (2) have frontage on opposite sides of a block.
- ii. Design. Mid-block passages shall comply with the standards listed in the San Pablo Avenue Specific Plan Design Standards.
- iii. Incentive. Each square foot of mid-block passage is counted as 1.5 square feet of Private Open Space as required in this chapter.

E. Design Standards.

- 1. Applicability. New buildings and alterations to existing buildings, with the exception of automotive uses on an automotive site (BMC Section 23.204.160(B)(3) (Automotive Uses), shall be reviewed for compliance with the San Pablo Avenue Specific Plan Design Standards document.
- 2. Exceptions. The Design Review Committee or Design Review staff may grant exceptions to the design standards set forth in the San Pablo

Avenue Specific Plan Design Standards document upon making the findings required for such exceptions included in that document.

F. Permit Findings. To approve any AUP or Use Permit for a project in the C-SP district, the review authority must make the findings in Section 23.406.040-Use Permits and find that the proposed use or structure:

1. Is consistent with the purpose of the district; and
2. Encourages utilization of public transit in the area of the proposed building.

Section 10. That the lines “Multi-Unit Residential” 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	MR-D	
Residential Uses						
Multi-Unit Residential	NP	NP	NP*	ZC*	NP	23.206.090(B)(8); 23.406.070(C)(2)(d); 23.206.090(E)
Mixed-Use Residential	NP	NP	NP*	UP(PH)*	NP	23.206.090(B)(7); 23.206.090(E)

Section 11. That Section 23.206.040(R) is amended to read as follows

R. Vocational Schools in the MU-LI and M-RD Districts. A vocational school in the MU-LI or M-RD district must provide training for occupations and/or industries found within the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west.

Section 12. That Section 23.206.050(A)(4) is amended to read as follows

4. **Replacement Space.** Floor area occupied by a protected industrial use that is changed to a non-protected use must be replaced within the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west by a comparable space devoted to one or more of protected industrial uses.

Section 13. That Section 23.206.050(B)(4)(a) is amended to read as follows

- (a) To approve a permit required by Table 23.206-9, the review authority must find that space occupied by the existing non-industrial protected use will be replaced with a comparable space within the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west which is reserved for use by any protected use in the same category. Such replacement space may not qualify for exemption under Paragraph 3 (Owner-Occupied Exemption) above or by reason of having been established after July 6, 1989.

Section 14. That Section 23.206.060(A)(1) is amended to read as follows

1. Implement the Manufacturing Land Use designation;

Section 15. That Section 23.206.070(A)(1) is amended to read as follows

1. Implement the Manufacturing Land Use designation;

Section 16. That Section 23.206.080 is amended to read as follows

23.206.080 MU-LI Mixed Use-Light Industrial District

A. **District Purpose.** The purpose of the Mixed Use-Light Industrial (MU-LI) district is to:

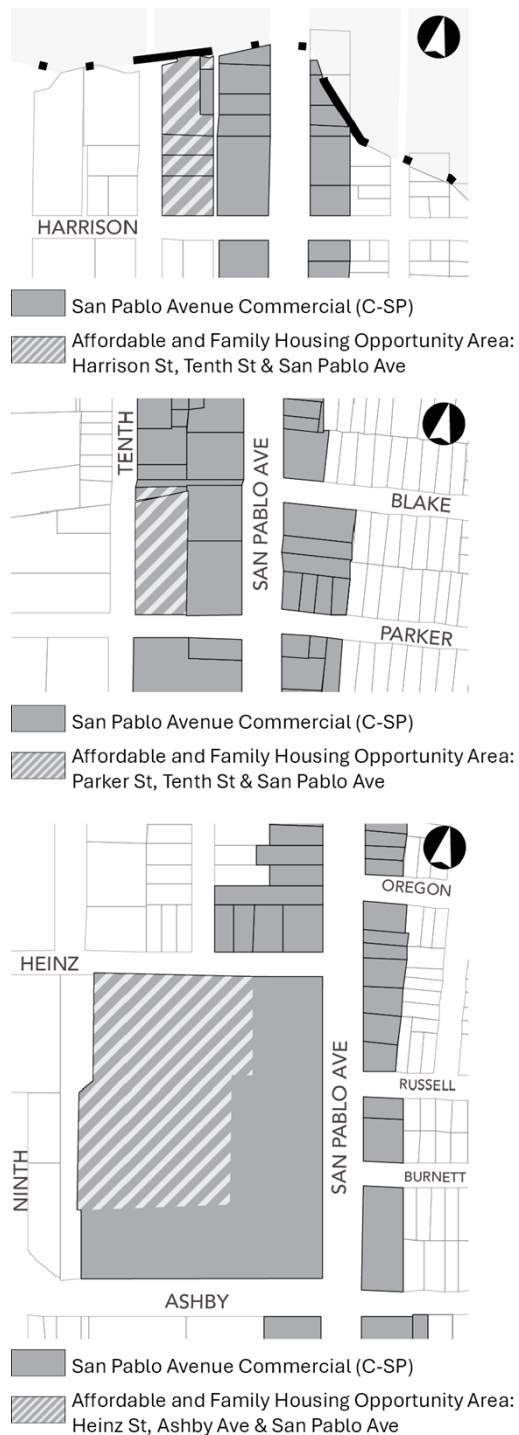
1. Implement the Manufacturing Land Use designation;
2. Encourage development of a mixed use-light industrial area for a range of compatible uses;
3. Encourage development of an area where light manufacturers can operate free from the economic, physical and social constraints caused by incompatible uses;
4. Encourage the creation and continuation of well-paid jobs which do not require advanced degrees;
5. Provide for the continued availability of manufacturing and industrial buildings for manufacturing uses, especially of larger spaces needed by medium sized and larger light manufacturers;
6. Provide opportunities for office development when it will not unduly interfere with light manufacturing uses and/or the light manufacturing building stock;

7. Provide the opportunity for laboratory development and research and development facilities in appropriate locations;
8. Support the development of businesses which contribute to the maintenance and improvement of the environment;
9. Allow on-site ancillary retail as a tool to maintain and enhance the economic viability of manufacturers in the district; and
10. Maintain and improve the quality of the West Berkeley environment, while allowing the lawful and reasonable operation of light industrial uses.

B. Land Use Regulations.

1. *Allowed Land Uses.* See Table 23.206-1: Allowed Land Uses in Manufacturing Districts
2. *Use Permit Not Required.* An existing use in the MU-LI district may be modified or intensified without a Use Permit if:
 - (a) A Use Permit is not required by this chapter; and
 - (b) The Zoning Officer determines that the modification or intensification of the use can reasonably be expected not to increase any impact regulated under environmental performance standards.
3. *Alcoholic Beverage Retail Sales.* Alcoholic beverage retail sales are allowed in the MU-LI district only when incidental to food product stores.
4. *Theaters.* Only live stage performances are allowed in a theater in the MU-LI district. Motion picture theaters are not permitted.
5. *Vehicle Wrecking.* Permits required for vehicle wrecking the MU-LI district is determined by size of lot, not floor area.
6. *Affordable and Family Housing Opportunity Areas.* To increase affordable housing production and expand the supply of family-sized units, the MU-LI district shall include an Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1. Multi-unit and mixed-use residential uses shall be allowed within the Affordable and Family Housing Opportunity Area with a UP(PH), provided that the development project either:
 - a) Offers 100 percent of the residential units, excluding any manager's unit, at a rent that is affordable to households earning no more than 120 percent of the Area Median Income (AMI) with at least 50% earning no more than 80% AMI; or
 - b) Provides at least 35 percent of the residential units as either two- or three-bedroom units.

Figure 23.206-1: Affordable and Family Housing Opportunity Area in the MU-LI District



C. **Additional Permit Requirements.** See Section 23.206.030-Additional Permit Requirements.

D. **Development Standards.**

1. *Basic Standards.* See Table 23.206-12: MU-LI Development Standards.

TABLE 23.206-12: MU-LI DEVELOPMENT STANDARDS

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum	No minimum	23.304.020-Lot Requirements
Usable Open Space Per Dwelling Unit, Minimum	n/a	
Floor Area Ratio, Maximum	2.0	
Main Building Height, Maximum	45 ft.	23.304.050-Building Height
Lot Line Setbacks, Minimum		23.304.030-Setbacks
Front	No minimum	
Rear	No minimum	
Interior Side	No minimum	
Street Side	No minimum	
Building Separation, Minimum	No minimum	
Lot Coverage, Maximum	100%	

2. *Affordable and Family Housing Opportunity Areas.* Multi-unit and mixed-use residential projects on parcels located within the Affordable and Family Housing Opportunity Area as shown in Figure 23.206-1 shall comply with the development standards in the San Pablo Commercial (C-SP) District (see 23.204.160).

F. **Permit Findings.** See Section 23.206.110 – Permit Findings.

Section 17. That Section 23.206.090(A)(1) is amended to read as follows

1. Implement the Mixed Use Land Use designation;

Section 18. That Section 23.206.110(A) is amended to read as follows

A. All Manufacturing Districts. To approve an AUP or a Use Permit in a Manufacturing District, the review authority must find that the project:

1. Is consistent with the purposes of the district;
2. Is compatible with the surrounding uses and buildings;
3. Complies with the policies of the General Plan; and
4. Meets any applicable performance standards for off-site impacts.

Section 19. That Table 23.302-2 Permit Requirements for Outdoor Uses within BMC Chapter 23.302 is amended to read as follows:

TABLE 23.302 2: Permit Requirements for Outdoor Uses

DISTRICT/USE CHARACTERISTICS [1]	PERMIT REQUIRED
All Commercial Districts Except for C-W	
Not abutting a residential district	AUP
Abutting a residential district	UP(PH)
C-W, C-SP	
Not abutting a residential district and less than 10,000 s. ft.	AUP
Abutting a residential district	UP(PH)
10,000 sq. ft. or more	UP(PH)
M, MM, M-RD [2]	
Less than 20,000 sq. ft.	ZC
20,000 sq. ft. or more	AUP
MU-LI	
Less than 20,000 sq. ft.	ZC
20,000 to 30,000 sq. ft.	AUP
More than 30,000 sq. ft.	UP(PH)
MU-R	
Not abutting a residential district	AUP
Abutting a residential district	UP(PH)
Notes: [1] Size is measured as the lot area of the outdoor activity or storage [2] In the M, MM, and M-RD districts, permits are required only for activity or storage not ancillary to a permitted use.	

Section 20. That section 23.302.020(D)(5) within BMC Chapter 23.302.020 is amended to read as follows:

5. C-W and C-SP Districts. In the C-W and C-SP districts, uses outside of a building must be permitted or incidental to permitted use in the district.

Section 21. That Table 23.302-1 Allowed Hours of Operation within BMC Chapter 23.302 is amended to read as follows:

DISTRICT	ALLOWED HOURS OF OPERATION	PERMIT REQUIRED TO EXTEND HOURS
C-C, C-U, C-NS, C-AC, C-W, C-SP, C-N, C-E, C-SO, C-SA, MU-R	6:00 a.m. – 12:00 midnight	AUP
C-T, C-DMU	24 hours per day 7 days a week	N/A

Section 22. That Section 23.302.070(E)(3) is amended to read as follows:

3. C-SP District Requirements.

- (a) Food service drive-through is not permitted on properties fronting San Pablo Avenue.

Section 23. That Table 23.302-7 Permit Requirements for Parking Lots/Structures within BMC Chapter 23.302.070 is amended to read as follows:

Table 23.302-7: Permit Requirements for Parking Lots/Structures

DISTRICT	PERMIT REQUIRED
Residential Districts	
R-3	Use Permit for all parking lots and structures. [1]
R-S, R-SMU, R-BMU	Use Permit for parking structures only. Parking lots are not permitted, except on lots between Acton Street and Virginia Gardens and between Peralta Avenue and Northside Avenue in the R-BMU.
All other residential districts	Use Permit for all parking lots and structures.
Commercial Districts	
C-C, C-U	Zoning Certificate for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-SO	AUP for parking lots and structures with 5 spaces or fewer. Use Permit for more than 5 spaces.
C-DMU	AUP for parking lots with 8 spaces or fewer. Use Permit for all parking structures. Lots with more than 8 spaces not permitted.
C-N, C-E, C-	Use Permit for all parking lots and structures.

NS, C-SA	
C-T	Use Permit for all parking structures. All parking lots not permitted.
C-W, C-SP	AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces. [2]
Manufacturing Districts	
M, MM	AUP for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-LI, M-RD	Zoning Certificate for parking lots and structures with 10 or fewer spaces exclusively for uses in the district. AUP for parking lots and structures with 11 spaces or more exclusively for uses in the district. Use Permit for parking lots and structures with any number of spaces not exclusively for uses in the district.
MU-R	Zoning Certificate for parking lots and structures exclusively for uses in the district. Use Permit for parking lots and structures not exclusively for uses in the district.
Notes: [1] Parking lots and structures in the R-3 district are not permitted within the Southside Plan area [2] Parking lots and structures in the C-SP district are not permitted within Designated Nodes (see Section 23.204.160(D)).	

Section 24. That Table 23.304-3 within BMC Chapter 23.304.030 is amended to read as follows:

Table 23.304-3: Setbacks Adjacent to Residential Districts

District	Minimum Lot Line Setback when Lot Line Abuts or Confronts a Lot in a Residential District			
	Front	Rear	Interior Side	Street Side
C-C, C-U, C-N, C-E, C-NS, C-SA, C-SO, C-DMU, C-W, C-AC, MU-LI	Same as required in adjacent Residential District [1]	10 feet or 10% of the lot depth, whichever is less	5 ft.	Same as required in adjacent Residential District [1]
C-SP	5 ft. [2]	No minimum	5 ft.	5 ft. [2]
C-T	No minimum		5 ft.	4 ft.
MU-R	10 ft. [1]	10 feet or 10% of the lot width, whichever is less [3]		

Notes:

- [1] In the MU-LI and MU-R districts, setback may be reduced to the smaller of front setbacks on abutting lot with an AUP.
 [2] Applies only to the portion of the parcel located within 30 ft. of an abutting Residential District.
 [3] This applies to lots that abut or confront a lot either in a Residential District or containing one or more dwelling units.

Section 25. That Section 23.304.050(C) is amended to read as follows

C. Parapets Allowed Above Height Limit. Parapets may exceed the height limit by up to five feet as of right in the following districts:

1. The R-3, R-S, R-SMU, and C-T districts located within the Southside Plan boundaries.
2. The C-DMU district (see Section 23.204.130(E)(1)(b)).
3. The R-BMU district (see Section 23.202.150(F)).
4. The C-AC district (see Section 23.204.150(E)(4)).
5. The C-SP district (see Section 23.204.160(E)(3)).

Section 26. That Section 23.304.140 is amended to read as follows

A. Downtown Area Plan. Projects in the Downtown Area Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Downtown Area Plan Final EIR.

B. Southside Plan.

1. **Mitigation Measures.** Projects in the Southside Plan boundaries are subject to the applicable mitigation measures in the adopted Mitigation Monitoring Program the Southside Plan Final EIR.
2. **Permit Findings.** To approve an AUP or Use Permit for a project in the Southside Plan boundaries, the review authority must find that the project complies with the Southside Plan's adopted Mitigation Monitoring Program (MMP).

C. Adeline Corridor Plan. Projects in the Adeline Corridor Plan boundaries are subject to the applicable mitigation measure in the adopted Mitigation Monitoring Program of the Adeline Corridor Plan Final EIR.

D. Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project. Projects in the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project boundaries are required to implement all the applicable mitigation measures in the adopted Mitigation Monitoring Program of the Ashby and North Berkeley BART Stations Transit-Oriented Development Zoning Project EIR.

E. San Pablo Avenue Specific Plan. Projects in the San Pablo Avenue Specific Plan boundaries are subject to the applicable mitigation measure in the adopted

Mitigation Monitoring Program of the 2023-2031 Housing Element Update Final EIR.

Section 27. That Section 23.312.040(E) be added to read as follows

- E. C-SP District. In addition to the standards in Subsection A (All Districts) above, the following live/work standards apply in the C-SP district.
1. Only ground floor space may be changed to live/work units.
 2. Live/work units are prohibited in C-SP Designated Nodes (see Section 23.204.160(D)).

Section 28. That Section 23.312.050(D)(1) is amended to read as follows

1. Establishment of a live/work unit will not interfere with the lawful operation of manufacturers and other industries existing in or adjacent to the district.

Section 29. That Section 23.322.050(B)(2)(c)(1) within BMC Chapter 23.322 is amended to read as follows

- i. The parking requirement modification will improve-and support alternative transportation, as well as pedestrian improvements and activity-.

Section 30. That the line “Modifications to Development Standards in West Berkeley Plan Area” in Table 23.402-1 in BMC Chapter 23.402.020(B) is amended to read as follows

Modifications to Development Standards in West Berkeley	23.406.080	Evaluate	--	--	-	Decision	--	Appeal
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Section 31. That Section 23.406.060(A)(1) is amended to read as follows

1. Facilitate the implementation of the General Plan and area plans;

Section 32. That Section 23.406.070(B)(1)(a) is amended to read as follows

1. Design Review is required for:
 - a) Projects in all Non-Residential Districts except for Residential Uses in the MU-R zoning district, and projects located within the San Pablo Avenue Specific Plan Area.

Section 33. That Section 23.406.080 within BMC Chapter 23.406 is amended to read as follows

23.406.080 – Modification of Development Standards in West Berkeley

- A. **Purpose.** A Modification of Development Standards is a discretionary approval to modify land use and development standards for development projects in West Berkeley. For the purposes of this section, West Berkeley is defined as the area bounded by the City of Albany to the north, the City of Emeryville/Oakland to the south, San Pablo Avenue to the east and the Eastshore Freeway to the west.

The purpose of these modifications is to:

1. Facilitate the implementation of the General Plan;
2. Facilitate the reuse of large and multi-user sites which might otherwise prove difficult to reuse;
3. Facilitate the development and reuse of large, multi-user sites as integrated units in a stable and desirable environment to benefit occupants, the neighborhood, and the city as a whole; and
4. Allow modifications of standards when:
 - (a) The modifications serve the overall purposes of their districts and the General Plan on large, complex sites; and
 - (b) The design of the project is compatible with the design and character of the surrounding area.

- B. **Eligibility.** A project must satisfy the following criteria to be eligible for a Modification of Development Standards.

1. More than 50 percent of the site area must be within a C-W, C-SP, MU-LI, MM or M district.
2. The site must be either:
 - (a) At least five contiguous acres within the City boundary under a single ownership and not primarily occupied by a conforming use; or
 - (b) Less than five acres and forms a full city block bounded on all sides by public streets (exclusive of alleys), mainline railroad tracks, and/or the borders of the City.

- C. **Allowed Modifications.** The ZAB may allow modifications to the following land use and development standards:

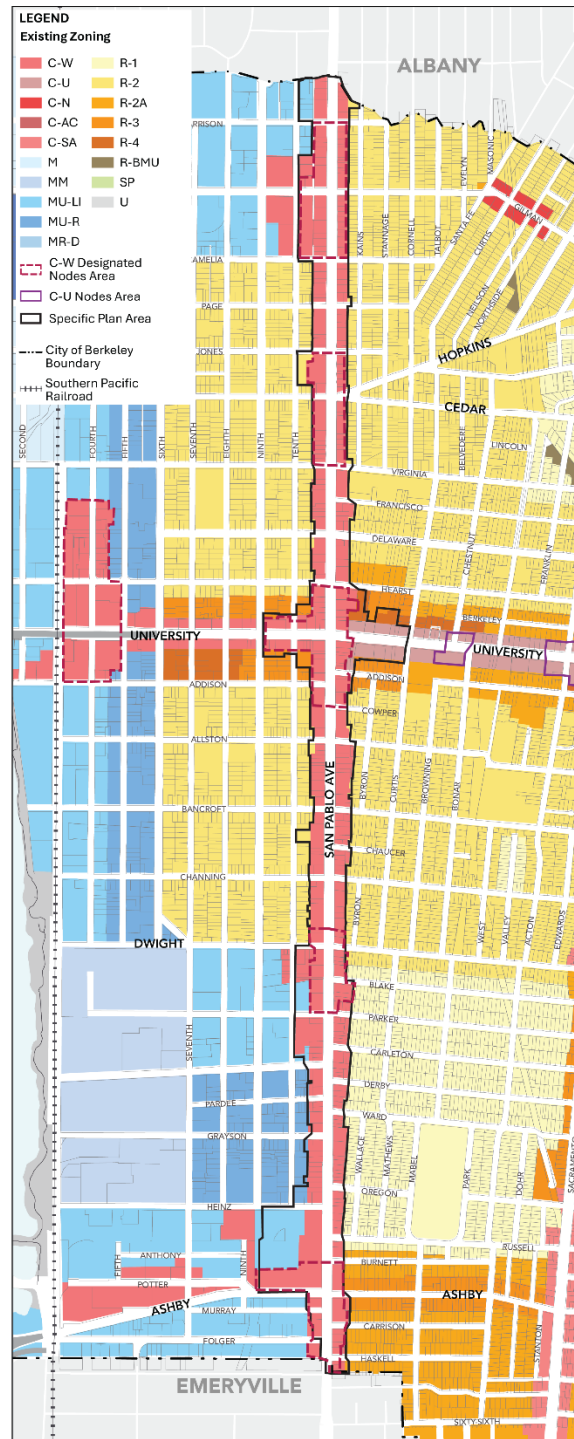
1. Permitted location of land uses within a building, site, or district.
2. Development standards including but not limited to, height, yards, open space, and parking.

- D. **Project Phases.** The ZAB may approve a Modification of Development Standards application to allow a project to be built in phases.
- E. **Limitation.** A Modification of Development Standards may not allow any modification that would violate Section 23.206.050 (Protected Uses).
- F. **Review Authority.** The ZAB takes action on all Modification of Development Standards applications.
- G. **Public Notice and Hearing.** The ZAB shall review and act on a Modification of Development Standards application at a noticed public hearing in compliance with Chapter 23.404 (Common Permit Requirements).
- H. **Findings for Approval.**
 - 1. To approve a Modification of Development Standards, the ZAB shall make all of the following findings:
 - (a) The site is eligible for a Modification of Development Standards under Subsections B (Eligibility) and E (Limitation);
 - (b) The project is likely to advance the purposes of the General Plan and this section;
 - (c) The project supports the attraction and/or retention of the types of businesses reflected in the purpose statement of the applicable district.
 - (d) The modification is necessary and appropriate for the development of the proposed project.
 - 2. To approve a Modification of Development Standards, the ZAB shall also make all required Use Permit findings in Section 23.406.040 (Use Permits) and any additional Use Permit findings required by the Zoning Ordinance for the use or development in the applicable district.

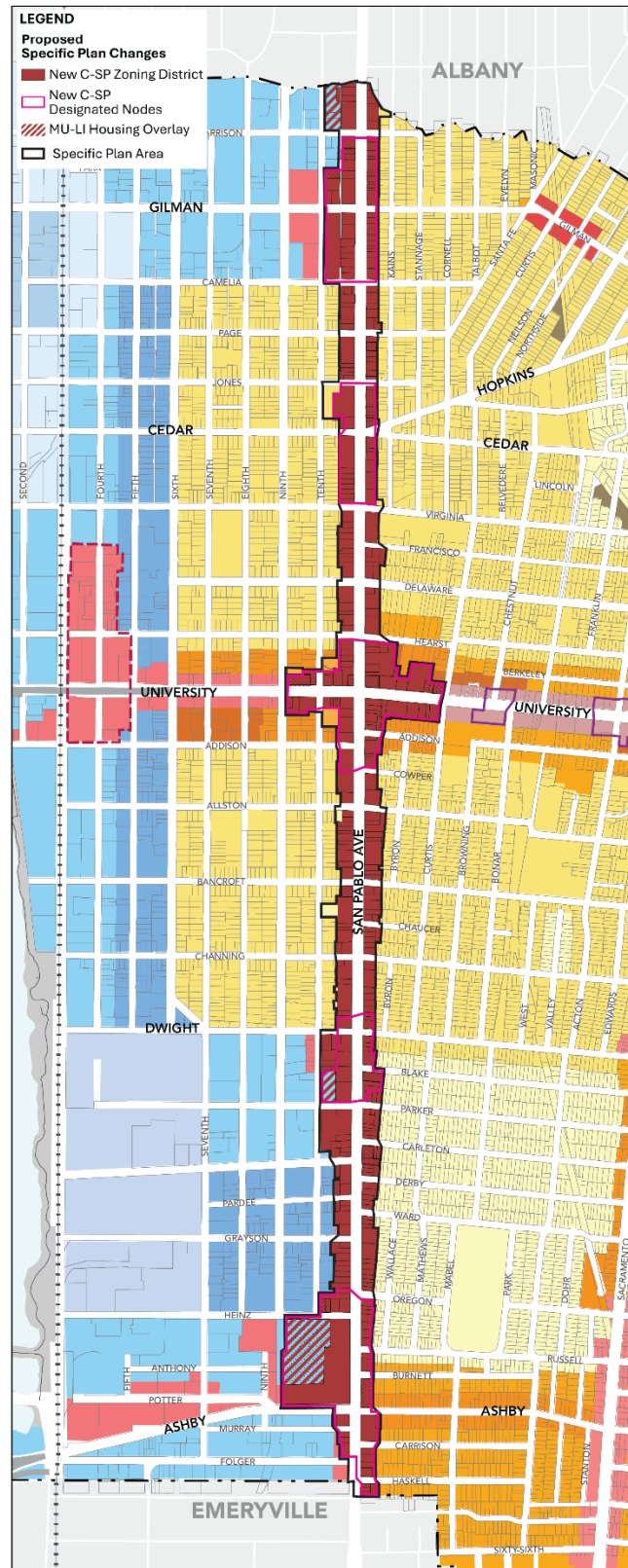
Section 34. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

EXISTING AND PROPOSED ZONING MAPS

Map 1. Project Area – Existing West Berkeley Commercial Zoning District (C-W)



Map 2. Project Area – Proposed San Pablo Avenue Commercial Zoning District (C-SP)



At a regular meeting of the Council of the City of Berkeley held on September 29, 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.

