Item 9: Public Hearing on Zoning Ordinance Amendments that Address Technical Edits and Corrections

Justin Horner, Associate Planner  
Planning Commission, July 6, 2022
Outline

1. Category One Amendments (3 in total)
2. Category Two Amendments (7 in total)
3. Questions
Category One Amendments

BMC Section 23.204.090
(C-NS Zoning District; Usable Open Space)

**Policy**: The C-NS District requires 40 sq. ft. of Usable Open Space for each Dwelling Unit.

**Issue**: The new Zoning Ordinance mistakenly includes a requirement of 200 sq. ft. per dwelling unit.

**Amendment**: Revise to include 40 sq. ft. requirement and proper dimension standard.
Category One Amendments

BMC Section 23.204.130
(C-DMU Zoning District; Balconies)

Policy: The BMC indicates that no more than 50% of the total required Usable Open Space may be satisfied by balconies.

Issue: The new Zoning Ordinance inadvertently omitted this requirement from the C-DMU zoning district standards.

Amendment: Amend the Table 23.204-40: C-DMU Usable Open Space Requirements to reflect this requirement.
Category One Amendments

BMC Section 23.304.030
(Setbacks; R-1A Zoning District)

**Policy:** The old Zoning Ordinance did not include any provision for additional setback reductions for properties in the R-1A zoning district located west of San Pablo. These additional setback reductions were removed in 2018.

**Issue:** The new Zoning Ordinance includes the provision for additional setbacks.

**Amendment:** Amend Table 23.304-1 Allowed Setback Reductions in Residential Districts to strike the provision.
<table>
<thead>
<tr>
<th>Zoning Ordinance Section</th>
<th>Proposed Amendment</th>
<th>Rationale</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 23.204.050.D, Table 23.204-8 (C-C Development Standards Table)</td>
<td>Under Non-Residential and Mixed Use projects, revise reference for Abutting/Confronting a Residential District from 23.304.130.C.2 to 23.304.030.C.</td>
<td>Correction.</td>
</tr>
<tr>
<td>2 23.204.080.D Table 23.204-21 (C-E Development Standards Table)</td>
<td>Revise Note [2]: [2] Open space requirements for mixed use projects may be modified by the ZAB. See 23.204.060.080.D.3</td>
<td>Correction.</td>
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<tr>
<td>4 23.304.090.A (Usable Open Space)</td>
<td>Revise as follows: A. Applicability. The standards in this section apply to areas used to satisfy minimum usable open space requirements. as shown in Chapters 23.202--23.202.110 (Zoning Districts).</td>
<td>Standards apply to all districts</td>
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<tr>
<td>5 23.304.030.B.7.c (Solar Energy Equipment)</td>
<td>Revise as follows: (c) The building served by the solar energy equipment complies with the Residential Energy Conservation Ordinance (RECO).</td>
<td>The RECO no longer exists.</td>
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<tr>
<td>6 23.322.030.C.2 Table 23.322-4 (Required Off-Street Parking in Manufacturing Districts)</td>
<td>Revise Required Parking Spaces for Manufacturing uses in the MU-LI to 1.0 space per 1,000 sf: MU-LI District: 1.05 per 1,000 sq. ft.</td>
<td>Correction.</td>
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<td>7 23.406.070.A (Design Review—Purpose)</td>
<td>Revise the first sentence of the Purpose as follows: A. Purpose. Design Review is a discretionary process to ensure that exterior changes to non-residential buildings comply with the City of Berkeley Design Guidelines and other applicable City design standards and guidelines.</td>
<td>Clarification.</td>
</tr>
</tbody>
</table>
Questions