

ORDINANCE NO. 7,995-N.S.

AMENDMENTS TO THE RESIDENTIAL DISTRICT CHAPTER (BMC 23.202), MANUFACTURING DISTRICT CHAPTER (BMC 23.206), AND DEMOLITION AND DWELLING UNIT CONTROL CHAPTER (BMC 23.326) TO CORRECT ERRORS, CLARIFY LANGUAGE, AND CODIFY EXISTING PRACTICE

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

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

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

1. **Permits Required.**

(a) In the ES-R district, residential additions require permits as follows:

- i. Residential additions up to 10 percent of lot area or 200 square feet, whichever is less: Zoning Certificate.
- ii. Major residential additions more than 10 percent of lot area or 200 square feet, whichever is less: Use Permit.

(b) In the R-3, R-S, R-SMU and C-T districts within the Southside Plan boundaries, any residential addition requires a Zoning Certificate.

(c) In the R-1, R-2, R-2A and MU-R districts, any residential addition requires a Zoning Certificate.

(d) In the R-1H, R-2H, and R-2AH, and the R-3 district outside the Southside Plan boundaries, and in the R-4, R-5 and R-BMU districts, residential additions require permits as follows:

- i. Residential additions (up to 15 percent of lot area or 600 square feet, whichever is less): Zoning Certificate.
- ii. Major residential additions (all other residential additions): AUP.

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

**Table 23.202-2 R-1 Development Standards**

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area for New Lots, Minimum	5,000 sq. ft.	23.304.020 – Lot Requirements

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Usable Open Space 1,000 sq. ft. of Gross Residential Floor Area, Minimum	150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height, Maximum		23.304.050 – Building Height
New Buildings and Additions	35 ft. and 3 stories [1]	
Within 15 ft. of Rear Property Line	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	40	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes:		
[1] Front and rear setbacks must add up to at least 20 feet.		

Section 3. That Table 23.202-5 R-2 Development Standards within BMC Chapter 23.202.080 is amended to read as follows:

**Table 23.202-5: R-2 Development Standards**

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Usable Open Space, Per 1,000 sq. ft. of gross residential floor area, Minimum	150 sq. ft.	23.304.090 – Usable Open Space
Floor Area Ratio, Maximum	No maximum	
Main Building Height		23.304.050 – Building Height
New Buildings and Additions, Maximum	35 ft. and 3 stories	
Within 15 feet of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	10	
Maximum	50	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 4. That Table 23.202-9 R-2A Development Standards within BMC Chapter 23.202.090 is amended to read as follows

**Table 23.202-9: R-2A Development Standards**

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		
New Lots	5,000 sq. ft.	23.304.010 - Lot Requirements

Usable Open Space, per 1,000 sq. ft. gross residential floor area Minimum	150_sq. ft	23.304.090 – Usable Open Space
Main Building Height		23.304.050 – Building Height
New Buildings and Additions, Maximum	35 ft. and 3 stories	
Within 15 ft. of Rear Property Line, Maximum	22 ft.	
Residential Density (du/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Lot Line Setbacks, Minimum		23.304.030 – Setbacks
Front [1]	5 ft.	
Rear [1]	5 ft.	
Interior Side	4 ft.	
Street Side	4 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	60%	23.304.120 – Lot Coverage
Notes: [1] Front and rear setbacks must add up to at least 20 feet.		

Section 5. That Table 23.202-11 R-3 Development Standards within BMC Chapter 23.202.100 is amended to read as follows

**TABLE 23.202-11: R-3 DEVELOPMENT STANDARDS**

BASIC STANDARDS	OUTSIDE OF SOUTHSIDE PLAN	WITHIN SOUTHSIDE PLAN	SUPPLEMENTAL STANDARDS
Lot Area, Minimum			23.304.020 – Lot Requirements
New Lots	5,000 sq. ft.	No minimum	
Per Group Living Accommodation Resident	350 sq. ft. [1]	No minimum	

Residential Density			23.106.100 – Residential Density
Minimum (du/acre)	No minimum	60	
Maximum (du/acre)	No maximum	No maximum	
Usable Open Space, Minimum			23.304.090 – Usable Open Space
Per Dwelling Unit	200 sq. ft.	150 sq. ft. per 1,000 sq. ft. of gross residential floor area	
Per Group Living Accommodation Resident	90 sq. ft.		
Floor Area Ratio, Maximum	No maximum	3.0	
Main Building Height, Average			23.304.050 – Building Height
New Buildings and Non-Residential Additions	35 ft. and 3 stories	45 ft.	
Residential Additions	16 ft. [2]		
Lot Coverage, Maximum			23.304.120 – Lot Coverage
Interior and Through Lot	1 Story: 45%	100%	
	2 Stories: 45%		
	3 Stories: 40%		
Corner Lot	1 Story: 50%	100%	
	2 Stories: 50%		
	3 Stories: 45%		
Lot Line Setback, Minimum			23.304.030 - Setbacks
Front	15 ft.	10 ft.	
Rear	15 ft.	10 ft.	
Interior Side	1 <sup>st</sup> Story: 4 ft.	4 ft.	
	2 <sup>nd</sup> Story: 4 ft.		
	3 <sup>rd</sup> Story: 6 ft.		
Street Side	1 <sup>st</sup> Story: 6 ft.	4 ft.	
	2 <sup>nd</sup> Story: 8 ft.		
	3 <sup>rd</sup> Story: 10 ft.		

Building Separation, Minimum	1 <sup>st</sup> Story: 8 ft.	No minimum	23.304.040 – Building Separation in Residential Districts
	2 <sup>nd</sup> Story: 12 ft.		
	3 <sup>rd</sup> Story: 16 ft.		
Notes:			
[1] One additional resident is allowed for remaining lot area between 200 and 350 square feet.			
[2] Maximum 35 ft. with an AUP.			

Section 6. That Table 23.206-14 MU-R Development Standards within BMC Chapter 23.206.090 is amended to read as follows

**Table 23.206-14: MU-R Development Standards**

BASIC STANDARDS		SUPPLEMENTAL STANDARDS
Lot Area, Minimum		23.304.020 – Lot Requirements
New Lot	No minimum	
Per Live/Work Unit	1,250 sq. ft.	
Lot Width, Minimum	40 ft.	
Usable Open Space, Minimum		23.304.090 – Usable Open Space
Per 1,000 sq. ft. of gross residential floor area	150 sq. ft.	
Per Live/Work Unit	40 sq. ft.	
Floor Area Ratio, Maximum, Non-Residential	1.5 [1]	23.106.050 - Floor Area Ratio
Residential Density (DU/acre)		23.106.100 – Residential Density
Minimum	20	
Maximum	60	
Main Building Height, Maximum		23.304.050 - Building Height
Live/work	28 ft. and 3 stories [2]	
Residential or mixed-use [3]	35 ft. and 3 stories	
Within 15 ft. of rear property line	22 ft.	
All other uses	35 ft. and 2 stories [4]	
Lot Line Setbacks, Minimum		23.304.030 –

Front	5 ft.	Setbacks
Rear	No minimum [5]	
Interior Side	No minimum	
Street Side	5 ft.	
Building Separation, Minimum	5 ft.	
Lot Coverage, Maximum	No maximum.	
<p>Notes:</p> <p>[1] Maximum 1.5 for buildings with 50 percent or more live/work floor area</p> <p>[2] Maximum 35 ft. with a Use Permit.</p> <p>[3] Mixed use is defined here as a building with 50 percent or more of gross floor area used for residential (including live/work) purposes.</p> <p>[4] Maximum 3 stories for arts/craft studios and light manufacturing (with no other non-residential uses) on a block without dwelling units.</p> <p>[5] Minimum 5 ft. if rear of lot abuts a street.</p>		

Section 7. That BMC Section 23.326.030(D)(2) is amended to read as follows:

2. In the event that a demolished Residential Unit is not a Protected Unit under BMC 23.326.020(A)(5)(a) or (b) and the income of the displaced household is unknown, the Residential Unit shall be presumed to have been occupied by Low- or Lower-Income renter households in the same proportion as Residential Units throughout the City. The City shall rely upon US Department of Housing and Urban Development’s Comprehensive Housing Affordability Strategy (CHAS) data to determine the number of such Residential Units that must be replaced with Affordable Units as defined in Chapter 23.328.

Section 8. That BMC Section 23.326.040(B)(1) is amended to read as follows:

1. The Residential Unit(s) was removed from the rental market through a no-fault eviction during the preceding five years; or

Section 9. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Maudelle Shirek Building, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.

At a regular meeting of the Council of the City of Berkeley held on November 18, 2025, this Ordinance was passed to print and ordered published by posting by the following vote:

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

Noes: None.

Absent: None.