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ATTACHMENT 1

**PLANNING COMMISSION
RESOLUTION NO. 2024-03**

A RESOLUTION OF THE CITY OF BERKELEY PLANNING COMMISSION RECOMMENDING THE CITY COUNCIL ADOPT PROPOSED AMENDMENTS TO TITLE 23 OF THE BERKELEY MUNICIPAL CODE TO CREATE THE MANUFACTURING, RESEARCH AND DEVELOPMENT DISTRICT, AS WELL AS CONFORMING AMENDMENTS TO THE WEST BERKELEY PLAN, INCLUDING AMENDMENTS TO THE LAND USE DIAGRAM AND THE LAND USE ELEMENT, AND AN AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT INDUSTRIAL LAND USE DESIGNATION TO RE-DESIGNATE CERTAIN PARCELS WITHIN THE PROJECT AREA TO BE CONSISTENT WITH ASSOCIATED ZONING TEXT AMENDMENTS.

WHEREAS, the City of Berkeley (“City”), in accordance with the provisions of California Government Code Section 65300 et seq., is required to adopt a General Plan for its long-range development, and further to periodically update that plan to reflect current conditions; and

WHEREAS, the City adopted the West Berkeley Plan in 1993, and adopted amendments to that plan in 1999 and 2011; and

WHEREAS, on April 20, 2021, City Council adopted a referral to the City Manager to amend the zoning ordinance for the creation an overlay at the former Pacific Steel Casting site due to the unique issues of public concern associated with the property; and

WHEREAS, on December 21, 2022, a Notice of Preparation of a Draft Environmental Impact Report (EIR) was published to analyze the potential environmental impacts of the proposed zoning and plan amendments; and

WHEREAS, on February 1, 2023, a duly noticed Draft EIR scoping hearing was held by the Planning Commission to receive comments on the scope and content of the EIR; and

WHEREAS, on February 1, 2023, the Planning Commission received a presentation on the draft zoning amendments and provided comments on the proposed zoning text; and

WHEREAS, on February 2, 2023, a duly noticed Draft EIR scoping hearing was held by the Landmarks Preservation Commission to receive comments on the scope and content of the EIR; and

WHEREAS, on March 1, 2023, the Planning Commission received a presentation on proposed revisions to the draft zoning text and provided comments on the proposed zoning text; and

WHEREAS, on October 21, 2024, a Notice of Availability/Release of a Draft EIR was issued, along with the publication of the Draft EIR itself, both of which were made available to the public/governmental agencies for review and comment; and

WHEREAS, a public hearing notice was provided to the Confederated Villages of Lisjan tribe on October 23, 2024, pursuant to California Government Code Section 65092 for the public

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hearing held on November 6, 2024.

WHEREAS, a public hearing notice was published in the Berkeley Voice on October 23, 2024 and October 30, 2024, and posted in three public places on October 30, 2024, pursuant to California Government Code Section 65090 for the public hearing held on November 6, 2024.

WHEREAS, on November 6, 2024, the Planning Commission held a public hearing and considered all public comments received, the presentation by City staff, the staff report, and all other pertinent documents regarding the proposed request; and

WHEREAS, all documents constituting the record of this proceeding are and shall be retained by the City of Berkeley Planning and Development Department, Land Use Planning Division, at 1947 Center Street, Berkeley, California.

NOW, THEREFORE, IT BE RESOLVED that the Planning Commission does hereby recommend to the City Council of the City of Berkeley to: 1) Adopt an Ordinance amending the Zoning Ordinance and Zoning Map to establish a Manufacturing, Research and Development (M-RD) zoning district; 2) Amend the General Plan to incorporate the M-RD zoning district into the existing Manufacturing (M) land use designation; and 3) Amend the West Berkeley Plan to conform to the M-RD zoning district text and map amendments.

Pursuant to Berkeley Municipal Code Section 23.412.060, the Planning Commission makes the following findings to support its recommendation for the zoning ordinance amendments:

- (1) **The proposed amendments are consistent with the General Plan and any applicable specific plan or area plan.** The zoning ordinance amendments are consistent and compatible with the General Plan, as the proposed Manufacturing, Research and Development (M-RD) district will support manufacturing and industrial uses necessary for a multi-faceted economy and job growth, consistent with General Plan Policy LU-33. Further, the zoning ordinance amendments are consistent with the West Berkeley Plan, as the M-RD district designates land for manufacturing employment, provides development standards to expand the light manufacturing sector, and provides space for office, service, laboratory and R&D businesses, consistent with Goal 1.
- (2) **The proposed amendments are consistent with state law.** The zoning ordinance amendments are consistent with state law because they do not reduce the intensity of use allowed under the existing General Plan or zoning pursuant to Gov. Code section 66300(b)(1). Further, staff prepared an EIR in accordance with CEQA Guidelines to evaluate the potential environmental effects of adoption and implementation of the proposed zoning and General Plan and West Berkeley Plan amendments, as well as the Berkeley Forge Development to the extent site planning details have been provided.
- (3) **The proposed amendments will not be detrimental to the public interest, health, safety, convenience, or welfare.** The zoning ordinance amendments serve the public interest by facilitating development of a former manufacturing site known to have a number of problems of public concern, including environmental contamination, former PSC workers awaiting receipt of their pension benefits contingent upon a future sale of the property, and neighborhood blight and safety concerns resulting from an eight-acre multi-block area of vacant buildings and graffitied fencing around the property. The zoning ordinance amendments support development of the site to contribute to the tax base and

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economic vitality in Berkeley, which in turn contributes positively to the community. The zoning ordinance amendments will not result in the immediate approval of any specific development project. Any future development project will continue to be subject to the City's development and environmental review procedures.

- (4) **The proposed amendments are internally consistent with other applicable provisions of the Zoning Ordinance.** The Zoning Ordinance amendments to create the M-RD district include non-substantive revisions to the Zoning Ordinance to ensure internal consistency.
- (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 proposed Zoning Map Amendment to create the M-RD district results in an approximately 11-acre area that is well-defined and uniform to facilitate potential redevelopment. The M-RD district is located at a designated industrial entry corridor to Berkeley, and continues to implement the objectives and policies of the General Plan and West Berkeley Plan, specifically West Berkeley Plan's Goal 1 of providing for an economic and land use mix that incorporates manufacturing and office/laboratory uses to benefit Berkeley businesses and the City and promote the varied and interest character of the area. Further, the proposed M-RD district will provide consistency with the Zoning Ordinance and General Plan by locating manufacturing land uses in an area designated for industrial land use. The health, safety and welfare of the property, surrounding properties, and community at large will be served by approval of the proposed Zoning Map Amendment because it will ensure that that former Pacific Steel Casting property will be redeveloped over time in an attractive and consistent manner, that environmentally contaminated soils will be remediated, and that significant employment opportunities at all education levels will be created in the industrial area of Berkeley.

Pursuant to California Government Code Section 65358, the Planning Commission makes the following findings to support its recommendation for the General Plan and West Berkeley Plan amendments:

- (1) **The proposed amendments are in the public interest.** General Plan and West Berkeley Plan amendments serve the public interest by facilitating redevelopment of a former manufacturing site known to have a number of problems of public concern, including environmental contamination, former PSC workers awaiting receipt of their pension benefits contingent upon a future sale of the property, and neighborhood blight and safety concerns resulting from an eight-acre multi-block area of abandoned buildings and graffitied fencing around the property.
- (2) **The proposed amendments are consistent and compatible with the General Plan.** Inclusion of the Manufacturing, Research and Development (M-RD) district in the General Plan is consistent and compatible with the existing General Plan Manufacturing Land Use designation and Policy LU-33 – West Berkeley Plan, as the district purposes, allowed uses and development standards intend to maintain and preserve areas of Berkeley for manufacturing and industrial uses necessary for a multi-faceted economy and job growth and will help maintain a full range of land uses and economic activities including manufacturing. Further, inclusion of

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the M-RD district in the West Berkeley Plan and related amendments to the West Berkeley Plan are consistent and compatible with the West Berkeley Plan, as the M-RD district designates land for manufacturing employment, provides development standards to expand the light manufacturing sector, and provides space for office, service, laboratory and R&D businesses. Therefore, these amendments further the West Berkeley Plan's Goal 1 of providing for an economic and land use mix that incorporates manufacturing and office/laboratory uses to benefit Berkeley businesses and the City and promote the varied and interest character of the area.

- (3) **The potential effects of the proposed amendments have been evaluated and have been determined not to be detrimental to the public health, safety, or welfare.** The General Plan and West Berkeley Plan amendments serve the public interest by facilitating redevelopment of a former manufacturing site known to have a number of problems of public concern, including environmental contamination, former PSC workers awaiting receipt of their pension benefits contingent upon a future sale of the property, and neighborhood blight and safety concerns resulting from an eight-acre multi-block area of vacant and disused buildings and graffitied fencing around the property. These amendments support redevelopment of the site to contribute to the tax base and economic vitality in Berkeley, which in turn contributes positively to the community. These amendments will not result in the immediate approval of any specific development project. Any future development project will be subject to the City's development and environmental review procedures.

I HEREBY CERTIFY the foregoing resolution was passed and adopted by the Planning Commission of the City of Berkeley, at a regular meeting thereof, held on the 6^h day of November 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

INSERT NAME,
SECRETARY TO THE PLANNING COMMISSION

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EXHIBIT A
DRAFT
ZONING ORDINANCE AMENDMENTS

ORDINANCE NO. -N.S.

AMENDMENTS TO THE MANUFACTURING DISTRICT CHAPTER (BMC 23.206), SUPPLEMENTAL USE REGULATIONS (BMC 23.302), PARKING AND LOADING (BMC 23.322) AND SPECIFIC PERMIT REQUIREMENTS (BMC 23.406) AND ADDITION TO THE MANUFACTURING DISTRICT CHAPTER (BMC.23.206) TO ESTABLISH THE M-RD MANUFACTURING, RESEARCH AND DEVELOPMENT DISTRICT

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	Single-Family Residential
R-1A	Limited Two-family Residential
ES-R	Environmental Safety Residential
R-2	Restricted Two-family Residential
R-2A	Restricted Multiple-family Residential
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

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DISTRICT SYMBOL	NAME OF DISTRICT
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
<u>M-RD</u>	<u>Manufacturing, Research and Development</u>
Special Districts	
S	Specific Plan
U	Unclassified

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Section 2. That Table 23.206-1 within BMC Section 23.206.020(A) be amended to read:

Table 23.206 1: Allowed Land Uses in Manufacturing Districts

ZC = Zoning Certificate AUP = Administrative Use Permit UP(PH) = Use Permit -- = Permitted with an AUP, see 23.206.020(B) NP = Not Permitted [#] = Floor Area Permit Requirement * Use-Specific Standards Apply	Manufacturing Districts					Use-Specific Standards Applies to uses with an asterisk following the permit requirement (e.g., ZC*)
	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Residential Uses						
Accessory Dwelling Unit	NP	NP	NP	See 23.306	<u>NP</u>	
Dwellings						
Single-Family	NP	NP	NP	AUP*	<u>NP</u>	23.206.090(B)(8)
Multi-Unit Residential	NP	NP	NP	ZC*	<u>NP</u>	23.206.090(B)(7)&(8)
Group Living Accommodation	NP	NP	NP	UP(PH)*	<u>NP</u>	23.206.090(B)(8)
Hotel, Residential	NP	NP	NP	NP	<u>NP</u>	
Mixed-Use Residential	NP	NP	NP	UP(PH)*	<u>NP</u>	23.206.090(B)(8)&(9)
Senior Congregate Housing	NP	NP	NP	See 23.310	<u>NP</u>	
Public and Quasi-Public Uses						
Child Care Center	NP	NP	AUP*	UP(PH)*	<u>AUP*</u>	23.206.040(<u>CB</u>)&(<u>DG</u>)
Cemetery/Crematory/Mausoleum	NP	NP	NP	NP	<u>NP</u>	
Club/Lodge	UP(PH) *	UP(PH) *	UP(PH) *	UP(PH)	<u>UP(PH)</u> *	23.206.040(<u>FE</u>)

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Columbaria	NP	NP	NP	–	<u>NP</u>	
Community Care Facility	NP	NP	NP	ZC*	<u>NP</u>	23.206.090(B)(3)
Community Center	NP	NP	NP	UP(PH)	<u>NP</u>	
Emergency Shelter	NP	NP	NP	–	<u>NP</u>	
Hospital	NP	NP	NP	NP	<u>NP</u>	
Library	NP	NP	NP	UP(PH)	<u>NP</u>	
Low Barrier Navigation Center	NP	NP	NP	ZC	<u>NP</u>	
Mortuaries and Crematories	NP	NP	NP	UP(PH)*	<u>NP</u>	23.206.090(B)(6)
Municipal Animal Shelter	UP(PH)	UP(PH)	UP(PH)	–	<u>UP(PH)</u>	
Nursing Home	NP	NP	NP	UP(PH)	<u>NP</u>	
Park/Playground	NP	NP	NP	UP(PH)*	<u>NP</u>	23.206.040(C)
Public Safety and Emergency Service	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Public Utility Substation/Tank	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Religious Assembly	NP	NP	NP	UP(PH)	<u>NP</u>	
School	NP	NP	NP	UP(PH)*	<u>NP</u>	23.206.040(C)
School, Vocational	NP	NP	ZC* [1]	UP(PH)	<u>ZC* [1]</u>	23.206.040(Q)80(B)(12)
Supportive Housing	NP	NP	NP	ZC*	<u>NP</u>	23.302.070(I)- Supportive Housing

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Retail Uses						
Alcoholic Beverage Retail Sale	NP	NP	UP(PH) * [2]	NP *	<u>NP</u>	23.206.080(B)(3); 23.206.090(B)(2); 23.310
Firearm/Munitions Business	NP	NP	NP	NP	<u>NP</u>	
Industrial and Mining Products	AUP [2]	AUP [2]	AUP [4]	NP	<u>NP</u>	
Pawn Shop/Auction House	NP	NP	NP	NP	<u>NP</u>	
Pet Store	NP	NP –	NP	NP	<u>NP</u>	
Retail, General	NP	NP	AUP*	AUP* [3]	<u>AUP*</u>	23.206.040(G) 6.080(B)(6) ; 23.206.090(B)(4)
Smoke Shop	NP	NP	NP	NP	<u>NP</u>	
Personal and Household Service Uses						
Personal and Household Services, General	NP	NP	NP	AUP	<u>NP</u>	
Kennels and Pet Boarding	NP	NP	NP	UP(PH)	<u>NP</u>	
Laundromats and Cleaners	NP	NP	NP	AUP	<u>NP</u>	
Veterinary Clinic	NP	NP	NP	UP(PH)	<u>NP</u>	
Video Tape/Disk Rental	NP	NP	NP	NP	<u>NP</u>	
Office Uses						

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Business Support Services	NP	NP	AUP [6]	AUP [3]	<u>AUP [6]</u>	
Banks and Financial Services, Retail	NP	NP	–	NP	<u>NP</u>	
Insurance Agents, Title Companies, Real Estate Agents, Travel Agents	NP	NP	–	–	<u>NP</u>	
Medical Practitioners	NP	NP	NP	AUP [3]	<u>NP</u>	
Non-Chartered Financial Institutions	NP	NP	–	–	<u>NP</u>	
Office, Business and Professional	NP	ZC* [4]	AUP [4]	AUP [3]	<u>AUP [4]</u>	23.206.070(B)(2)
Food and Alcohol Service, Lodging, Entertainment, and Assembly Uses						
Adult-oriented Business	-	-	NP	NP	<u>NP</u>	
Amusement Device Arcade	NP	NP	ZC	ZC	<u>NP</u>	23.302.070(B)
Bar/Cocktail Lounge/Tavern/Tap Room/Wine Tasting	NP	NP	NP	See 23.306	<u>NP</u>	
Commercial Recreation Center	NP	NP	–	NP	<u>NP</u>	
Entertainment Establishment	NP	NP	–	UP(PH)	<u>NP</u>	
Food Service Establishment under 5,000 sq. ft.	--	--	AUP*	AUP*	<u>AUP*</u>	23.302.070(E)

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Food Service Establishment 5,000 sq. ft. or larger	--	--	UP(PH) *	UP(PH)*	<u>UP(PH)</u> *	23.302.070(E)
Group Instruction	ZC	ZC	–	ZC	<u>ZC</u>	
Health and Fitness Facility	NP	NP	–	NP	<u>NP</u>	
Hotel, Tourist	NP	NP	NP	NP	<u>NP</u>	
Motel, Tourist	NP	NP	NP	NP	<u>NP</u>	
Theater	NP	NP	UP(PH) *	NP	<u>NP</u>	23.206.080(B)(410)
Vehicle Service and Sale Uses						
Alternative Fuel Station	AUP [4]	AUP [4]	AUP [4]	AUP	<u>AUP [4]</u>	
Gasoline/Vehicle Fuel Station	NP	NP	NP	NP	<u>NP</u>	
Large Vehicle Sales and Rental	–	NP	AUP [4]	NP	<u>AUP [4]</u>	
Small Vehicle Sales and Rental	–	NP	NP	NP	<u>NP</u>	
Tire Sales and Service	–	–	–	NP	<u>NP</u>	
Vehicle Parts Store	NP	NP	NP	UP(PH)	<u>NP</u>	
Vehicle Repair and Service	UP(PH)	UP(PH)	UP(PH)	UP(PH)	<u>UP(PH)</u>	
Vehicle Rentals	NP	–	–	NP	<u>NP</u>	
Vehicle Sales, New	AUP* [7]	NP	NP	NP	<u>NP</u>	23.206.060(B)(3)

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Vehicle Sales, Used	AUP* [7]	NP	NP	NP	<u>NP</u>	23.206.060(B)(3)
Vehicle Wash	NP	NP	NP	NP	<u>NP</u>	
Vehicle Wrecking	AUP [7]	AUP [4]	AUP* [4]	NP	<u>NP</u>	23.206.080(B)(544)
Industrial and Heavy Commercial Uses						
Bus/Cab/Truck/Public Utility Depot	AUP [8]	AUP [8]	AUP* [4]	UP(PH)	<u>AUP* [4]</u>	23.206.0 40(B)80(B) (4)
Commercial Excavation	UP(PH)	UP(PH)	UP(PH)	NP	<u>NP</u>	
Contractors Yard	AUP [7]	AUP [7]	AUP [4]	UP(PH)	<u>AUP [4]</u>	
Dry Cleaning and Laundry Plant	ZC* [9]	ZC [9]	ZC [1]	UP(PH)	<u>NP</u>	23.206.060(B)(2)
Laboratory						
Commercial Physical or Biological	NP	AUP [4]	UP(PH)*	NP	<u>AUP [4]</u>	23.206.0 40(S)80(B) (5)
Cannabis Testing	NP	AUP [4]	UP(PH)	NP	<u>AUP [4]</u>	
Manufacturing						
Construction Products	ZC* [9]	ZC* [9]	UP(PH)*	NP	<u>UP(PH)</u>	
Light Manufacturing	ZC* [7]	ZC* [7]	ZC* [1]	AUP* [3]	<u>ZC [1]</u>	<u>23.206.040(H);</u> 23.206.090(B)(5)

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Pesticides/Herbicides/Fertilizers	NP	NP	NP	–	<u>NP</u>	
Petroleum Refining and Products	NP	NP	NP	–	<u>NP</u>	
Pharmaceuticals	AUP [4]	AUP [4]	AUP* [4]	–	<u>AUP* [4]</u>	23.206.040(J)80(B)(7)
Primary Production Manufacturing	AUP [4]	AUP [4]	NP	NP	<u>NP</u>	
Semiconductors	UP(PH)	UP(PH)	NP	–	<u>UP(PH)</u>	
Material Recovery Enterprise	-	-	UP(PH)	-	<u>UP(PH)</u>	
Media Production	ZC [10]	ZC [10]	ZC [10]	AUP [11]	<u>ZC [10]</u>	
Mini-storage	NP	NP	NP	NP	<u>NP</u>	
Recycled Materials Processing	ZC* [9]	ZC* [9]	UP(PH)*	–	<u>UP(PH)*</u>	23.206.040(LH); 23.206.040(M)80(B)(9)
Recycling Redemption Center	AUP [7]	ZC [9]	UP(PH)*	AUP	<u>UP(PH)*</u>	23.206.040(M)80(B)(9)
Repair Service, Non-Vehicle	ZC* [9]	ZC* [9]	ZC* [1]	AUP	<u>ZC* [1]</u>	23.206.040(IG)
Research and Development	-	ZC [12]	ZC [12]	–	<u>ZC [13]</u>	
Services to Buildings and Dwellings	AUP	AUP	AUP	AUP	<u>AUP</u>	
Warehouse	ZC [9]	ZC [9]	ZC [1]	UP(PH)	<u>ZC [1]</u>	

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
Warehouse-Based Non-Store Retailer	ZC [9]	ZC [9]	ZC [1]	–	<u>ZC [1]</u>	
Wholesale Trade	ZC [9]	ZC [9]	ZC* [1]	AUP [3]	<u>ZC* [1]</u>	23.206.040(R)80(B)(13)
Incidental Uses						
Amusement Devices	NP	NP	AUP	AUP	<u>AUP</u>	
Alcoholic Beverage Service	<u>See 23.310</u>					
Cafeteria, On-Site	ZC [2]	AUP [2]	ZC [2]	AUP	<u>ZC [2]</u>	
Child Care Center	NP	NP	<u>See 23.206.040.B</u>			
Columbaria	–	–	–	–	<u>=</u>	
Food Service Establishment under 20,000 sq. ft.	AUP*	AUP*	AUP*	AUP*	<u>AUP*</u>	23.302.070(E)
Food Service Establishment 20,000 sq. ft. or larger	NP	AUP*	NP	AUP*	<u>NP</u>	23.302.070(E)
Home Occupations	NP	NP	NP	See 23.206.040. B	<u>NP</u>	
Live Entertainment, Unamplified	NP	NP	ZC	ZC	<u>ZC</u>	
Live Entertainment, Amplified	NP	NP	AUP	AUP	<u>AUP</u>	
Retail Sales of Goods Manufactured On-Site	AUP* <u>[143]</u>	AUP* <u>[154]</u>	AUP* <u>[154]</u>	AUP*	<u>AUP*</u> <u>[15]</u>	23.206.040(N+)
Storage of Goods Manufactured	ZC	ZC	ZC	AUP	<u>ZC</u>	

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	M	MM	MU-LI	MU-R	<u>M-RD</u>	
On-Site (>25% gross floor area)						
Wholesale Activities	ZC	ZC	ZC	AUP	<u>ZC</u>	
Other Miscellaneous Uses						
Art/Craft Studio	ZC* [10]	ZC [10]	ZC* [10]	AUP [11]	<u>ZC* [10]</u>	23.206.040(A)
ATM, Exterior and Attached to Bank	AUP	AUP	-	AUP	<u>NP</u>	
ATM, Interior or Exterior and Not With Bank	AUP	AUP	AUP	AUP	<u>AUP</u>	
Circus/Carnival	NP	NP	UP(PH) *	UP(PH)	<u>UP(PH)</u> *	23.206.040(ED)
Drive-in Uses	NP	NP	NP	NP	<u>NP</u>	
Live/Work	NP	NP	See 23.312		<u>NP</u>	NP
Parking Lot/Structure	See 23.302.070.G					
Public Market, Open Air	-	-	UP(PH) * [156]	-	<u>UP(PH)</u> * [16]	23.206.040(K)(B)(8)
Public Market, Enclosed	-	-	AUP [5]	-	<u>AUP [5]</u>	
Short-Term Rental	-	-	-	ZC*	<u>NP</u>	23.314
Urban Agriculture, Low-Impact	ZC	ZC	ZC	ZC	<u>ZC</u>	
Urban Agriculture, High-Impact	AUP	AUP	AUP	AUP	<u>AUP</u>	

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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	<u>M-RD</u>	
	Notes: [1] Requires an AUP for uses 20,000 sq. ft. to 30,000 square feet. Requires a Use Permit for uses more than 30,000 sq. ft. [2] Not permitted 20,000 sq. ft. or more. [3] Requires a Use Permit if 5,000 sq. ft. or more [4] Requires a Use Permit for uses more than 20,000 sq. ft. [5] Requires a Use Permit for more than 5,000 sq. ft. of floor area. [6] Not permitted over 3,000 sq. ft. [7] Requires a Use Permit for uses more than 40,000 sq. ft. [8] Requires a Use Permit for uses 20,000 sq. ft. to 40,000 sq. ft. [9] Requires an AUP for uses 20,000 sq. ft. to 40,000 square feet. Requires a Use Permit for uses more than 40,000 sq. ft. [10] Requires an AUP for uses 10,000 sq. ft. to 20,000 sq. ft. Requires a Use Permit for uses more than 20,000 sq. ft. [11] Allowed with Zoning Certificate if under 1,000 sq. ft. Requires Use Permit if over 20,000 sq. ft. [12] Requires an AUP for uses more than 20,000 sq. ft. <u>[13] Requires an AUP for uses 60,000 sq. ft. to 100,000 sq. ft. Requires a Use Permit for uses 100,000 sq. ft. or more.</u> [14] Not permitted 1,500 sq. ft. or more. [15] Requires a Use Permit for sales area 1,501 to 3,000 sq. ft. Not permitted over 3,000 sq. ft. [16] Requires Use Permit for markets over 5,000 sq. ft.					

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Section 3. That Table 23.206-2 within BMC Section 23.206.030 be amended to read:

Table 23.206-2. New Floor Area Permit Requirements

DISTRICT/NEW GROSS FLOOR AREA	PERMIT REQUIRED FOR NEW FLOOR AREA
M, MM	
Less than 20,000 sq. ft.	ZC
20,000 to less than 40,000 sq. ft.	AUP
40,000 sq. ft. or more	UP(PH)
<u>M-RD</u>	
<u>Less than 60,000 square feet</u>	<u>ZC</u>
<u>60,000 to less than 100,000 square feet</u>	<u>AUP</u>
<u>100,000 square feet or more</u>	<u>UP(PH)</u>
MU-LI	
Less than 10,000 sq. ft.	ZC
10,000 to less than 20,000 sq. ft.	AUP
20,000 sq. ft. or more	UP(PH)
MU-R	
Less than 5,000 sq. ft.	ZC
5,000 to less than 10,000 sq. ft.	AUP
10,000 sq. ft. or more	UP(PH)

Section 4. That BMC Section 23.206.030(B) be amended to read:

B. Tenant Space Reconfiguration.

1. Reconfiguration of tenant space in an existing building in the M, MM, MU-LI, and M-RD districts requires a permit as listed in Table 23.206-3.
2. In the MU-R district, tenant space reconfiguration projects affecting 5,000 square or more require a Use Permit.

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3. As used in this section, tenant reconfiguration means any physical change to an existing building's walls separating leased spaces so as to change:
 - (a) The number of lease spaces for commercial businesses; or
 - (b) The square footage of leasable floor area of an existing commercial lease space.

Table 23.206-3: TENANT SPACE RECONFIGURATION REQUIREMENTS IN THE M, MM, ~~AND MU-LI~~, AND M-RD DISTRICTS

TENANT SPACE RECONFIGURATION PROJECT	PERMIT REQUIRED FOR TENANT SPACE RECONFIGURATION PROJECT
Previously separated spaces combined into a larger space	ZC
Creating 2 to 5 separate new tenant spaces	ZC
Creating 6 to 9 separate new tenant spaces	AUP
Creating 10 or more separate new tenant spaces	UP(PH)

4. **MM and M-RD District Findings.** To approve an AUP or Use Permit for a tenant reconfiguration project in the MM or M-RD district, the review authority must find that the conversion is necessary to implement the purpose of the district.
5. **MU-LI District Findings.** To approve a Use Permit for a tenant reconfiguration project in the MU-LI district, the review authority must find that the reconfiguration would not create or contribute to a shortage of industrial spaces in West Berkeley for spaces of the size being converted and either:
 - (a) The reconfiguration can be reasonably expected to better serve the purposes of the district than leaving the space intact; or
 - (b) The reconfiguration would create spaces which could cross-subsidize larger industrial spaces.

Section 5. That BMC 23.206.040 be amended to read:

23.206.040 Use-Specific Regulations

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A. Art/Craft Studios in the M, ~~and MM~~, and M-RD Districts. Art/craft studios are allowed in the M, MM and M-RD ~~and MM~~ districts only as workspaces. Live/work is not permitted.

A.B. Bus/Cab/Truck/Public Utility Depot in the MU-LI and M-RD Districts. A Use Permit is required for a bus/cab/truck/public utility depot in the MU-LI or M-RD district if the lot is over 20,000 square feet, regardless of use floor area.

B.C. Child Care Centers in the MU-LI, ~~and~~ MU-R, and M-RD Districts. Table 23.206-4 shows permit requirements for child care centers in the MU-LI, ~~and~~ MU-R, and M-RD districts.

Table 23.206-4: MU-LI, ~~AND~~ MU-R, AND M-RD CHILD-CARE CENTER PERMIT REQUIREMENTS

USE CHARACTERISTIC	PERMIT REQUIRED
Incidental Use	
Providing childcare for employees only	ZC
Providing childcare for non-employees	AUP
Principal Use	UP(PH)

C.D. Child-Serving Uses in the MU-LI, ~~and~~ MU-R, and M-RD Districts.

- As used in this section, "child-serving use" means a school, child care center, family day care, or park/recreational facility used by children.
- Before acting on an application to establish or expand a child-serving use in the MU-LI, ~~or~~ MU-R, or M-RD districts, the applicant shall prepare and submit to the City an appropriate risk analysis or risk assessment, as determined by the City, that evaluates the risk to children in the use from other activities near the site.
- All child-serving uses in the MU-LI, ~~and~~ MU-R, and M-RD districts must notify in writing, on a form approved by the City, all parents of children in the child-serving use that the use is in the MU-LI, ~~or~~ MU-R, or M-RD district, light manufacturing is a permitted activity in the district, and that primary production manufacturing or construction products manufacturing may be permitted uses in adjacent districts. The child-serving use must require each parent or guardian to confirm in writing that they have read and understood this information. Written confirmations shall be returned to the child-serving use and maintained at the use for City review.
- To approve an AUP or Use Permit to establish or expand a child-serving use, the

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review authority must find that:

- (a) The child-serving use is not incompatible with adjacent and nearby uses, including industrial uses;
- (b) The risk analysis or risk assessment shows that there is not significant risk to children in the use from other activities near the site; and
- (c) The applicant has made adequate provisions to comply with the parent/guardian notification requirement in Paragraph (3) above.

D.E. Circuses and Carnival in the MM, ~~and~~ MU-LI, and M-RD Districts. Circuses and carnivals are allowed in the MM, ~~and~~ MU-LI, and M-RD districts only as a temporary use.

F. Club and Lodges in the M, MM, ~~and~~ MU-LI, and M-RD Districts. Clubs and lodges are allowed in the M, MM, ~~and~~ MU-LI and M-RD districts only for persons working in the district.

E.G. General Retail in the MU-LI and M-RD Districts. Allowed general retail uses in the MU-LI and M-RD districts are limited to food product stores and building materials and garden supply stores. Other types of general retail uses are not permitted. Food product stores are not permitted if over 2,000 square feet. Building materials and garden supply stores are permitted with an AUP if under 20,000 square feet and with a Use Permit if 20,000 square feet or more.

F.H. Manufacturing Uses in the M, MM, ~~and~~ MU-LI, and M-RD Districts. For manufacturing uses in the M, MM, ~~and~~ MU-LI, and M-RD districts otherwise allowed with a Zoning Certificate, an AUP is required to establish the use within 150 feet of a residential use in a Residential District or in the MU-R district.

I. Non-Vehicle Repair Service in the M, MM, ~~and~~ MU-LI, and M-RD Districts. Retail sales associated with a non-vehicle repair service are not permitted in the M, MM, ~~and~~ MU-LI, and M-RD districts.

J. Pharmaceuticals Manufacturing in the MU-LI and M-RD Districts. Pharmaceuticals manufacturing is allowed in the MU-LI or M-RD districts only in locations at least 500 feet from a Residential District or the MU-R district.

G.K. Public Market, Open Air in the MU-LI and M-RD Districts. Open air markets in the MU-LI or M-RD districts with 5,000 square feet or less of lot area are allowed with an AUP.

L. Recycled Materials Processing in the M and MM Districts. For recycled materials processing facilities under 10,000 square feet in the M and MM districts, an AUP is required if processing occurs outside of a building.

H.M. Recycling Facilities in the MU-LI and M-RD Districts. Recycled materials processing and recycling redemption centers are allowed in the MU-LI and M-RD districts only on lots greater than 20,000 square feet.

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J.N. Retail Sale of Goods Manufactured On-Site. The following requirements apply to incidental retail sales in all Manufacturing Districts:

1. The size and character of signs for the retail use shall clearly indicate that the retail use is not the primary use of the site.
2. Maximum retail floor area: 10 percent of total gross floor area.
3. Outdoor sales of food service is prohibited.

J.O. Storage, Wholesale, Manufacturing as Incidental Use. If a storage, wholesale, or manufacturing use is allowed in the M, MM, ~~and MU-R,~~ or M-RD district with a Zoning Certificate, the use is allowed incidental to another permitted use without the requirement for an AUP or Use Permit.

K.P. Noise. For purposes of the Noise Ordinance, Municipal Code Chapter 13.40, the Manufacturing Districts are considered Industry Districts.

Q. 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 in the West Berkeley Plan area.

R. Wholesale Trade in the MU-LI and M-RD Districts. Proximity to Residential Use. For wholesale trade use in the MU-LI or M-RD districts otherwise allowed with a Zoning Certificate, an AUP is required to establish the use within 150 feet of a residential use in a Residential District or in the MU-R district.

L.S. Commercial Physical or Biological Laboratories in the MU-LI and M-RD Districts. Commercial physical or biological laboratories using Class 3 organisms are not permitted the MU-LI or M-RD districts. Use of Class 2 organisms are permitted only in locations at least 500 feet from a Residential District or a MU-R district.

Section 6. That BMC Section 23.206.080(B) be amended to read:

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.

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3. **Alcoholic Beverage Retail Sales.** Alcoholic beverage retail sales are allowed in the MU-LI district only when incidental to food product stores.
- ~~4. **Bus/Cab/Truck/Public Utility Depot.** A Use Permit is required for a bus/cab/truck/public utility depot in the MU-LI district if the lot is over 20,000 square feet, regardless of use floor area.~~
- ~~5. **Commercial Physical or Biological Laboratories.** Commercial physical or biological laboratories using Class 3 organisms are not permitted the MU-LI district. Use of Class 2 organisms are permitted only in locations at least 500 feet from a Residential District or a MU-R district.~~
- ~~6. **General Retail.** Allowed general retail uses in the MU-LI district are limited to food product stores and building materials and garden supply stores. Other types of general retail uses are not permitted. Food product stores are not permitted if over 2,000 square feet. Building materials and garden supply stores are permitted with an AUP if under 20,000 square feet and with a Use Permit if 20,000 square feet or more.~~
- ~~7. **Pharmaceuticals Manufacturing.** Pharmaceuticals manufacturing is allowed in the MU-LI district only in locations at least 500 feet from a Residential District or the MU-R district.~~
- ~~8. **Public Market, Open Air.** Open air markets in the MU-LI district with 5,000 square feet or less of lot area are allowed with AUP.~~
- ~~9. **Recycling Facilities.** Recycled materials processing and recycling redemption centers are allowed in the MU-LI district only on lots greater than 20,000 square feet.~~
- 10.4. **Theaters.** Only live stage performances are allowed in a theater in the MU-LI district. Motion picture theaters are not permitted.
- 11.5. **Vehicle Wrecking.** Permits required for vehicle wrecking the MU-LI district is determined by size of lot, not floor area.
- ~~12. **Vocational Schools.** A vocational school in the MU-LI district must provide training for occupations and/or industries found in the West Berkeley Plan area.~~
- ~~13. **Wholesale Trade Proximity to Residential Use.** For wholesale trade use in the MU-LI district otherwise allowed with a Zoning Certificate, an AUP is required to establish the use within 150 feet of a residential use in a Residential District or in the MU-R district.~~

Section 7. That BMC Section 23.206.100 be amended to read:

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~~23.206.100 Permit Findings~~

~~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 adopted West Berkeley Plan; and~~
- ~~4. Meets any applicable performance standards for off-site impacts.~~

~~B. **Additional Findings.** In addition to the findings in Section 23.206.100.A (All Manufacturing Districts), the review authority must also make the following findings to approve an AUP or Use Permit in each of the Manufacturing Districts:~~

~~1. M and MM Districts. The project:~~

- ~~(a) Is unlikely, under reasonably foreseeable circumstances, to induce a substantial change of use in buildings from manufacturing, wholesale trade, or warehousing uses; and~~
- ~~(b) Is designed in such a manner to be supportive of the industrial character of the district. Such physical compatibility shall include materials used; facade treatments; landscaping; lighting; type, size and placement of awnings, windows, and signs; and all other externally visible aspects of the design of the building and site.~~

~~2. MU-LI District. The project:~~

- ~~(a) Is unlikely, under reasonably foreseeable circumstances, to induce a substantial change of use in buildings from manufacturing, wholesale trade, or warehousing uses;~~
- ~~(b) Is designed in such a manner to be supportive of the industrial character of the district. Such physical compatibility shall include materials used; facade treatments; landscaping; lighting; type, size and placement of awnings, windows, and signs; and all other externally visible aspects of the design of the building and site; and~~
- ~~(c) If the building and/or site is split between the MU-LI district and the C-W district, there are clear and appropriate distinctions in all design aspects between the portions of the building and site within the MU-LI district and the portions within the C-W district.~~

~~3. MU-R District. The project:~~

- ~~(a) Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and~~

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~~(b) Is designed to be supportive of the character and purposes of the district.~~

23.206.100 M-RD Manufacturing, Research and Development District

A. District Purpose. The purpose of the Manufacturing, Research and Development (M-RD) district is to:

1. Support a mix of industrial and heavy commercial uses, such as light manufacturing and research and development, particularly those which can provide high quality employment at all educational levels and add significantly to the tax base;
2. Allow office and laboratory uses that support light industrial and research and development uses;
3. Provide flexibility to facilitate the development and reuse of large sites with an urban campus-like environment, demonstrating high-quality design and site planning that includes amenities for employees and customers; and
4. Support the development of industrial uses which satisfy performance standards that protect the environment.

B. Land Use Regulations.

1. Allowed Land Uses. See Table 23.206-1: Allowed Land Uses in Manufacturing District.

C. Additional Permit Requirements. See Section 23.206-1: Allowed Land Uses in Manufacturing Districts.

D. Development Standards. See Table 23.206-15 for development standards in the M-RD district.

TABLE 23.206-15. M-RD DEVELOPMENT STANDARDS

<u>Development Standards</u>		<u>Supplemental Standards</u>
<u>Lot Area, Minimum</u>	<u>No minimum</u>	<u>23.304.020– Lot Requirements</u>
<u>Floor Area Ratio, Maximum</u>	<u>2.0</u>	
<u>Lot Line Setbacks, Minimum</u>		
<u>Front</u>	<u>No minimum</u>	<u>23.304.030– Setbacks</u>
<u>Rear</u>	<u>No minimum</u>	
<u>Interior Side</u>	<u>No minimum</u>	
<u>Street Side</u>	<u>No minimum</u>	
<u>Building Separation, Minimum</u>	<u>No minimum</u>	
<u>Lot Coverage, Maximum</u>	<u>80%</u>	<u>23.304.120– Lot Coverage</u>

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<u>Main Building Height, Maximum</u>	<u>55 ft 105 [1]</u>	<u>23.304.050– Building Height</u>
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[1] Maximum Main Building Height of 105 feet may be allowed pursuant to Section 23.206.100(D)(1) (Modification of Development Standards on Large Sites).

1. Modifications to Development Standards on Large Sites.

(a) Purpose. The purpose of these provisions is to facilitate the development and reuse of large sites as an urban campus-like environment with high-quality design and site planning with amenities for employees and customers.

(b) Applicability. This section applies to projects located on a site of at least 9 acres, which may comprise multiple parcels and blocks, excluding intervening streets/roads/right-of-way or similar.

(c) Allowed Modification. The ZAB shall allow modifications to lot coverage, height and setback standards in Table 23.206-15, as follows, subject to the permit findings in Section 23.206.100(D)(1)(e):

i. Main building(s) may comply with the maximum FAR and coverage standards on a project-wide basis, rather than on a parcel-by-parcel basis, as follows:

a) The FAR and/or coverage for main buildings on an individual parcel shall not exceed the maximum allowed in Table 23.206-15 by more than 20 percent.

b) The project complies with the maximum allowed FAR and coverage in Table 23.206-15.

ii. Main building(s) shall not exceed a maximum building height of 105 feet.

(d) Development Plan. The applicant shall submit a development plan that includes all of the following:

i. A detailed phasing plan that shows the general location and timing of all physical development, including on and off-site infrastructure, architectural plans, and locations of proposed uses; and

ii. A detailed development comparison demonstrating how the changes in development standards for the proposed project maximize amenities for both employees and customers.

(e) Findings for Approval.

i. To approve any modification allowed in this section, the ZAB shall make all of the following findings:

a) That the modification(s) to the development standard(s) are warranted to support a project that demonstrates enhanced design and site planning. Enhanced design elements shall include but not

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be limited to varied and unique architectural features and innovative site layouts that maximize amenities for both employees and customers. Such modification(s) shall result in a development that achieves the purposes of the M-RD district which could not be achieved by strict application of the development standards; and

b) The applicant has demonstrated that each phase of development does not unduly burden future project implementation, ensures implementation of the project within a reasonable time period, and all required on and off-site infrastructure and amenities are provided.

ii. To approve a Modification to Development Standards on Large Sites, the ZAB shall also make all required Use Permit findings and follow all procedures 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.

(f) **Conditions of Approval.** Additional project specific conditions may be imposed to support the findings for approval. Project specific requirements may include but are not limited to a reimbursement agreement, surety/bond/letter of credit, or private maintenance agreement. The approving body shall identify the project requirements within the Conditions of Approval.

(g) **Deed Restriction.** A deed restriction shall be prepared requiring compliance with the Conditions of Approval (and as amended), in perpetuity. The property owner shall file and record the deed restriction with the Alameda County Recorder's Office.

E. Permit Findings. See Section 23.206.110 (Permit Findings).

Section 8. That BMC Section 23.206.110 be adopted to read:

23.206.110 Permit Findings

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 adopted West Berkeley Plan; and
4. Meets any applicable performance standards for off-site impacts.

B. Additional Findings. In addition to the findings in Section 23.206.110(A) (All Manufacturing Districts), the review authority must also make the following findings to approve an AUP or Use Permit in each of the Manufacturing Districts.

1. M and MM Districts. The project:
 - (a) Is unlikely, under reasonably foreseeable circumstances, to induce a substantial change of use in buildings from manufacturing, wholesale trade, or warehousing uses; and
 - (b) Is designed in such a manner to be supportive of the industrial character of the district. Such physical compatibility shall include materials used; facade

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treatments; landscaping; lighting; type, size and placement of awnings, windows, and signs; and all other externally visible aspects of the design of the building and site.

2. MU-LI District. The project:

(a) Is unlikely, under reasonably foreseeable circumstances, to induce a substantial change of use in buildings from manufacturing, wholesale trade, or warehousing uses;

(b) Is designed in such a manner to be supportive of the industrial character of the district. Such physical compatibility shall include materials used; facade treatments; landscaping; lighting; type, size and placement of awnings, windows, and signs; and all other externally visible aspects of the design of the building and site; and

(c) If the building and/or site is split between the MU-LI district and the C-W district, there are clear and appropriate distinctions in all design aspects between the portions of the building and site within the MU-LI district and the portions within the C-W district.

3. MU-R District. The project:

(a) Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from residential, live/work, light industrial, or arts and crafts uses; and

(b) Is designed to be supportive of the character and purposes of the district.

4. M-RD District. The project:

(a) Is unlikely, under reasonably foreseeable circumstances, to either induce or contribute to a cumulative change of use in buildings away from industrial or heavy commercial uses; and

(b) Is designed to be supportive of the character and purposes of the district. Such physical compatibility shall include materials used; facade treatments; landscaping; lighting; type, size and placement of awnings, windows, and signs; and all other externally visible aspects of the design of the building and site.

Section 9. That Table 23.302-2 within BMC Section 23.302.020(E) be amended to read:

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	
Not abutting a residential district and less than 10,000 s. ft.	AUP
Abutting a residential district	UP(PH)

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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, and MM, and M-RD districts, permits are required only for activity or storage not ancillary to a permitted use.	

Section 10. That BMC Section 23.302.070(E)(4) be amended to read:

4. MU-LI, ~~and MU-R, and M-RD~~ District – Findings.

- (a) To approve an AUP or Use Permit to establish or expand a food service establishment in the MU-LI, ~~or MU-R, or M-RD~~ district, the review authority must find that the establishment of the use, given its size, location, physical appearance and other relevant characteristics, will not have a significant detrimental impact on the industrial character of the area.

Section 11. That Table 23.302-7 within BMC Section 23.302.070(G) be amended to read:

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.

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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-NS, C-SA	Use Permit for all parking lots and structures.
C-T	Use Permit for all parking structures. All parking lots not permitted.
C-W	AUP for parking lots and structures with 10 spaces or fewer. Use Permit for parking lots and structures with more than 10 spaces.
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, <u>M-RD</u>	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: Parking lots and structures in the R-3 district are not permitted within the Southside Plan area	

Section 12. That Table 23.322-4 within BMC Section 23.322.030(C) is hereby amended to read:

TABLE 23.322-4: REQUIRED OFF-STREET PARKING IN MANUFACTURING DISTRICTS

Land Use	Required Parking Spaces
Residential Uses	
Accessory Dwelling Unit	None required
Dwellings	None required
Group Living	None required

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Land Use	Required Parking Spaces
Accommodation	
Non-Residential Uses	
All non-residential uses except uses listed below	<u>M-RD District: 1 per 1,000 sq. ft.</u> <u>All Other Districts: 2 per 1,000 sq. ft.</u>
Art/Craft Studio	1 per 1,000 sq. ft.
Community Care Facility	None required
Food Service Establishment	1 per 300 sq. ft.
Library	1 per 500 sq. ft. of publicly accessible floor area
Laboratories	<u>M-RD District: 1 per 1,000 sq. ft.</u> <u>All Other Districts: 1 per 650 sq. ft.</u>
Nursing Home	1 per 5 residents, plus 1 per 3 employees
Medical Practitioners	One per 300 sq. ft.
Large Vehicle Sales and Rental	MU-LI <u>and M-RD Districts</u> : 1.5 per 1,000 sq. ft. All Other Districts: 1 per 1,000 sq. ft. of display floor area plus 1 per 500 sq. ft. of other floor area; 2 per service bay
Manufacturing	MU-R District: 1.0 per 1,000 sq. ft. All Other Districts: 1 per 1,000 sq. ft. for spaces less than 10,000 sq. ft.; 1 per 1,500 sq. ft. for spaces 10,000 sq. ft. or more
Storage, warehousing, and wholesale trade	1 per 1,000 sq. ft. for spaces of less than 10,000 sq. ft.; 1 per 1,500 sq. ft. for spaces 10,000 sq. ft. or more
Live/Work	MU-LI District: 1 per 1,000 sq. ft. of work area where workers/clients are permitted MU-R District: if workers/clients are permitted in work area, 1 per first 1,000 sq. ft. of work area and 1 per each additional 750 sq. ft. of work area
Notes: [1] For multiple dwellings where the occupancy will be exclusively for persons over the age of 62, the number of required off-street parking spaces may be reduced to 25% of what would otherwise be required for multiple-family dwelling use, subject to obtaining a Use Permit.	

Section 13. That Table 23.322-12 within BMC Section 23.322.100(A) be amended to read:

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TABLE 23.322-12: LAND USES REQUIRING OFF-STREET LOADING SPACES

District	Land Use [1]
R-1, R-1A, R-2	Schools 10,000 sq. ft. or more
R-2A	Senior congregate housing, nursing homes and schools 10,000 sq. ft. or more
R-3	Senior congregate housing, hospitals, nursing homes, schools 10,000 sq. ft. or more
R-4, R-5	Senior congregate housing, hospitals, nursing homes, offices, schools 10,000 sq. ft. or more
R-S, R-SMU	All non-residential uses 10,000 sq. ft. or more
All C Districts except C-T	All commercial uses 10,000 sq. ft. or more
C-T	No loading spaces required for all land uses
<u>All M Districts except M-RD</u>	All commercial and manufacturing uses 10,000 sq. ft. or more
<u>M-RD</u>	<u>Research and Development uses 25,000 sq. ft. or more; All other commercial and manufacturing uses 10,000 sq. ft. or more.</u>
Note: [1] Land use size is total gross floor area.	

Section 14. That Table 23.322-13 within BMC Section 23.322.100(B) be amended to read:

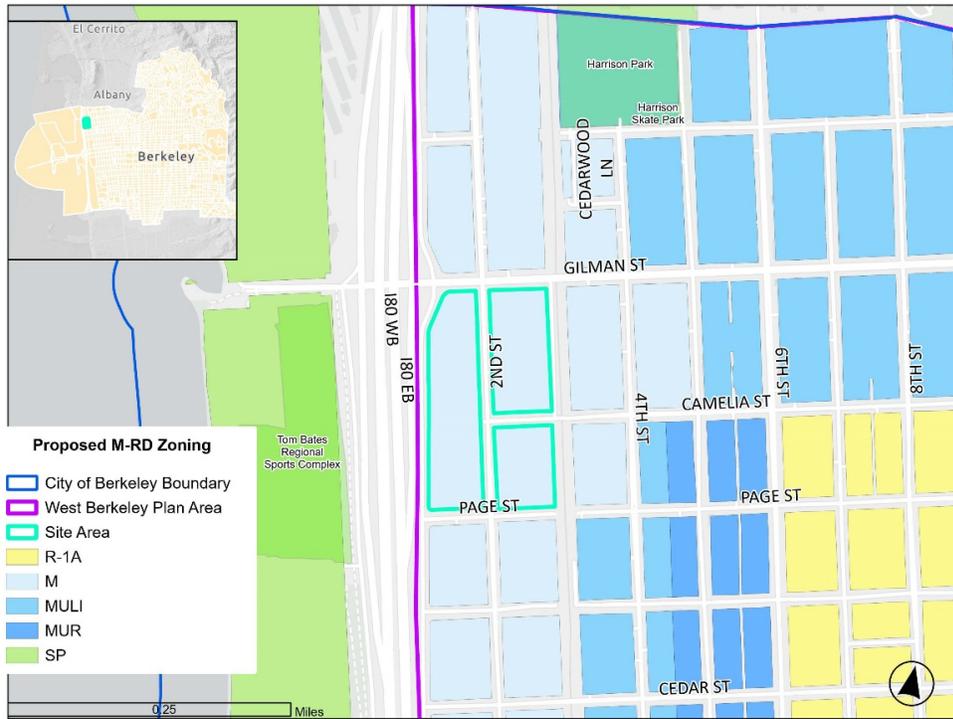
TABLE 23.322-13: NUMBER OF REQUIRED OFF-STREET LOADING SPACES

District	Spaces Required [1]
Residential and Commercial Districts	1 space for the first 10,000 sq. ft. plus 1 additional space for each additional 40,000 sq. ft
Manufacturing Districts	<u>Research and Development uses in M-RD: 25,000 to 100,000 sq. ft. – 1 space; more than 100,000 to 200,000 sq. ft. – 2 spaces; each additional 100,000 sq. ft. – 1 space.</u> <u>All other uses in all other M Districts: 1 space for the first 10,000 sq. ft. plus 1 additional space for each additional 25,000 sq. ft</u>
Note: [1] Land use size is total gross floor area.	

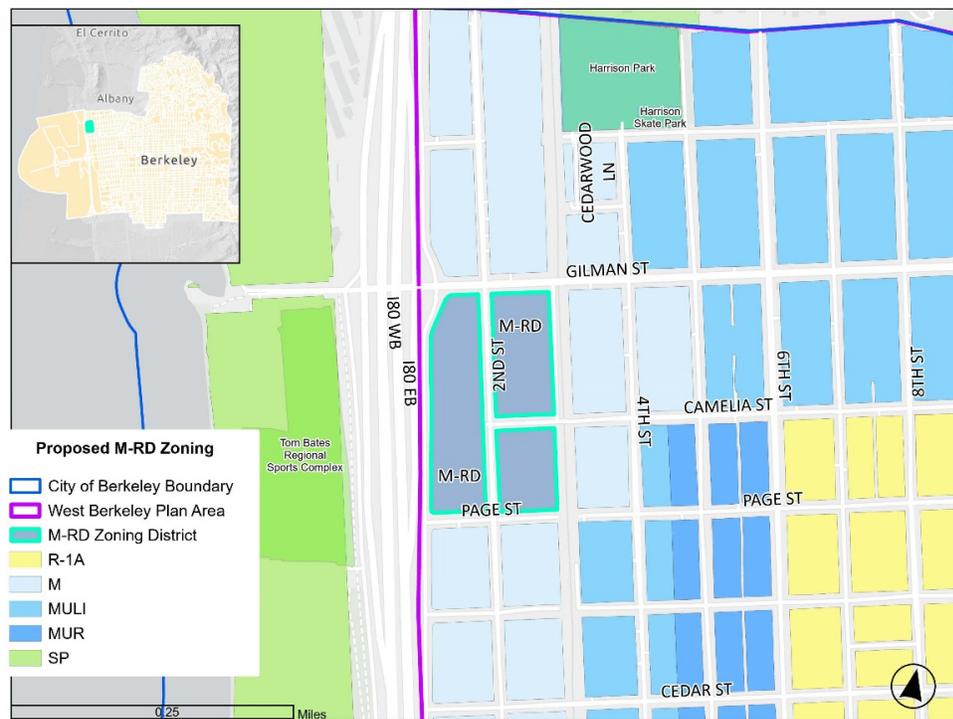
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EXISTING AND PROPOSED MAPS OF MANUFACTURING, RESEARCH & DEVELOPMENT ZONING DISTRICT

Map 1. Project Area – Existing Manufacturing Zoning District (M)



Map 2. Project Area – Proposed Manufacturing, Research & Development Zoning District (M-RD)



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EXHIBIT B
DRAFT
WEST BERKELEY PLAN AMENDMENTS

Revisions are proposed to Section IV, “Goals and Policies.” The following text and proposed modifications represent page 35 of the West Berkeley Plan (1993) Goal 2:

Channel development—both new businesses and residences and the expansion of existing businesses—to districts various which are appropriate for the various existing elements of the West Berkeley land use mix.

Rationale:

The Preferred Land Use Concept was based on the concept of channeling different types of uses to different parts of West Berkeley, within the context of its overall mix. It therefore developed a new zoning districting plan for West Berkeley. This Goal and its associated policies set forth the rationales for creating each of the districts.

Policies:

- A. Create a Manufacturing district as a general industrial district, where the full range of existing manufacturers—both “heavy” and “light”—can function without interference from other types of uses.
- B. Create a Mixed Manufacturing district as a general industrial district, where both heavy and light manufacturers can function, along with “biotech” industries and office users which can recycle the upper stories of buildings.
- B.C. Create a Manufacturing, Research and Development district where a range of industrial uses can function, while providing an opportunity for research and development, office/laboratory and retail uses to operate in proximity to an industrial entry corridor.
- C.D. Create a Light Manufacturing district which allows a wide range of light manufacturers to continue to operate and expand and limits loss of their spaces to other uses, while providing an opportunity for office development where it will not unduly interfere with light manufacturing uses, and for laboratory development in appropriate locations.
- D.E. Create a Mixed Residential district as a special mixed use district which will recognize and support the continued evolution of a unique mix of residential, light industrial, and arts and crafts uses, with a particular effort to strengthen residential concentrations existing there.
- E.F. Create a Commercial district which will foster the continued vitality of West Berkeley’s neighborhood and regional serving retail trade, in as pedestrian-friendly a manner as possible.
- F.G. Maintain Residential districts which will provide decent, safe, and sanitary living environments for a wide range of types of household.

Revisions are proposed to Section V, “The Land Use Districting Concept of the Plan”

The following text and proposed modifications represent pages 37 through 39 of the West Berkeley Plan (1993)

V. THE LAND USE DISTRICTING CONCEPT OF THE PLAN

One of the most important parts of the West Berkeley Plan is its land use concept. The land use concept is designed to guide West Berkeley’s evolution through at least the year 2005. The concept lays out a completely revised set of land use districts for West Berkeley (see Map 1). These districts are designed to become new zoning districts once the final Plan is adopted.

The concept represents a balance between a strong emphasis on the need to conserve desirable

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existing uses and the need to allow reasonable evolution and development. It seeks to balance the legitimate, yet sometimes conflicting interests of the many “stakeholders” in West Berkeley—residents, manufacturers, workers and their unions, retailers, property owners, the University, the City itself, and many others. The Plan land use concept seeks to give clear guidance on what activities are desired where within Berkeley, yet allow the continued development of a creative, exciting mixed use area. For the first time in West Berkeley, the land use concept provides a clear gradation of uses and development intensity from the residential areas, through mixed use areas to the manufacturing areas.

Overview of the Districting Concept

While the concept was developed through an intensely participatory process, which required numerous tradeoffs and compromises from all participants (see the Process section), there is nonetheless an underlying logic to the concept. The concept recognizes that, although West Berkeley is, on the whole, an area with very mixed uses, individual areas within it do have certain predominant uses. Other areas have a mix of uses, but they do not generally have the full range of uses from “heavy” manufacturing to single family detached residential (see Figure 1-4 for a diagrammatic depiction of the varying mix of uses in the Plan’s land use districts). There are ~~6-7~~ land use designations (types of zoning) for the whole of West Berkeley.

Some areas have a use mix dominated by “heavy” and “light” manufacturing, these are designated as the Manufacturing and Mixed Manufacturing districts. In the northwest section of West Berkeley, near the Gilman Street entry corridor, a range of industrial uses can function, as well as research and development, office/laboratory and retail use, this area is designated as Manufacturing, Research and Development. In much of West Berkeley, light manufacturing and other light industrial uses (e.g. auto repair) are the primary land use, these areas are designated as Mixed Use/Light Industrial district. Retail commercial concentrations have developed, not only along San Pablo and University Aves., but around 4th & University and 7th & Ashby as well. These areas were designated Commercial. Some areas mix industrial and residential uses closely together—these areas have been designated Mixed Use/Residential. The remaining areas are overwhelmingly residential, and remain in their existing residential zoning (whether it be R-1A, R3, or R4). This pattern is described in more detail in the following section.

In addition to this overall concept, there were a number of principles which guided the development of the land use concept. Most important among these were:

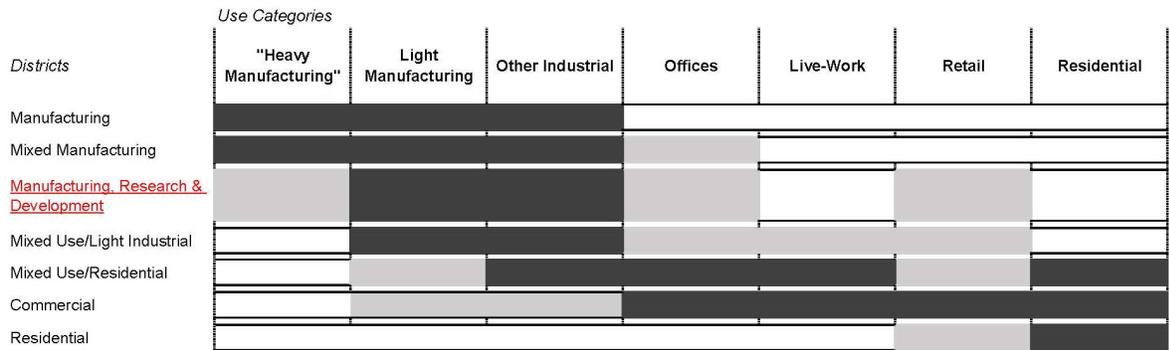
- New land use districts/zones should recognize the existing character of an area, and create as few non-conformities as possible;
- The zoning should allow desired development in an area (e.g. residential infill, expansion of existing manufacturers), but generally not permit a radical change of area character;
- Although they are not the only consideration, the desires of businesses, property owners, and residents in a particular area are especially important in developing districting/zoning for that area;
- Zoning should specify, as clearly as possible, permitted and prohibited uses in an area, to give guidance to applicants (for permits) and to reduce permit processing time;
- Manufacturing, wholesaling, and warehousing space should be maintained in those uses as much as possible, to meet the Council/Planning Commission mandate to maintain manufacturing jobs;
- All uses, even those permitted in a zone, are subject to review for environmental impacts. However, whether an Environmental Impact Report (EIR), an Initial Study, or other environmental document is needed will be determined by the nature and scale of an application;
- Existing residential clusters within mixed use areas should be strengthened and legitimized;

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- Residents should be buffered from the effects of heavy industrial uses as much as possible;
- Retail uses should be clustered, to strengthen existing retail areas, to make them for walkable, and to prevent retail sprawl.

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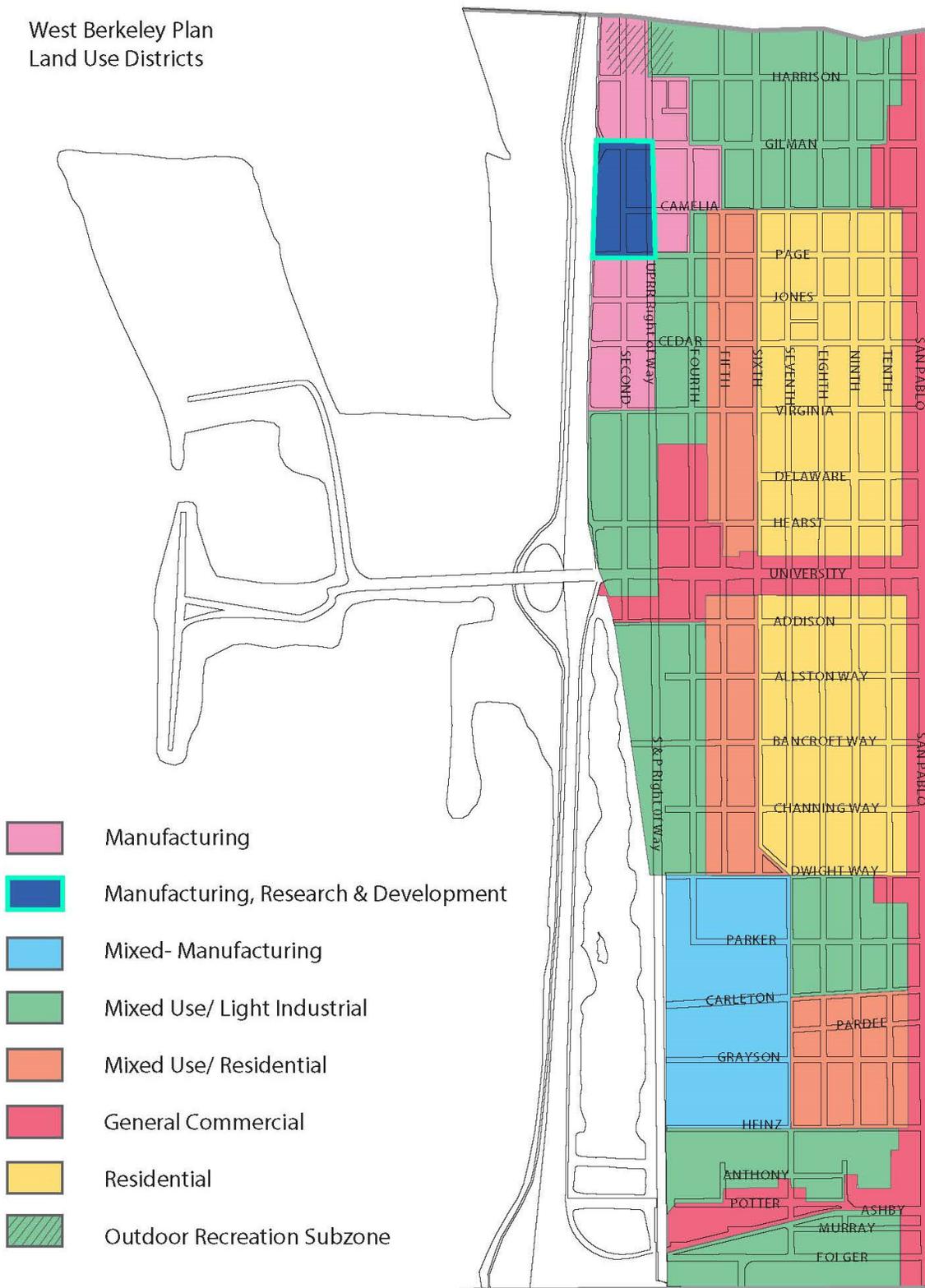
**Figure 1-4: The Spectrum of Permitted Uses
 West Berkeley Plan Districts Generally Permitted Uses by District**



Legend:
 [Dark Grey Box] Use generally permitted in district
 [Light Grey Box] Use permitted to more limited extent in district
 [White Box] Use not indicated are generally prohibited in district

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West Berkeley Plan
 Land Use Districts



City of Berkeley Planning Department—July, 1998,
 rev October, 2024

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Specific Districts in the Concept
General Manufacturing Districts

There are 2 small districts in the Plan which allow process intensive, “heavier” manufacturing uses, as well as light industrial uses. These are the Manufacturing District in northwestern West Berkeley (largely west of the railroad tracks), and the Mixed Manufacturing District in southwestern West Berkeley (around the Colgate and Miles sites). These areas are the present home to most West Berkeley “heavy” industries such as steelmaking and ink production. These districts are closely targeted to industrial uses, and generally do not allow residential, live-work, retail, or office uses (except on upper stories in the Mixed Manufacturing District). Office, laboratory, and retail uses which are integral to a manufacturing operation (e.g. a store selling products made on site) are permitted in the district. These small areas—some 94-82 acres in the Manufacturing zone and 79 acres in the Mixed Manufacturing zone—most closely follow the model of “Protected Manufacturing Districts” that manufacturing advocates sought for West Berkeley. While industrially oriented, the Mixed Manufacturing district is somewhat less tightly targeted than the Manufacturing District, allowing freestanding laboratories and office uses on upper stories, so that multi-story buildings in the district can be more easily used.

Manufacturing, Research & Development District

The district is proposed for the area around the former Pacific Steel Casting and Berkeley Forge and Tool Inc. sites in northwest West Berkeley (west of the railroad tracks), at Gilman Street and Eastshore Highway. This district targets industrial and research and development uses, office and business support uses are permitted along with select types of retail uses and generally does not allow residential, live-work, or commercial uses. Office uses are permitted, along with some types of retail; however, most types of retail are not allowed. Due to its location along a key industrial entry corridor, this district provides flexibility in the FAR and lot coverage requirements for large multi-acre sites in order to encourage high-quality site planning and design.

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EXHIBIT C
DRAFT
GENERAL PLAN AMENDMENTS

Revisions are proposed to the Manufacturing Land Use Designation. The following text and proposed modifications represent page LU-24 of the General Plan (2002).

Manufacturing

These areas are intended to maintain and preserve areas of Berkeley for manufacturing and industrial uses necessary for a multi-faceted economy and job growth. Appropriate uses for these areas are identified in the West Berkeley Plan. Within these areas, building intensity will generally range from a Floor Area Ratio (FAR) of less than 1 to an FAR of 2. For information purposes, the compatible zoning districts for this classification are: Manufacturing (M), Mixed Manufacturing (MM), ~~and~~ Mixed Use-Light Industrial (MU-LI), and Manufacturing, Research and Development (M-RD), which all allow a maximum FAR of 2 and a maximum building height of 45 to 105 feet.