

Item 9: Public Hearing on Adoption of the Baseline Zoning Ordinance (BZO)

Justin Horner, Associate Planner



1. Background
2. Consent Changes Matrix
3. Responses to Planning Commission Questions
4. Public Outreach
5. Next Steps



1. Background

- The BZO is Phase 1 of the Zoning Ordinance Revision Project (ZORP), pursuant to a 2016 City Council referral.
- Project objectives:
 - The average person can understand the Zoning Ordinance
 - Users can easily find what they are looking for
 - It is clear which rules apply to a project or property
 - Important rules are prominent and not hidden in unexpected places
 - Users are unlikely to overlook something important
 - The Zoning Ordinance can be easily maintained over time and maintain its coherence
 - The Zoning Ordinance can easily accommodate future substantive revisions
- Changes include: clearer writing style, reorganization, and more maps. Consent changes.

2. Consent Changes Matrix

- Minor substantive changes to include legal requirements, codify current practice and clarify ambiguous terms.
- Consent Changes Matrix now includes:
 - “Rationale” column to briefly describe justification for change
 - Any new language added; not just amendments to existing language

3. Responses to Planning Commission Questions



3. Responses to Planning Commission Questions

23.102.070 – CONFLICTING PROVISIONS

A. *Conflict with State or Federal Regulations.* Where the Zoning Ordinance conflicts with state or federal laws, higher law applies unless local variation is permitted.

B. *Conflict with Other City Regulations.* Where the Zoning Ordinance conflicts with other ordinances, resolutions, or regulations of the City of Berkeley, the more restrictive regulation is applied.

C. *Conflict with Private Agreements.* It is not the intent of the Zoning Ordinance to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the Zoning Ordinance imposes a greater restriction than imposed by a private agreement, the Zoning Ordinance controls. Private agreements may impose greater restrictions than the Zoning but the City is not responsible for monitoring or enforcing private agreements.

3. Responses to Planning Commission Questions

23.102.070 – CONFLICTING PROVISIONS

A. Conflict with State or Federal Regulations. Where the Zoning Ordinance conflicts with state or federal laws, higher law applies unless local variation is permitted.

B. Conflict with Other City Regulations. Where the Zoning Ordinance conflicts with other ordinances, resolutions, or regulations of the City of Berkeley, the more restrictive regulation is applied.

C. Conflict with Private Agreements. It is not the intent of the Zoning Ordinance to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the Zoning Ordinance imposes a greater restriction than imposed by a private agreement, the Zoning Ordinance controls. Private agreements may impose greater restrictions than the Zoning but the City is not responsible for monitoring or enforcing private agreements.

3. Responses to Planning Commission Questions

23.404.070 – Permit Modifications

C. Review Authority. A permit shall be modified by the review authority which originally approved the permit.

3. Responses to Planning Commission Questions

23.104.020 – Authority

The Zoning Officer is responsible for interpreting the meaning and applicability of all provisions in the Zoning Ordinance.

3. Responses to Planning Commission Questions

23.104.020 – Authority

The Zoning Officer is responsible for interpreting the meaning and applicability of all provisions in the Zoning Ordinance.

Zoning Officer Interpretations are subject to review and modification by the ZAB and City Council.

4. Summary of Public Outreach

- 1. ZORP Website**
- 2. Targeted outreach to frequent project applicants**
- 3. Internal outreach to Current Planning project staff**
- 4. “Office Hours” Zoom sessions**
- 5. Berkeley Considers Survey**

5. Next Steps

- **Planning Commission to conduct a public hearing and make a recommendation to the City Council regarding adoption of the BZO.**
- **City Council will take-up the BZO once it has considered Zoning Ordinance Amendments related to Home Occupations and Parking Reform. Est. March/April 2021.**